

FHWA-Indiana Environmental Document
CATEGORICAL EXCLUSION / ENVIRONMENTAL ASSESSMENT FORM
GENERAL PROJECT INFORMATION

Road Nos./County:

Sunnyside Avenue, Concord Mall Drive and County Road (CR) 13 / Elkhart County

Designation Number(s):

1801913 (Lead), 1900836, 2001723, 2001724, and 2100065

Project Description/Termini:

Elkhart Local Trax Grade Separation (Lead Des. 1801913)/ Sunnyside Avenue from CR 20/Mishawaka Road to CR 13; Concord Mall Drive from CR 20/Mishawaka Road to US 33/Main Street; and CR 13 from Greenwood Boulevard to 280 feet north of US 33/Main Street
 County Bridge 148, Sunnyside Avenue over US 33/Main Street, Norfolk Southern Railroad (NSRR), and CR 45 (Des. 1900836) / from 0.37 mile northeast of CR 20/Mishawaka Road to 0.45 mile northeast of CR 20/Mishawaka Road
 County Bridge 151, Concord Mall Drive over Yellow Creek (Des. 2001723) / from 0.07 mile southwest of US 33/Main Street to 0.09 mile southwest of US 33/Main Street
 County Bridge 150, Sunnyside Avenue over Yellow Creek (Des. 2001724) / from 0.25 mile northeast of CR 20/Mishawaka Road to 0.27 mile northeast of CR 20/Mishawaka Road
 CR 13 Re-Alignment (Des. 2100065) / CR 13 from CR 45 to Sunnyside Avenue, and CR 45 from CR 13 to 600 feet northwest of CR 13

	Categorical Exclusion, Level 2 – Required Signatories: INDOT DE and/or INDOT ESD
	Categorical Exclusion, Level 3 – Required Signatories: INDOT ESD
X	Categorical Exclusion, Level 4 – Required Signatories: INDOT ESD and FHWA
	Environmental Assessment (EA) – Required Signatories: INDOT ESD and FHWA
	Additional Investigation (AI) – The proposed action included a design change from the original approved environmental document. Required Signatories must include the appropriate environmental approval authority

Approval

N/A

INDOT DE Signature and Date
 KARSTIN MARIE
 CARMANY-GEORGE
 Digitally signed by KARSTIN MARIE CARMANY-GEORGE
 Date: 2022.01.07 09:18:55 -05'00'

1/7/2022

FHWA Signature and Date

Date: 2022.01.04
 10:56:24 -05'00'

INDOT ESD Signature and Date

Release for Public Involvement

N/A

INDOT DE Initials and Date

BDH, RCB

9/21/2021

INDOT ESD Initials and Date

Certification of Public Involvement

Steve Seculoff

11/15/2021

INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer Signature and Date:

Terri Fair 1/4/2022

Name and Organization of CE/EA Preparer:

Juliet Port, LPG / Parsons Transportation Group

Indiana Department of Transportation

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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.**

	Yes	No
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.

Initial Activities

Notice of Entry letters were mailed to potentially affected property owners near the project area on June 2, 2020 notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. Sample copies of the Notice of Entry letters are included in Appendix G-1.

A draft Public Involvement Plan (PIP) was prepared by Parsons early in the project development process, which was approved by Indiana Department of Transportation (INDOT) in August of 2020. The purpose of the PIP was to establish goals and strategies for engaging with the public and key stakeholders in accordance with the current INDOT *Public Involvement Policies and Procedures Manual*. The draft PIP was updated to reflect changes in the project and INDOT policies, and per comments by INDOT Environmental Services Division (ESD) on July 27, 2021; see Appendix G-3 to G-13.

Two public meetings were held in August of 2020. The virtual public open house (virtual meeting) was held on August 10, 2020, and the in-person public open house (open house) was held on August 25, 2020. On August 4, 2020, a Notice of Public Meeting and project map were sent to project stakeholders and local media (Appendix G-14 to G-16). On the same day, a post card advertisement was sent to Postal Routes that overlap the project area: 46516-CO61 (795 residences and 2 businesses) and 46517-CO51 (505 residences and 153 businesses) (Appendix G-17). Elkhart County also advertised the meetings via a flier that was posted on their website and sent to their email list (Appendix G-18). Sixty-nine people attended the virtual meeting (Appendix G-27), and 27 people attended the open house (Appendix G-28 to G-30).

During the public meetings, the project team members provided a handout (Appendix G-31 to G-32), showed poster boards (Appendix G-33 to G-35), and gave a presentation on the project's purpose and need, environmental analyses, and the preliminary alternatives (Appendix G-19 to G-26).

Information about the project and public meetings has been covered in local media. The proposed project was discussed in the *Indiana Economic Digest* on May 12, 2018 (Appendix G-42 to G-43) and on *Inside Indiana Business* on December 13, 2018 (Appendix G-44 to G-46). An editorial about the proposed project and the history of the Concord Mall area was published in an online blog, *The Wrath of Kon* on January 25, 2020 (Appendix G-37 to G-39). The *Elkhart Truth* covered the proposed project and upcoming public meetings on August 6, 2020 and August 11, 2020 (Appendix G-36, and G-40 to G-41). Following the meetings, the *Elkhart Truth* published a front-page article about the open house on August 27, 2020 (Appendix G-47 to G-48). Additionally, local television news *Michiana WSBT 22* covered the project and in-person open house on August 26, 2020 (Appendix G-49 to G-50).

A total of seven comments were received following the public meetings, which are summarized in the Public Comment Log (Appendix G-51). Several attendees asked about the right-of-way (ROW) and relocation process, and/or requested to be added to mailing lists. There were two comments requesting additional through-lanes on the proposed overpass bridge and expressing concerns for the roundabout accommodating buses and emergency vehicles. Two comments opposed closure of the County Road (CR) 13 at-grade crossing. One attendee recommended looking at using the existing "underpass" within the project area (where the Norfolk Southern Railroad (NSRR) crosses over Yellow Creek). One comment requested Dunlap before Hively (a nearby railroad grade separation project). Additionally, one attendee had concerns that the proposed alignment would cause increased use of the at-grade crossing located approximately 1.1 miles southeast of the project area at CR 15/Ferndale Road (near the Meijer store). Copies of the comments are in Appendix G-52 to G-60.

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To meet the public involvement requirements of Section 106, copies of a legal notice of Federal Highway Administration's (FHWA's) finding of "No Historic Properties Affected" were published in the *Elkhart Truth* on June 24, 2021, and in the *Goshen News* on June 26, 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 July 27, 2021. The text of the public notices and the affidavits of publication appear in Appendix D-100 to D-101. No comments were received.

A series of Kitchen Table Meetings (KTM) were conducted with landowners who may be impacted by the ROW and relocation acquisition process. Primary concerns included impacts to their properties; changes in access including proposed cul-de-sacs, closure of the existing at-grade crossings, and the proposed roundabout/school buses; drainage; the ROW and relocation process; and, the project schedule. Direct impacts will be addressed through the acquisition process, in accordance with INDOT's *Real Estate Division Manual*. A log of these meetings is provided in Appendix G-62 to G-65.

Public Hearing

This project meets the minimum requirements described in the current INDOT *Project Development Public Involvement Procedures Manual*, which requires the project sponsor to hold a public hearing. Following release of the draft environmental document for public involvement, copies were posted online and placed at the Elkhart Public Library, Elkhart County Highway Department, and INDOT Fort Wayne District Office. A Legal Notice of Public Hearing (Notice) was sent along with a map to project stakeholders on September 28, 2021 (Appendix G-66 to G-68). A postcard advertising the hearing was mailed to the following four postal codes on October 1, 2021: 46516-C042 (697 properties), 46516-0061 (799 properties), 46517-C051 (671 properties), and 46517-C048 (863 properties) (Appendix G-86). The Notice was published twice in both the *Elkhart Truth*, on September 28, 2021 and October 5, 2021, and the *Goshen News*, on September 27, 2021 and October 4, 2021 (Appendix G-69 to G-77). As advertised, the comment period ended on October 28, 2021. Local media coverage included an article about the Elkhart County Commissioners in the *Goshen News* on October 4, 2021, an INDOT news release about the hearing on October 6, 2021, and articles about the upcoming hearing in the *Elkhart Truth* and *Yahoo News* on October 12, 2021 (Appendix G-88 to G-91).

An online presentation was held on October 12, 2021, and a public hearing was held the next day on October 13, 2021 at the Concord High School, adjacent to the project area. Twenty-one people attended the online presentation, and 74 people attended the public hearing (Appendix G-92 to G-98). During these meetings, the project team gave a presentation that covered stakeholders, previous outreach, the project development process, the project's purpose and need, alternatives considered, details about the preferred alternative, maintenance of traffic (MOT), environmental impacts, the right-of-way (ROW) and relocation process, and how to submit public comments (Appendix G-99 to G-113). At the hearing, attendees were provided a welcome letter (Appendix G-114 to G-115), project posterboards and a roundabout video were presented (Appendix G-33, G-34 and G-68), and project team members were available before and after the hearing to answer questions.

A total of 24 public comments were received, which expressed both support and a variety of concerns. A total of 12 of the comments expressed they did not support the project at all (i.e., supported the No Build alternative) and/or they did not support the preferred alternative. Concerns included costs, safety, and the traffic data used to support the preferred alternative (see Capacity, below). A total of three comments expressed support for the preferred alternative, two comments supported the southern alternative, and three comments did not support closing either at-grade crossing. Summaries of the other most common topics and associated responses are provided below. A complete log of the comments and responses is provided in Appendix G-116 to G-125. Copies of the hearing transcript (verbal comments) and written comments are provided in Appendix G-126 to G-131. Additionally, two agency responses were received (Appendix C-74 to C-76); applicable sections of this environmental document have been updated including Early Coordination, Ecological Resources, Threatened and Endangered Species, and Commitments.

CR 13 Footbridge: Five of the comments requested an additional bridge to the three proposed under the preferred alternative: a pedestrian-only "footbridge" at the existing CR 13 at-grade crossing. This section of CR 13, from US 33/Main Street to CR 45, crosses the railroad and has no pedestrian facilities. Therefore, the project team evaluated adding a 10-foot wide, multi-use path and structure to carry pedestrians over the railroad. This structure would need to meet the minimum vertical clearance over the railroad, which is 23 feet. In order to achieve that height with a path of acceptable grades (i.e., not too steep), the structure would either need long approaches, or sufficient footprints to accommodate switchbacks. The estimated cost to design and construct a sufficient pedestrian structure is \$3,000,000 to \$5,000,000 (plus ROW costs). The preferred alternative includes the addition of multiple pedestrian facilities, including sidewalks on all three proposed bridges; see the Project Description (Preferred Alternative) section for further discussion. Due to cost constraints, adding a pedestrian crossing to CR 13 was dismissed from further consideration. Please note, although the preferred alternative includes closing the current CR 13 at-grade crossing, it will not prevent the addition of pedestrian facilities along this stretch of CR 13 in the future.

Capacity: Five comments expressed concerns about capacity and whether the preferred alternative will create congestion and/or negatively impact first responders. The preferred alternative was analyzed in the project's *Traffic Operations Analysis Report*, which is based on existing traffic data and the regional model maintained by the Michiana Area Council of Governments (MACOG)

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(Appendix J-60 to J-63). Traffic volumes were projected for the redistributed network for the current (2023) and design (2043) years, which showed the preferred alternative should be sufficient and will improve access for first responders. Furthermore, portions of Sunnyside Avenue and CR 13 will have an added left-turn only lane, which can be used to accommodate first responders and will also help prevent back-ups from motorists turning in and out of churches, side streets, and private drives.

CR 13 / CR 45 Realignment: Four comments expressed concerns about the need to realign the CR 13 and CR 45 intersection and safety. The existing intersection has a skew angle of approximately 45 degrees. This type of acute angle restricts vehicular turning movements, as well as the driver's line of sight. Per current *Indiana Design Manual*, the angle of intersection should be within 20 degrees of perpendicular. The preferred alternative will improve safety by providing an intersection that meets current design criteria.

Aquifer/Well Water and Storm Water: Four comments expressed concerns about potential impacts to well water and there were four comments related to storm water management. The proposed storm water basins will be vegetated and signed "Well Water Area" and "No Dumping No Spraying". Elkhart County will maintain the vegetated basins, which are not designed to hold water except during storm events. Potential impacts to the aquifer and wells have been minimized through the design and agency coordination process, see the Drinking Water Resources section of this environmental document for further discussion.

Pedestrian Safety / Snow Removal: There were four comments related to pedestrian safety, and three comments about snow and/or sidewalk maintenance. Concerns included how pedestrians will be separated from motor vehicles and snow/ice responsibilities. The sidewalks on the bridges will be raised from the roadway with the use of an 8-inch vertical curb. The sidewalks on the roadways will be separated by traditional curb and gutter in conjunction with a grass strip buffer. Area residents and businesses will be responsible for removing snow and ice on the sidewalk along their properties. Elkhart County will be responsible for roadway and sidewalk maintenance and will provide deicing and snow removal services for the roadways.

Other topics of concern included roundabouts, safety, the right-of-way and relocation acquisition process, cost/funding, lighting, proposed cul-de-sacs and related proposed changes to the residential streets. A complete log of the comments and responses is provided in Appendix G-116 to G-125.

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.

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

Sponsor of the Project: INDOT and Elkhart County INDOT District: Fort Wayne
Sunnyside Avenue, Concord Mall Drive, and CR 13
Local Name of the Facility: County Bridges 148, 150 and 151

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.

Need: Elkhart County proposes a roadway and railroad crossing project located on Sunnyside Avenue, Concord Mall Drive, and CR 13 over NSRR in Elkhart County, Indiana (hereinafter referred to as "Elkhart Local Trax Project"). The need for the project stems from safety and mobility issues for motorists, pedestrians, bicyclists, and trains at the two subject at-grade railroad crossings, the Sunnyside Avenue crossing, Crossing Number (CN) 510014R, and the CR 13 crossing, CN 510015X. According to the February 2020 *Engineer's Report* (Appendix J-1 to J-19), trains typically run through these crossings 80 to 90 times a day. Furthermore, the trains regularly stop on the tracks, restricting traffic for extended periods of time and delaying emergency vehicle access to the communities north of the tracks. Existing crash data indicates a high rate of crashes for these types of crossings. Since 1987, there have been seven train/vehicle accidents, including one fatality at the Sunnyside Avenue crossing (CR 510014R). Since 1976, there have been nine train/vehicle accidents, including two fatalities, at the CR 13 crossing (CR 510015X). Furthermore, from 2016 to 2019, the intersections of US 33/Main Street and Sunnyside Avenue, CR 45 and Sunnyside Avenue, and the Sunnyside Avenue crossing had a total of 45 accidents. All public rail crossings are ranked by rail-highway conflict associated to them. Of the 5,700 public crossings in the state, the CR 13 crossing (510015X) and the Sunnyside Ave crossing (510014R) are ranked 61st and 112th worst, respectively. Additionally, the area lacks pedestrian facilities. There are no existing sidewalks along Sunnyside Avenue, Concord Mall Drive, nor CR 13.

Purpose: The purpose of this project is to reduce the exposure of motorists and pedestrians to rail traffic, and to increase mobility in this area of Elkhart County.

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PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: Elkhart Municipality: City of Elkhart and unincorporated area known as Dunlap

Limits of Proposed Work: Sunnyside Avenue from US 33/Main Street to CR 13
Concord Mall Drive from CR 20/Mishawaka Road to US 33/Main Street
CR 13 from Greenwood Boulevard to 280 feet north of US 33/Main Street
Center Drive from CR 20/Mishawaka Road to Concord Mall Drive

Total Work Length: 1.58 Mile(s) Total Work Area: 21.77 Acre(s)

Is an Interstate Access Document (IAD)¹ required?

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

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.

Yes¹

No

☐

☒

Date:

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 Elkhart Local Trax Project is located in an unincorporated area known as Dunlap, in Elkhart County, Indiana. The western portion of the project area is within the City of Elkhart. A project location map is provided in Appendix B-1. The project is located in the United States Geological Survey (USGS) 7.5 minute Elkhart, Indiana topographic quadrangle map, in Sections 22, 23, and 26 of Township 37 North, Range 5 East (Appendix B-2). The project involves five Des. Nos. covered under one contract and Categorical Exclusion (CE) Document, which are summarized in the following table. These Des. Nos. do not represent "separate projects" because they would not have logical termini or independent utility as stand-alone projects.

Des. Nos. Summary

Des	Name	Location	Funding Source
1801913 (Lead)	Sunnyside Avenue/Mall Drive at US 33 (Main Street) over NSRR	Sunnyside Avenue from CR 20/Mishawaka Road to CR 13; on Concord Mall Drive from CR 20/Mishawaka Road to US 33/Main Street; and on CR 13 from Greenwood Boulevard to 280 feet north of US 33/Main Street	Federal, State and Local
1900836	County Bridge 148 - Sunnyside Avenue over US 33/Main Street, NSRR, and CR 45	0.37 mile northeast of CR 20/Mishawaka Road	Federal and State
2001723	County Bridge 151 - Concord Mall Drive over Yellow Creek	0.07 mile southwest of US 33/Main Street	Federal and State
2001724	County Bridge 150 - Sunnyside Avenue over Yellow Creek	0.25 mile northeast of CR 20/Mishawaka Road	Federal and State
2100065	Sunnyside Avenue/CR 13 Re-Alignment	CR 13 from CR 45 to Sunnyside Avenue CR 45 from CR 13 to 600 feet northwest of CR 13	Local

Existing Conditions: As stated in the Purpose and Need section, the existing conditions include two at-grade railroad crossings that create safety and mobility issues, the Sunnyside Avenue crossing, CN 510014R, and the CR 13 crossing, CN 510015X. An existing conditions aerial map is provided in Appendix B-3, and photographs are provided in Appendix B-7 to B-9.

West and south of the railroad, the project area consists of a mixture of vacant and occupied commercial properties. North and east of the railroad, the project area is primarily residential, with churches at the intersection of Sunnyside Avenue and CR 13. Adjacent properties include Concord Mall, at the northwest corner of Concord Mall Drive and US 33/Main Street, and Concord High School/Concord Intermediate School, at the southwest corner of CR 20/Mishawaka Road and US 33/Main Street. The Mapleheart Trail crosses the project area between CR 45 and the NSRR.

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Sunnyside Avenue, Concord Mall Drive, CR 45, and CR 13 are classified as Urban Collectors. US 33/Main Street and CR 20/Mishawaka Road are classified as Principal Arterials. The remaining streets involved with the project are classified as Local Roads (see below).

Sunnyside Avenue Crossing with NSRR (CN 510014R): The northern at-grade crossing with NSRR is at Sunnyside Avenue/Concord Mall Drive, adjacent to US 33/Main Street. Sunnyside Avenue meets Concord Mall Drive at US 33/Main Street, and then heads eastward across NSRR to CR 13. Sunnyside Avenue is a residential two-lane local road with homes on each side. It has 10.5-foot wide lanes with no shoulder and no sidewalks. South of the NSRR crossing is the signalized intersection of Concord Mall Drive and US 33/Main Street. North of the NSRR crossing is the stop-controlled intersection of Sunnyside Avenue with CR 45/Mapleheart Trail.

CR 13 Crossing with NSRR (CN 510015X): The southern at-grade crossing with NSRR is at CR 13, approximately 0.12 mile north of US 33/Main Street. CR 13 is a north/south road that crosses the railroad approximately 0.15 mile north of US 33. CR 13 is a 2-lane major collector with one 12-foot wide lane in each direction. It has 2-foot shoulders and no sidewalks. North of the railroad, CR 13 has a four way, stop-controlled intersection with CR 45/Mapleheart Trail. This intersection is irregular, which creates sight distance and driver expectancy issues.

Western Commercial Area: Concord Mall Drive intersects CR 20/Mishawaka Road on the west side of the project area, across from Pineridge Parkway. Center Drive connects Concord Mall Drive with CR 20/Mishawaka Road. These intersections are stop-controlled. Both Concord Mall Drive and Center Drive are two-lane roads with one lane in each direction. The lane widths average 15 feet, with curb and gutter and no sidewalks, except for a segment of sidewalk along the southeast side of Center Drive. East of Center Drive, there is County Bridge 151, Concord Mall Drive over Yellow Creek, which was built in 1971. This prestressed concrete box beam bridge has two spans (40-foot and 40-foot), with an extended pile bent that consists of painted steel piles that are located within the stream channel of Yellow Creek.

Eastern Residential Area: East of the railroad, the project area features a network of local, two-lane residential streets: Florence Avenue, Himebaugh Avenue, Sunnyside Avenue, Nora Street, Cole Street, John Street, Mary Street, Helen Street, Amy Avenue, Kendall Street, Springriver Drive, and Linden Drive. These two-way streets have 10-foot wide lanes, with no curb, no shoulder, and no sidewalks.

Storm water: Currently, storm water in the western commercial area is handled via a storm sewer system that discharges to Yellow Creek. In the eastern residential area, storm water is handled via overland flow and subsurface drainage into the sandy soils. The only existing structure, besides the previously-described Concord Mall Bridge over Yellow Creek (County Bridge 151), are grated storm inlets and sewer piping in the commercial area. There are no culverts or other drainage structures in the residential area.

Preferred Alternative, Central 3: The preferred alternative will eliminate the two at-grade crossings and provide a single, grade-separated crossing at Sunnyside Avenue, and a roundabout near the existing Concord Mall Drive and Center Drive intersection. Proposed conditions maps are provided in Appendix B-4 to B-6. Preliminary project plans are provided in Appendix B-10 to B-49.

Sunnyside Avenue (Des. 1801913): The typical section will include two 12-foot lanes with curb and gutter on both sides. A 0 to 5-foot wide grass buffer will separate 5 to 6-foot wide pedestrian sidewalks from each curb and gutter. Retaining walls will be built as necessary. The roundabout (discussed below) will maintain access to CR 20/Mishawaka Road, Center Drive, and Concord Mall Drive for connectivity to US 33, while providing a new alignment to cross over the railroad tracks and tie into Sunnyside Avenue, east of CR 45.

Sunnyside Avenue Crossing with NSRR (Des. 1900836): Sunnyside Avenue will be realigned to cross US 33/Main Street approximately 0.06 mile southeast of Concord Mall Drive. County Bridge 148, a new 4-span concrete bridge, will provide grade-separated access across US 33/Main Street, NSRR, and CR 45/Mapleheart Trail (bypass bridge). The bypass bridge will be approximately 409 feet, 6 inches long, with a width of 43 feet, 2 inches, and a vertical clearance over the railroad of 23 feet, 5 inches. The bridge typical section will be similar to the roadway, including two 12-foot wide travel lanes, one in each direction, and 6-foot, 7-inch wide pedestrian sidewalks on both sides. Retaining wall abutments will be used to reduce bridge spans. Guardrail and bridge rail will be used where needed. The bridge rails will be topped with protective fences over the railroad and local roads. The overpass bridge deck will be approximately 31 feet above ground level at the railroad, with fences extending up to 40 feet above ground level.

CR 13 Crossing with NSRR (Des. 2100065): This at-grade crossing will be eliminated. South of the railroad, CR 13 will terminate at a cul-de-sac. North of the railroad and south of Springriver Drive, CR 13 will be realigned to create a 90-degree stop-controlled intersection with CR 45, approximately 400 feet northwest of the existing intersection. The CR 13 typical section includes two 12-foot wide travel lanes, a two-way left turn lane, curb and gutter, and 6-foot wide sidewalks on each side.

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Linden Street will be extended north along existing CR 13 to intersect with the new alignment. John Street will terminate in a cul-de-sac west of the new CR 13 alignment, and Mary Street will terminate west of CR 13. Commercial drives and entrances will be reconstructed as needed to maintain access. Furthermore, pedestrian crossings will be maintained or added as needed. These crossings are associated with the Mapleheart Trail. Accordingly, the features and attributes of the trail will be avoided and/or restored; refer to the Section 4(f) Resources/Section 6(f) Resources section of this document for further discussion.

Western Commercial Area (Des. Nos. 1801913, 2001723, and 2001724): A four-way roundabout is proposed west of Yellow Creek and south of Concord Mall Drive to reconfigure the intersection of Concord Mall Drive with Center Drive, and the re-aligned Sunnyside Avenue. The roundabout will have a diameter of 121 feet with a single 16-foot wide lane, roll curb, and a 12-foot wide truck apron. The proposed roundabout includes 5 to 6-foot wide sidewalks and pedestrian crossings through the intersection. The design speed of the new alignments will be 30 to 35 miles per hour (mph), and the maximum fastest path of the roundabout will be less than 30 mph.

The north side of the roundabout will tie into the existing Concord Mall Drive alignment to intersect US 33/Main Street at the existing signalized intersection. Concord Mall Drive will have one travel lane in each direction, plus a right turn lane for traffic turning onto US 33/Main Street. On the northeast side of this intersection, the at-grade Sunnyside Avenue crossing will be eliminated. Accordingly, the northwest bound right-turn only lane along US 33/Main Street will be removed. The existing signal at Concord Mall Drive and US 33/Main Street will be upgraded.

The existing County Bridge 151, Concord Mall Drive over Yellow Creek, will be removed and replaced with a continuous reinforced concrete slab bridge on the same alignment. The new bridge will have three spans (21-foot, 38-foot, and 21-foot), with the center spanning Yellow Creek. The proposed bridge will be approximately 81 feet, 6 inches long, with an out-to-out coping width of 55 feet, 2 inches. The bridge typical section will include three 12-foot wide lanes and 6-foot, 7-inch wide sidewalks. As previously discussed, the existing 2-span (40-foot and 40-foot) bridge has painted steel piles located within the stream channel of Yellow Creek. Therefore, a rehabilitated structure was evaluated but determined to create more stream impacts and future maintenance concerns compared to a replacement; see the Bridges and/or Small Structures section for further discussion.

The west side of the roundabout will connect to CR 20/Mishawaka Road at the existing Concord Mall Drive and Pineridge Parkway intersection. The south side of the roundabout will connect to CR 20/Mishawaka Road via the existing Center Drive intersection. The existing signal and the Concord Mall Drive intersection with CR 20/Mishawaka Road will be upgraded.

The east side of the roundabout will connect to the re-aligned Sunnyside Avenue. County Bridge 150, a new single span, prestressed concrete bulb-tee beam bridge, will carry Sunnyside Avenue over Yellow Creek in order to tie into the west side of the new bypass bridge (County Bridge 148). County Bridge 150 will be approximately 107 feet long, with an out-to-out coping width of 43 feet, 2 inches. The bridge typical section will be similar to the roadway, including two 12-foot wide travel lanes, and 6-foot, 7-inch wide sidewalks on both sides.

Commercial drives and entrances will be reconstructed as needed to maintain access. The existing private drive from Concord Mall Drive south along the east bank of Yellow Creek will be eliminated. Several businesses south of the realigned Sunnyside Avenue will no longer have direct access to Concord Mall Drive (access to US 33/Main Street will remain). A new mall entrance will be constructed at a similar location to the existing entrance.

Eastern Residential Area (Des. Nos. 1801913 and 2100065): East of the new bypass bridge, the re-aligned Sunnyside Avenue will tie into the existing alignment near the current intersection with Kendall Street. A left-turn only lane is proposed from approximately Amy Street to the CR 13 intersection. A new stop light at the intersection of Sunnyside Avenue and CR 13 is proposed.

Several cul-de-sacs are proposed, and private drives will be extended where needed. The existing Sunnyside Avenue east of CR 45 will terminate in a cul-de-sac near Amy Avenue. Amy Avenue will terminate at Nora Street, and Kendall Street will terminate at cul-de-sacs north and south of the new alignment. Between the northern Kendall Street cul-de-sac and Sunnyside Avenue, private drives will be extended to continue access. John Street will terminate at a cul-de-sac west of CR 13. At the intersections of CR 13 with Sunnyside Avenue, Nora Street, Cole Street, and Springwater Drive, the existing approaches will be resurfaced to tie into the new CR 13 roadway. Similarly, several residential drives will require reconstruction and/or will be extended to match the new alignments and grades.

Sidewalk will be added along Sunnyside Avenue and CR 13. Furthermore, pedestrian crossings will be maintained or added as needed. These crossings are associated with the Mapleheart Trail. Accordingly, the features and attributes of the trail will be avoided and/or restored; refer to the Section 4(f) Resources/Section 6(f) Resources section of this document for further discussion.

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Storm water: The proposed storm water plan includes a curb and gutter system and infiltration basins. In the western commercial area, storm water will primarily be diverted underground (piped) to an infiltration basin east of the roundabout, which will overflow to Yellow Creek. In the eastern residential area, storm water will be diverted underground to several infiltration drainage basins near the eastern end of the bypass bridge (County Bridge 148) and the southern end of the new CR 13 alignment, as shown on the Proposed Conditions map (Appendix B-4). The infiltration basins will be unlined and planted in a standard INDOT Seed Mixture, such as Seed Mixture "Floodplain", which consists of native grasses, forbs, and aquatic species.

Summary of Impacts and Evaluation: The preferred alternative will require two commercial relocations, three residential relocations, a total of approximately 13.83 acres of new permanent ROW, and 0.91 acre of temporary ROW.

Construction is anticipated to begin in Spring 2023 and occur year-round for at least two years. The proposed MOT will include full roadway closures, and detours will be provided. The detours are each less than two miles in length. The proposed detours in the western commercial area will utilize CR 20/Mishawaka Road, Concord Mall Drive, and US 33/Main Street. The detours within the eastern residential area will utilize CR 13, CR 45, and Cole Street - the only Local Road proposed for detours. Access for all residences and businesses will be maintained throughout construction.

This project will permanently alter traffic patterns in this part of Elkhart County. This project will impact approximately 21.77 acres of the St. Joseph Sole Source Aquifer, approximately 145 linear feet of Yellow Creek, approximately 0.087 acre of wetlands, approximately 0.25 acre of forested floodplain, and approximately 8.92 acres of terrestrial habitat, including approximately 3.14 acres of trees plus maintained lawn. Additionally, there are temporary occupancy impacts to the abutting public park, Mapleheart Trail. No historic properties will be affected. Noise impacts will occur; however, noise abatement has not been found to be "feasible and reasonable".

The preferred alternative will meet the purpose and need of the project by reducing the exposure of motorists and pedestrians to rail traffic, and increasing mobility in this area of Elkhart County.

Logical Termini/Independent Utility: The project termini, described above under Limits of Proposed Work, include areas where there are safety and mobility issues, and areas that may be impacted by the project. Furthermore, the termini connect into the existing network of roadways and pedestrian facilities. Therefore, the Elkhart Local Trax Project has rational end points and is of sufficient length to address any environmental impacts related to its design and construction. This project is a reasonable expenditure even if no additional transportation improvements in the area are made, and it should not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. Therefore, this project meets FHWA criteria for independent utility and logical termini (www.environment.fhwa.dot.gov/legislation/nepa/guidance_project_termini.aspx).

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.

Eight alternatives for the Elkhart Local Trax Project were considered, including the preferred alternative, Central Alternative 3, described above. The other seven alternatives are summarized below. Impacts are summarized further below in the Alternatives Impacts Matrix. Details, including figures, are provided in the *Engineer's Assessment Report* (Appendix J-1 to J-19). The alternatives are also shown on the poster boards from the public meetings, see Appendix G-33.

Alternative 1: No Build

This alternative would leave the project area, including the at-grade crossings, in its current condition. Motorists and pedestrians would continue to be exposed to rail traffic, and the mobility issues for motorists, emergency services, pedestrians, and school buses would remain. This alternative would incur no costs, need no relocations, require no ROW, and there would be no impacts to resources, including streams and wetlands. However, this alternative would not meet the purpose and need of the project; therefore, it was discarded from further consideration.

Alternative 2: South

This alternative would eliminate the current at-grade crossings and create a 6-span concrete hybrid bulb-T bypass bridge south of the mall, near the CR 13 and CR 20/Mishawaka Road intersection. East-west traffic would follow CR 20/Mishawaka Road, crossing over US 33 to CR 45 before connecting to CR 13 at the Nora Street intersection. CR 13 would dead-end at John Street, and traffic would be permanently diverted onto CR 45. This alternative would also include a 1-span bridge over Yellow Creek north of CR 20/Mishawaka Road, within a forested floodway that is suitable summer habitat for protected bat species. The South alternative would meet the purpose and need of the project. However, this alternative would have more residential relocations, greater impacts to water resources and suitable summer habitat, hazardous material (hazmat) concerns (gas station relocation), impacts to schools

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during construction, and a higher cost estimate compared to the preferred alternative. Therefore, the South alternative was discarded from further consideration.

Alternative 3: North 1

This alternative would eliminate the current at-grade crossings and provide a 5-span steel plate girder bypass bridge north of the mall area. The alignment would generally follow Concordia Court from CR 20/Mishawaka Road, and cross overhead to then connect to CR 13 north of the Elkhart Public Library. A separate bridge for Yellow Creek would not be required. This alternative would impact Yellow Creek where there is no forested floodway, it would have the fewest residential relocations, and it would meet the purpose and need of the project. However, when compared to the preferred alternative, this alternative requires more total ROW, has substantial impacts to utilities (including transmission towers), greater impacts to suitable summer habitat for protected bat species (north of Florence Avenue), and a higher cost estimate compared to the preferred alternative. Therefore, alternative North 1 was discarded from further consideration.

Alternative 4: North 2

This alternative is similar to North 1, except it would generally follow Concord Mall's unnamed "outer loop road" rather than Concordia Court. It would tie-into CR 13 in the same location as North 1, and would also cross Yellow Creek where there is no forested floodplain. The main difference from North 1 is the proposed business impacts would have less relocations; instead, there would be a loss of parking lot spaces (estimated to be 350 to 375). The North 2 alternative would meet the purpose and need of the project. However, when compared to the preferred alternative, this alternative also requires more total ROW, has substantial impacts to utilities (including transmission towers), greater impacts to suitable summer habitat for protected bat species (north of Florence Avenue), and a higher cost estimate compared to the preferred alternative. Therefore, alternative North 2 was discarded from further consideration.

Alternative 5: Central 1

This alternative would eliminate the current at-grade crossings and provide a 3-span concrete hybrid bulb-T bypass bridge to connect Concord Mall Drive with Sunnyside Avenue. A new road would be added to provide connection to and from US 33/Main Street. Therefore, this alternative would also include two 1-span bridges over Yellow Creek. This alternative was estimated to require the least ROW and was estimated to cost about the same as the preferred alternative. However, it would have more impacts to Yellow Creek and associated wetlands, greater residential relocations, and greater business parking and access impacts compared to the preferred alternative. Therefore, alternative Central 1 was eliminated from further consideration.

Alternative 6: Central 2

This alternative is similar to alternative Central 1 and the preferred alternative. It would eliminate the current at-grade crossings and provide a 3-span concrete hybrid bulb-T bypass bridge that would tie-into existing Sunnyside Avenue on the east side. However, this alternative maintains Concord Mall Drive and its access to businesses in the area and uses this route to maintain connectivity to US 33/Main Street. This alternative would also include two 1-span bridges over Yellow Creek. The main difference compared to the preferred alternative is creation of three-way intersections instead of roundabouts. This alternative would have similar impacts to Yellow Creek and other resources, would require less ROW, would have similar relocations, and was estimated to cost about the same as the preferred alternative. However, this alternative would have greater utility impacts and was predicted to have reduced mobility compared to the preferred alternative. Therefore, alternative Central 2 was eliminated from further consideration.

Alternative 7: Central 4

This alternative is very similar to the preferred alternative. It would eliminate the current at-grade crossings and provide a 3-span steel plate girder bypass bridge. The primary difference is the bypass would tie-into existing Nora Avenue, one block south of Sunnyside Avenue, on the east side. It would also have a roundabout in the mall area to maintain access to US 33/Main Street, area businesses and CR 20 /Mishawaka Road. This alternative would also include two 1-span bridges over Yellow Creek. This alternative would have similar impacts to Yellow Creek and other resources compared to the preferred alternative. However, this alternative would require more ROW, more relocations, and it was predicted to cost more compared to the preferred alternative. Therefore, alternative Central 4 was eliminated from further consideration.

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Alternatives Impacts Matrix						
Alt.	P&N ?	Relocations		Estimated ROW (acres)	Summary of Other Impacts	Preliminary Cost Estimate
		Com	Res			
Central 3 (preferred)	Yes	3	4	10.2	Water Resources: low impacts to Yellow Creek, it's forested floodway and associated wetlands Utilities: low Schools: low Trees/Bats: low to moderate Other: N/A	\$ 25,281,738
1 No Build	No	0	0	0	None	None
2 South	Yes	2	11	8.6	Water Resources: moderate to high impacts to Yellow Creek, it's forested floodway, and associated wetlands Utilities: low Schools: high construction impacts Trees/Bats: moderate Other: Marathon Station has hazmat issues	\$ 28,770,654
3 North 1	Yes	2	1	22.2	Water Resources: low impacts to Yellow Creek and associated wetlands; no forested floodway impacts Utilities: high Schools: low Trees/Bats: high (impacts to suitable summer habitat north of Florence Avenue) Other: N/A	\$ 30,224,432
4 North 2	Yes	0	1	23.9	Water Resources: low impacts to Yellow Creek and associated wetlands; no forested floodway impacts Utilities: high Schools: low Trees/Bats: high (impacts to suitable summer habitat north of Florence Avenue) Other: highest number of lost parking spaces (300 to 375)	\$ 27,622,532
5 Central 1	Yes	2	8	7.7	Water Resources: low to moderate impacts to Yellow Creek and associated wetlands; low impacts to forested floodway Utilities: moderate Schools: low Trees/Bats: low Other: would eliminate two access drives for businesses and 100-150 parking spaces	\$ 24,801,953
6 Central 2	Yes	3	4	8.5	Water Resources: low impacts to Yellow Creek, it's forested floodway and associated wetlands Utilities: moderate to high Schools: low Trees/Bats: low Other: reduced mobility compared to the preferred alternative	\$ 25,723,423
7 Central 4	Yes	4	10	12.1	Water Resources: low impacts to Yellow Creek, it's forested floodway and associated wetlands Utilities: low Schools: low Trees/Bats: low to moderate Other: N/A	\$ 30,240,827

Source: *Engineer's Assessment Report* (Appendix I-4 to I-27).

P&N? = Does the alternative meet the project's purpose and need?

Com = Commercial; Res = Residential

Trees/Bats = "suitable summer habitat" for the Indiana bat and northern long-eared bat

Notes: Impacts to potential cultural resources are not anticipated for any alternatives based on the "No Historic Properties" effect finding; refer to the Cultural Resources Section for further discussion.

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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 (Describe): would not address mobility issues

X
X

ROADWAY CHARACTER:

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

Name of Roadway Sunnyside Avenue
 Functional Classification: Major Collector
 Current ADT: 9,000 VPD (2023) Design Year ADT: 9,900 VPD (2043)
 Design Hour Volume (DHV): 1,190 Truck Percentage (%) 3.0
 Designed Speed (mph): 35 Legal Speed (mph): 35

	Existing		Proposed	
Number of Lanes:	2		2-3	
Type of Lanes:	Through		Through/ Two Way Left Turn/ Right-turn only	
Pavement Width:	22	ft.	24	ft.
Shoulder Width:	1-2	ft.	2	ft.
Median Width:	N/A	ft.	N/A	ft.
Sidewalk Width:	N/A	ft.	5-6	ft.

Setting: ☐ Urban ☒ Suburban ☐ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway Concord Mall Drive
 Functional Classification: Minor Collector
 Current ADT: 1,700 VPD (2023) Design Year ADT: 1,900 VPD (2043)
 Design Hour Volume (DHV): 800 Truck Percentage (%) 2.0
 Designed Speed (mph): 30 Legal Speed (mph): 30

	Existing		Proposed	
Number of Lanes:	2-4		2-4	
Type of Lanes:	Through/ Left-turn only/ Right-turn only		Through/ Left-turn only/ Right-turn only	
Pavement Width:	32-60	ft.	24-42	ft.
Shoulder Width:	2	ft.	2	ft.
Median Width:	4	ft.	3	ft.
Sidewalk Width:	N/A	ft.	5-6	ft.

Setting: ☐ Urban ☒ Suburban ☐ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

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Name of Roadway Center Drive
 Functional Classification: Minor Collector
 Current ADT: 1,950 VPD (2023) Design Year ADT: 1,950 VPD (2043)
 Design Hour Volume (DHV): 195 Truck Percentage (%) 2.0
 Designed Speed (mph): 30 Legal Speed (mph): 30

Existing			Proposed		
Number of Lanes:	2		2		
Type of Lanes:	Through		Through		
Pavement Width:	24-29	ft.	24-29	ft.	
Shoulder Width:	2	ft.	2	ft.	
Median Width:	N/A	ft.	N/A	ft.	
Sidewalk Width:	0-5	ft.	5-6	ft.	

Setting: ☐ Urban ☒ Suburban ☐ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

Name of Roadway CR 13
 Functional Classification: Major Collector
 Current ADT: 5,700 VPD (2023) Design Year ADT: 6,300 VPD (2043)
 Design Hour Volume (DHV): 815 Truck Percentage (%) 3.0
 Designed Speed (mph): 35 Legal Speed (mph): 35

Existing			Proposed		
Number of Lanes:	2		2-3		
Type of Lanes:	Through		Through/ Two-Way Left Turn		
Pavement Width:	22-26	ft.	36-40	ft.	
Shoulder Width:	1-6	ft.	2	ft.	
Median Width:	N/A	ft.	N/A	ft.	
Sidewalk Width:	N/A	ft.	6	ft.	

Setting: ☐ Urban ☒ Suburban ☐ Rural
 Topography: ☒ Level ☐ Rolling ☐ Hilly

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Name of Roadway US 33/Main Street
 Functional Classification: Principal Arterial
 Current ADT: 17,300 VPD (2023) Design Year ADT: 19,100 VPD (2043)
 Design Hour Volume (DHV): 2,050 Truck Percentage (%) 6.0
 Designed Speed (mph): 35 Legal Speed (mph): 35

	Existing		Proposed	
Number of Lanes:	4-6		4-5	
Type of Lanes:	Through/ Right turn/ Left-turn only		Through/ Right turn/ Left-turn only	
Pavement Width:	64-74	ft.	64-74	ft.
Shoulder Width:	2*	ft.	2*	ft.
Median Width:	N/A	ft.	N/A	ft.
Sidewalk Width:	6	ft.	6	ft.
*curb and gutter				
Setting:	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	
Topography:	<input checked="" type="checkbox"/> Level	<input type="checkbox"/> Rolling	<input type="checkbox"/> Hilly	

Additionally, this project includes the following local roads:

- Florence Avenue
- Himebaugh Avenue
- Nora Street
- Cole Street
- John Street
- Mary Street
- Helen Street
- Amy Avenue
- Kendall Street
- Linden Drive
- Springwater Drive

These two-way streets have 10-foot wide lanes, with no curb, no shoulder, and no sidewalks. The legal speed limit is 25 mph. They are classified as Local Roads and traffic data such as average daily traffic (ADT) counts aren't available. The proposed changes to these streets will not impact the number or types of lanes, nor widths of pavement. As discussed in the Project Description and shown on the Proposed Conditions map (Appendix B-4), there are several changes proposed to this network of local roads:

- At the intersections of CR 13 with Sunnyside Avenue (east of CR 13), Nora Street, Cole Street, and Springwater Drive, the existing approaches will be resurfaced at the intersections to tie into the new CR 13 roadway;
- The existing Sunnyside Avenue east of CR 45 will terminate in a cul-de-sac near Amy Avenue;
- Amy Avenue will terminate at Nora Street;
- Kendall Street will terminate at cul-de-sacs north and south of the new alignment;
- John Street will terminate in a cul-de-sac west of CR 13; and,
- Linden Drive will be extended to connect with the new CR 13 alignment.

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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.

County Bridge 148 - Sunnyside Avenue over US 33/Main Street, NSRR, and CR 45, Des. 1900836 (bypass)

Structure/NBI Number(s): County Bridge 148 / N/A Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	N/A		Prestressed Concrete Bulb-Tee Beam Bridge	
Number of Spans:	N/A		4	
Weight Restrictions:	N/A	ton	N/A	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	28	ft.
Outside to Outside Width:	N/A	ft.	43	ft.
Shoulder Width:	N/A	ft.	2	ft.

County Bridge 151 – Concord Mall Drive over Yellow Creek, Des. 2001723

Structure/NBI Number(s): County Bridge 151 / 2000199 Sufficiency Rating: N/A (local facility)
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	Continuous Adjacent Prestressed Reinforced Concrete Box Beam Bridge		Continuous Reinforced Concrete Slab Bridge	
Number of Spans:	2		3	
Weight Restrictions:	N/A	ton	N/A	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	52.5	ft.	40	ft.
Outside to Outside Width:	56	ft.	55	ft.
Shoulder Width:	12	ft.	2	ft.

County Bridge 150 – Sunnyside Avenue over Yellow Creek, Des. 2001724

Structure/NBI Number(s): County Bridge 150 / N/A Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	N/A		Prestressed Concrete Bulb-Tee Beam Bridge	
Number of Spans:	N/A		1	
Weight Restrictions:	N/A	ton	N/A	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	28	ft.
Outside to Outside Width:	N/A	ft.	43	ft.
Shoulder Width:	N/A	ft.	2	ft.

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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.

This project involves the replacement of one existing bridge, County Bridge 151, and the construction of two new bridges, the bypass bridge County Bridge 148, and County Bridge 150.

County Bridge 148, Sunnyside Avenue over US 33/Main Street, NSRR, and CR 45, is a new 4-span concrete bridge that will provide grade-separated access over the railroad, CR 45 and US 33/Main Street. There are no water resources associated with this structure.

County Bridge 151, Concord Mall Drive over Yellow Creek, is a 2-span concrete box beam bridge. It was constructed in 1971 and is National Bridge Inventory (NBI) No. 2000199. This is a local facility that does not have an INDOT structure number. Based on the findings of the Section 106 cultural resources activities conducted for this project, it is not eligible for the National Register of Historic Places (NRHP) (Appendix D-1 to D-3). Based on the July 6, 2020 *Structure Size and Type Report*, a bridge rehabilitation (superstructure replacement) was considered (Appendix J-57 to J-59). However, as previously discussed, the existing 2-span (40-foot and 40-foot) bridge has painted steel piles placed within the stream channel of Yellow Creek. The rehabilitated structure would require future maintenance, including painting and cleaning efforts which would cause additional stream impacts. Conversely, removing the painted bridge piles from the stream and replacing them with a structure that spans the entire 30-foot wide stream should have a positive impact on the habitat of Yellow Creek; see the Ecological Resources section for further discussion including resource agency coordination. Since a rehabilitation would cause more stream impacts and had more maintenance issues compared to a replacement, it was dismissed from further consideration. Therefore, this bridge will be replaced with a continuous reinforced concrete slab bridge on essentially the same alignment. The new bridge will have three spans (21-foot, 38-foot, and 21-foot), with the center spanning Yellow Creek (Appendix B-43 to B-44). This will impact a total of 65 linear feet of Yellow Creek and its floodplain, as well as 0.007 acre of wetlands.

County Bridge 150, Sunnyside Avenue over Yellow Creek, is a single span, prestressed concrete bulb-tee beam bridge that will carry Sunnyside Avenue over Yellow Creek. This will impact a total of 80 linear feet of Yellow Creek and its floodplain, as well as 0.080 acre of wetlands.

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

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

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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 proposed MOT will require full roadway closures of Sunnyside Avenue, Concord Mall Drive, and CR 13. Detours will be provided, which are shown on the project plans in Appendix B-14 to B-17. The detours are each less than two miles in length. The proposed detours for the western commercial area will utilize CR 20/Mishawaka Road (Principal Arterial), Concord Mall Drive (Urban Collector), and US 33/Main Street (Principal Arterial). The detours for the eastern residential area will utilize CR 13 (Urban Collector), CR 45 (Urban Collector), and Cole Street, the only Local Road proposed for detours. The closures and detours are expected to last 24 months.

Temporary barricades, local detours, and/or flagger operations will be used to maintain local access to Center Drive, CR 45, portions of Sunnyside Avenue, Amy Avenue, Kendall Street, Nora Street, Springriver Drive, Cole Street, John Street, Mary Street, and Linden Street. Additionally, temporary nighttime closures of US 33/Main Street and NSRR are expected to set overhead hazards during construction of the bypass bridge, County Bridge 148. Access for all residences, school facilities, and businesses will be maintained throughout construction.

Development of the MOT is ongoing. A Transportation Management Plan (TMP) will be prepared in accordance with Chapter 503 of the current *Indiana Design Manual*. This will include accommodating special events or festivals, notification requirements, and TMP meetings, discussed further below.

Mapleheart Trail will be temporarily impacted during construction in order to construct curb ramps and safely install overhead hazards for the new bypass bridge, County Bridge 148. In coordination with the Elkhart County Commissioners and Elkhart County Parks and Recreation (Elkhart Parks), these impacts have been minimized, which is discussed further in the Section 4(f)/Section 6(f) Resources section of this document. Since there are no existing pedestrian facilities in the eastern residential area, other than the Mapleheart Trail, a pedestrian detour is not feasible. Therefore, the contractor will be required to keep the trail open as much as safely feasible during construction. Temporary cribbing/scaffolding will be used to protect trail users. Short-term closure of the trail, for up to one month, will be required to set concrete beams over the trail. These conditions are included as firm commitments in the Environmental Commitments section of this CE document.

The proposed MOT will impact the local public bus system, the Interurban Trolley and the local school system, Concord Community Schools (CCS). Two Interurban Trolley routes, the Orange Line and the Red Line, currently utilize Concord Mall Drive to access US 33/Main Street, which will be closed during construction to reconfigure Concord Mall Drive and replace the Concord Mall Drive bridge over Yellow Creek. Additionally, the Orange Line uses the at-grade Sunnyside Avenue crossing to access CR 13, which will also be detoured due to the replacement of the at-grade crossings with the proposed bypass and related reconstruction of Sunnyside Avenue. These routes are shown on the maps in Appendix J-44.

As shown on the Existing Conditions map, CCS has two schools that are adjacent to the project area and along a detour route, at the southwest corner of CR 20/Mishawaka Road and US 33/Main Street (Appendix B-3). Additionally, CCS's bus facility is adjacent to the west of the project area along CR 13, north of US 33/Main Street. The driveway entrance for this facility at CR 13 will be reconstructed as part of this project, which is discussed further in the Project Description, Right of Way, and Public Facilities sections of this CE document.

On August 17, 2020, early coordination letters (ECLs) were sent to local stakeholders, including Elkhart County Commissioners, Elkhart Parks, NSRR, CCS, and Interurban Trolley (Appendix C-1 to C-6). No responses were received regarding the proposed MOT. The Elkhart Local Trax project team will hold TMP meetings with local transportation stakeholders, including Interurban Trolley, CCS, and emergency management, as the design progresses. Similarly, railroad coordination between the project team and NSRR is ongoing. Further coordination with these stakeholders is required. See the Public Facilities and Environmental Commitments sections for further discussion.

The closures and detours will pose a temporary inconvenience to traveling motorists (including school buses, public buses, and emergency services); however, no significant delays are anticipated, and all inconveniences and delays will cease upon project completion. 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.

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ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 3,946,917.28 (2021-2022) Right-of-Way: \$ 6,448,718.52 (2021-2023) Construction: \$ 23,324,314.37 (2023)

Anticipated Start Date of Construction: Spring 2023 (Appendix H-1 to H-2)

RIGHT OF WAY:

Land Use Impacts	Approximate Amount (acres)	
	Permanent	Temporary
Residential	4.18	0.61
Commercial	9.47	0.15
Agricultural	0.00	0.00
Forest	0.00	0.00
Other: Religious	0.18	0.15
TOTAL	13.83	0.91

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 project requires approximately 13.83 acres of permanent ROW and 0.91 acre of temporary ROW. The proposed ROW is shown on the project plans (Appendix B-10 to B-49). The new ROW is needed to accommodate the re-aligned streets (Sunnyside Avenue, Concord Mall Drive, Center Drive and CR 13), bridges (County Bridges 148, 150 and 151), wider streets (including adding sidewalk), the new roundabout, and associated storm water improvements.

Roadway	Approximate average width from roadway centerline (feet)	
	Existing	Proposed
Sunnyside Avenue	25-30	30-40
Concord Mall Drive	45-50	45-50
Center Drive	35-40	35-50
CR 13	25-30	30-80

The proposed permanent ROW primarily consists of commercial and residential properties. In the western commercial area, several vacant commercial properties will be acquired: a commercial strip center that was formerly occupied by Martin's Super Market (now located adjacent to the southeast), and a vacant automotive service shop. Additionally, a strip of commercial ROW is needed from CCS along the west side of CR 13, north of US 33/Main Street at the CCS bus facility's drive to CR 13 (Appendix B-29). Approximately 0.01 acre of permanent ROW, and less than 0.01 acre (approximately 0.003) of temporary ROW, are needed to reconstruct CR 13 and tie-in the bus facility's drive.

Additionally, strips of ROW are required along Concord Mall Drive, Center Drive, and US 33/Main Street. In the eastern residential area, three occupied residential parcels and four unimproved residential parcels will be acquired, as well as strips of ROW from residential and religious properties. Relocations are discussed further in the Relocation of People, Businesses or Farms section of this CE document. Temporary ROW is primarily needed to reconstruct existing private drives and tie their elevations to the new roadways.

If the scope of work or permanent or temporary ROW amounts change, the INDOT ESD and the INDOT District Environmental Section will be contacted immediately.

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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.

ECLs were sent on August 17, 2020 (Appendix C-1 to C-5), unless otherwise noted.

<u>Agency</u>	<u>Dates Sent</u>	<u>Date Response Received</u>	<u>Appendix</u>
US Fish and Wildlife Service (USFWS)	August 17, 2020	September 2, 2020	C-27 to C-29
FHWA	August 17, 2020	No response received	N/A
INDOT Public Hearings	August 17, 2020	No response received	N/A
Indiana Department of Natural Resources (IDNR), Division of Fish and Wildlife (DFW)	August 17, 2020	September 15, 2020 October 28, 2021 ¹	C-7 to C-9 C-74 to C-75
Indiana Department of Environmental Management (IDEM)*	August 17, 2020	August 18, 2020	C-18 to C-24
Indiana Geological and Water Survey (IGWS)*	August 17, 2020	August 18, 2020	C-15 to C-17
IDEM, Groundwater Section, Office of Water Quality (OWQ)	August 17, 2020	September 10, 2020	C-25 to C-26
US Environmental Protection Agency (USEPA) Sole Source Aquifer Coordinator	August 17, 2020	August 25, 2020 September 29, 2021 ¹	C-56 to C-57 C-76
Natural Resource Conservation Service (NRCS)	August 17, 2020	August 20, 2020	C-13
Elkhart County Parks and Recreation (Elkhart Parks)	August 17, 2020	No response received	N/A
City of Elkhart, Public Works & Utilities	August 17, 2020	August 26, 2020	C-14
INDOT Environmental Policy Manager	August 17, 2020	No response received	N/A
INDOT Fort Wayne District	August 17, 2020	No response received	N/A
INDOT Rails Program Office	August 17, 2020	No response received	N/A
US Department of Housing & Urban Development (USHUD)	August 17, 2020	No response received	N/A
National Park Service	August 17, 2020	No response received	N/A
US Army Corps of Engineers (USACE)	August 17, 2020	September 16, 2020	C-10 to C-12
Elkhart County Health Department, Municipal Separate Stormwater System (MS4) Coordinator	August 17, 2020	No response received	N/A
Elkhart County Health Department, Environmental Division	August 17, 2020	No response received	N/A
MACOG	August 17, 2020	No response received	N/A
CCS	August 17, 2020	No response received	N/A
Elkhart County Commissioners	August 17, 2020	No response received	N/A
Elkhart County Council	August 17, 2020	No response received	N/A
Mayor of Goshen	August 17, 2020	No response received	N/A
Elkhart County Housing Authority	August 17, 2020	No response received	N/A
City of Elkhart Community, Economic, and Redevelopment	August 17, 2020	No response received	N/A
Elkhart Township Trustee	August 17, 2020	No response received	N/A
Concord Township Trustee	August 17, 2020	No response received	N/A
City of Elkhart, Emergency Management	August 17, 2020	No response received	N/A
Assistant Director for Planning (Local Floodplain Administrator)	August 17, 2020	No response received	N/A
USEPA Underground Injection Control	December 16, 2020	No response received	N/A
City of Elkhart Fire Department	August 17, 2020	No response received	N/A
Elkhart County Sheriff	August 17, 2020	No response received	N/A
City of Elkhart Police	August 17, 2020	No response received	N/A
City of Elkhart Street Department	August 17, 2020	No response received	N/A
Elkhart County Emergency Management	August 17, 2020	No response received	N/A
Elkhart County Planning and Development	August 17, 2020	No response received	N/A
Elkhart County Highway Department	August 17, 2020	No response received	N/A
NSRR	August 17, 2020	No response received	N/A
Elkhart County Surveyor	August 17, 2020	No response received	N/A
Interurban Trolley	August 17, 2020	No response received	N/A

* Electronic coordination ¹ Response to Notice sent September 28, 2021 (Appendix G-66). No other agency comments were received. All applicable recommendations are included in the Environmental Commitments section of this CE document.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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

X

Impacts

Yes

X

No

Total stream(s) in project area: 564 Linear feet Total impacted stream(s): 145 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)
Yellow Creek	Perennial	564	145	Located west of US 33/Main Street within the western commercial area, flows from the southeast to the northwest, and is likely a Water of the US (Appendix F-3 to F-29)

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 the desktop review, the aerial map of the project area (Appendix B-3), and the Red Flag Investigation (RFI) report (Appendix E-3), there are three streams, rivers, watercourses or other jurisdictional features within the 0.5 mile search radius. That number was confirmed by the site visits on June 23 and 24, August 25, and October 21, 2020 by Parsons (hereinafter referred to as "the 2020 site visits"). There is one stream, river, watercourse, or other jurisdictional feature present within or adjacent to the project area.

A *Waters of the U.S. (WOUS) Report* was completed for this project and the INDOT Ecology and Waterway Permitting Office (EWPO) approved it on April 6, 2021 (Appendix F-3 to F-29). Please refer to Appendix F for the *WOUS Report*. It was determined that one likely jurisdictional stream is within or adjacent to the project area. USACE makes all final determinations regarding jurisdiction. The stream is shown on the aerial photograph and project plans in Appendix B (Appendix B-3 and B-20, B-26, B-43, and B-47), and on the Field Identified Resources maps in Appendix F-18 and F-19.

Yellow Creek

This stream flows from southeast to northwest through the western commercial area. It exhibited a 30-foot wide and 20-inch deep ordinary high watermark (OHWM). Approximately 564 linear feet of this stream lies within the study area. This stream is average quality and likely a Water of the US.

Yellow Creek is not listed as a *Federal Wild and Scenic River*, a *State Natural, Scenic, and Recreational River*, or on the Indiana Register's listing of *Outstanding Rivers and Streams*, nor is it located within two miles of any such resources.

Approximately 65 linear feet of Yellow Creek will be impacted by the replacement of County Bridge 151, Concord Mall Drive over Yellow Creek to remove the older structure and provide revetment riprap protection for the new structure. As previously discussed in the Bridges and/or Small Structures section, the current structure has painted steel piles within the stream channel (i.e., within the OHWM) of Yellow Creek. The existing piles will be removed up to 2 feet below the current thalweg and backfilled with natural substrate. The replacement of the in-channel piles with a 38-foot wide center span across the stream channel should have a positive impact on the stream's habitat.

Additionally, approximately 80 feet of Yellow Creek will be impacted by the installation of the new proposed County Bridge 150, Sunnyside Avenue over Yellow Creek, to provide revetment riprap protection for the new structure.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

Impacts to Yellow Creek cannot be avoided because it crosses near the center of the project area, and, as described in the Purpose and Need section, the project is needed to address safety and mobility concerns. The project will require a USACE Section 404 permit and an IDEM Section 401 Water Quality Certification before impacting these resources. Mitigation for stream impacts is not anticipated.

IDNR-DFW responded to early coordination on September 15, 2020 with recommendations regarding wildlife crossings and riparian habitat. IDNR also included standard recommendations to minimize impacts to resources such as revegetating disturbed areas, minimizing disturbance to bank vegetation, and implementing erosion control measures (Appendix C-7 to C-9). IDNR-DFW's response to the Notice provided updated recommendations regarding wildlife crossings and bank stabilization measures (Appendix C-74 to C-75). Regarding wildlife crossings, both the replacement for County Bridge 151, Concord Mall over Yellow Creek, and the proposed new County Bridge 148, Sunnyside Avenue over Yellow Creek, will meet the minimum size requirements for white-tailed deer passage (20 feet of width and 8 feet of height). However, since this is an urban area, the preferred alternative does not include the installation of specific wildlife passageways.

USACE's September 16, 2020 response states Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 may be required, as well as state/local floodway permits (Appendix C-10 to C-12). IDEM's August 18, 2020 electronic response recommends avoiding impacts to water resources and contacting the USACE before discharging fill materials into such resources (Appendix C-18 to C-24).

USFWS's September 2, 2020 response provided comments regarding the aquatic health of Yellow Creek (Appendix C-27 to C-29). The letter states "...we request that INDOT and Elkhart County work with the City of Elkhart Aquatics Department and Public Works and Utilities Department to develop mitigation for the project that would help protect, and hopefully improve, Yellow Creek. This could include constructed wetlands to receive storm water runoff from the project before discharge to Yellow Creek, planting native prairie or woodland plants on the lands purchased for the project but not used for the new roadways/bridges, and instream habitat improvements such as a 2-stage ditch with instream pools and riffles." USACE also stated a permit from USACE may be required for work within or adjacent to a Water of the US. (Appendix C-10 to C-11). As discussed further in the Project Description and Drinking Water Resources sections of this document, the proposed storm water facilities include a curb and gutter system and a series of vegetated infiltration basins (Appendix B-18 to B-37). Coordination with local storm water, public works, and aquatic stakeholders including Elkhart County and City of Elkhart officials has occurred via drainage and preliminary field check meetings.

All applicable recommendations are included in the Environmental Commitments section of this CE document.

Open Water Feature(s)

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

Presence

X

Impacts

Yes	No
	X

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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-3), and the RFI report (Appendix E-3), there are five open water features within the 0.5 mile search radius. That number was updated to six by the 2020 site visits by Parsons. The *WOUS Report* was approved for the project on April 6, 2021 (Appendix F-3 to F-29). One surface water feature is located adjacent to the project area.

Retention Pond 1 (RP-1) is located on commercial property, east of CR 13 and south of the at-grade crossing with NSRR (Appendix F-25). It is approximately 0.016 acre in size. According to the *WOUS Report*, "RP-1 is a manmade drainage control structure recently constructed in an upland area. INDOT acknowledges that this feature is likely a water of the State. However, we are requesting USACE take jurisdiction over it." (Appendix F-9). Approximately 0.015 acre of RP-1 is located within the proposed new ROW, but outside the construction area (Appendix B-29). This resource is labeled "Do Not Disturb" on project plans. Therefore, no impacts are expected.

Responses to early coordination did not contain applicable recommendations regarding open water features.

	<u>Presence</u>	<u>Impacts</u>	<u>Yes</u>	<u>No</u>
Wetlands	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total wetland area: <u>0.401</u> Acre(s)		Total wetland area impacted: <u>0.087</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)
Wetland 1	Emergent	0.007	0.000	East of Yellow Creek and north of Concord Mall Drive (Appendix F-18) Likely a Water of the US (Appendix F-7 to F-29)
Wetland 2A	Emergent	0.023	0.007	East of Yellow Creek and south of Concord Mall Drive (Appendix F-18) Likely a Water of the US (Appendix F-7 to F-29)
Wetland 2B	Forested	0.371	0.080	East of Yellow Creek and south of Concord Mall Drive (Appendix F-18 to F-19) Likely a Water of the US (Appendix F-7 to F-29)

Wetlands (Mark all that apply)

Wetland Determination
Wetland Delineation
USACE Isolated Waters Determination

Documentation

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

ESD Approval Dates

April 6, 2021
April 6, 2021

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.

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

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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-3), the USFWS National Wetlands Inventory (NWI) (Appendix F-1), and the RFI report (Appendix E-3), there are four wetland lines within the 0.5 mile search radius. That number was updated to six by the 2020 site visits by Parsons. There are three wetlands present within or adjacent to the project area.

The *WOUS Report* was approved for this project on April 6, 2021 (Appendix F-4). Please refer to Appendix F for the *WOUS Report*. It was determined that three wetlands are within or adjacent to the project area. USACE makes all final determinations regarding jurisdiction. The wetlands are shown on the project plans in Appendix B-10 to B-49 and on the Field Identified Resources maps in Appendix F-14 to F-25.

Wetland 1: Wetland 1 is an emergent wetland that is approximately 0.007 acre (25 linear feet) in size. It is located east of Yellow Creek and north of Concord Mall Drive. It is dominated by invasive vegetation; therefore, it was classified as a poor quality wetland. It is likely a Waters of the US. No impacts to Wetland 1 are proposed.

Wetland 2A: Wetland 2A is an emergent wetland that is approximately 0.023 acre in size. It is located east of Yellow Creek and south of Concord Mall Drive (Appendix F-18). Wetland 2A has high species diversity. Because of this, it was classified as an average-quality wetland. It is likely a Waters of the US. Approximately 0.007 acre of Wetland 2A will be impacted to replace the structure and provide scour protection (Appendix B-43). Impacts to Wetland 2A cannot be avoided because it lies adjacent to the Concord Mall Drive bridge over Yellow Creek, which needs to be replaced as previously discussed in the Bridges and/or Small Structures section.

Wetland 2B: Wetland 2B is a forested wetland that is approximately 0.371 acre in size. It is located adjacent to the south of Wetland 2A and adjacent to Yellow Creek (Appendix F-18 to F-19). Wetland 2B has high species diversity. Because of this, it was classified as an average-quality wetland. It is likely a Waters of the US. Approximately 0.080 acre of Wetland 2B will be impacted to construct the proposed new bridge, County Bridge 150, Sunnyside Avenue Bridge over Yellow Creek and to provide scour protection. Impacts to Wetland 2B cannot be avoided because it lies within the preferred alternative's alignment (Central 3).

The portions of Wetland 1, Wetland 2A and Wetland 2B that are outside the construction area are labeled "Do Not Disturb" on project plans. This is included in the Environmental Commitments section.

The project will require a USACE Section 404 permit and an IDEM Section 401 Water Quality Certification before impacting these resources. Mitigation for wetlands impacts is not anticipated. There is no practicable alternative to the proposed new construction in wetlands, and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. FHWA approval of this document will constitute approval of the adverse impacts to wetlands.

IDNR-DFW responded to early coordination on September 15, 2020 with standard recommendations to avoid and minimize impacts to resources, such as revegetating disturbed areas and implementing erosion control measures (Appendix C-8 to C-9). IDNR-DFW responded to the Notice on October 28, 2021 with an additional recommendation to contact the IDEM 401 and USACE 404 programs regarding wetland habitat, and advising impacts should be mitigated at the appropriate ratio (Appendix C-74 to C-75). IDEM's August 18, 2020 electronic response recommends avoiding impacts to water resources and contacting USACE before discharging fill materials into such resources (Appendix C-18 to C-24). USACE's response to early coordination also mentioned the likely need for a USACE permit for work within or adjacent to wetlands (Appendix C-10 to C-11). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

Terrestrial Habitat

Presence

☒ X

Impacts

Yes

No

☒ X

☐

Total terrestrial habitat in project area: 8.92 Acre(s) Total tree clearing: 3.14 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, the 2020 site visits by Parsons, and the aerial map of the project area (Appendix B-3), habitats within the project area mainly consist of maintained grassy roadsides and lawn. Additionally, Yellow Creek has a wooded riparian corridor, and mature trees are present on residential and commercial properties, including a stand of trees west of CR 13 between John Street and Mary Street. Dominant tree species identified within the project area include American sycamore (*Platanus occidentalis*), green ash (*Fraxinus pennsylvanica*), ash-leaf maple (*Acer negundo*), and American elm (*Ulmus americana*).

A total of approximately 8.92 acres of terrestrial habitat will be disturbed by this project. Approximately 3.144 acres of tree clearing is proposed, as shown on the exhibit titled "Proposed Tree Clearing" (Appendix C-35). As discussed in the Other Alternatives Considered section, potential impacts to trees were evaluated as part of the selection of the preferred alternative, and avoiding impacts was not feasible except for the No Build alternative. Tree clearing details are provided in the following table.

Area	Acres of Trees to be Cleared			TOTAL
	Less than 100 feet from active roadway	Between 100 and 300 feet from active roadway	Over 300 feet from active roadway	
Banks of Yellow Creek	0.000	0.082	0.057	0.139
Trees between CR 13, Mary Street, and John Street	1.156	0.368	0.000	1.524
Trees between CR 45, Sunnyside Avenue, and Kendall Street	0.695	0.350	0.000	1.045
Trees between CR 20, Concord Mall, and Center Drive	0.141	0.040	0.000	0.181
All other areas	0.255	0.000	0.000	0.255
TOTAL	2.247	0.840	0.057	3.144

The clearing will be conducted outside of the restricted period for the Indiana bat (*Myotis sodalis*) and the northern long-eared bat (NLEB) (*Myotis septentrionalis*); refer to the Protected Species and Environmental Commitments sections for further discussion.

Mitigation is not anticipated except for impacts to forested floodway, discussed further in the Floodplains and Permits sections of this CE document. Responses to early coordination did not contain applicable recommendations regarding terrestrial habitat, except standard recommendations to revegetate disturbed areas.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

Protected Species

Federally Listed Bats

Information for Planning and Consultation (IPaC) determination key completed
 Section 7 informal consultation completed (IPaC cannot be completed)
 Section 7 formal consultation Biological Assessment (BA) required

Yes	No
X	
X	
	X

Determination Received for Listed Bats from USFWS: NE ☐ NLAA ☒ LAA ☐

Other Species not included in IPaC

Additional federal species found in project area (based on IPaC species list)
 State species (not bird) found in project area (based upon consultation with IDNR)

Yes	No
	X
	X

Migratory Birds

Known usage or presence of birds (i.e. nests)
 State bird species based upon coordination with IDNR

Yes	No
	X
	X

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-1 to E-14), concurred by INDOT on January 12, 2021, the IDNR Elkhart County Endangered, Threatened and Rare (ETR) Species List has been checked. Per the October 28, 2021 IDNR-DFW response to the Notice, since the September 15, 2020 ECL response (Appendix C-7 to C-8), three additional species have been added to the Natural Heritage Program's Database as documented within 0.5 mile of the project area: state-endangered Blanding's turtle (*Emydoidea blandingii*) and greater redhorse (*Moxostoma valenciennesi*), as well as the American badger (*Taxidea taxus*), a state special concern (Appendix C-74 to C-75). The October 28, 2021 letter states IDNR-DFW does not foresee impacts to the Blanding's turtle or greater redhorse as a result of this project. Regarding the American badger, impacts to the species and its preferred habitat are unlikely. Regarding the longnose dace, which is found in Yellow Creek, IDNR-DFW provided the same recommendation: "As long as standard erosion and sediment control measures are implemented, we do not foresee any impacts to the longnose Dace as a result of this project" (Appendix C-5 and C-74). Therefore, further coordination regarding the longnose dace is not required. No other plant or animal species listed as state or federally threatened, endangered, or rare 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-36 to C-42). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened NLEB (*Myotis septentrionalis*). No additional species were generated in the IPaC species list other than the Indiana bat and NLEB.

Based on the proposed tree clearing more than 300 feet from active roadways, this project does not qualify for the Rangewide Programmatic Informal Consultation for the Indiana bat and NLEB. The project will require relocations: two commercial structures and three residences with outbuildings. The external portions of the commercial and residential buildings were inspected on April 22, 2021, and no evidence of bats was reported. The existing Concord Mall Bridge over Yellow Creek, County Bridge 151, was inspected on June 23, 2020, and no evidence for bats was reported. No other bridges or culverts are within the project area. The inspection forms and photographs can be found in Appendix C-43 to C-53. Inspections will be completed every two years until construction occurs, and all buildings/structures will be inspected prior to demolition. This commitment is included in the Environmental Commitments section.

A standard coordination letter was prepared and submitted for INDOT review on June 9, 2021 (Appendix C-30 to C-53). INDOT reviewed the standard coordination letter and submitted it to USFWS for review on June 10, 2021. On June 28, 2021, USFWS issued a concurrence letter with a "Not Likely to Adversely Affect" finding (Appendix C-54 to C-55). The Avoidance and Minimization Measures (AMMs) for this project are General AMM 1, Lighting AMMs 1 and 2, and Tree Removal AMMs 1, 2, 3 and 4. These AMMs are included as firm commitments in the Environmental Commitments section of this 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.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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): _____

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 October 13, 1993 Karst Memorandum of Understanding (MOU). According to the topographic map of the project area (Appendix B-2) and the RFI report (Appendix E), there are no karst features identified within or adjacent to the project area. In the early coordination response dated August 18, 2020, the IGWS did not indicate that karst features exist in the project area (Appendix C-15 to C-17). The IGWS reported a moderate liquefaction potential, a floodway, a moderate potential for bedrock resources, and a high potential for sand and gravel resources. The response from IGWS has been communicated with the designer on August 18, 2020. No impacts are expected.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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
X

Impacts

Yes	No
X	
	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

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.

The USEPA's Sole Source Aquifer website (<https://www.epa.gov/dwssa>) was accessed on August 1, 2020 by Parsons. The project is located in Elkhart County, which is located within the area of the St. Joseph Sole Source Aquifer (SJSSA), the only legally designated sole source aquifer in the state of Indiana. The FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) is applicable to this project. According to the MOU (Appendix L of the INDOT *CE Manual*), it applies to any Federal aid highway project "within a sole source aquifer designated area to which one or more criteria apply: ... 2) Construction of a two or more lane highway on a new alignment". Since this project includes the construction of two-lane facilities on a new alignment within the designated SJSSA, the MOU is applicable.

St. Joseph Sole Source Aquifer (SJSSA): According to the IDNR map titled "Unconsolidated Aquifer Systems of Elkhart County" (https://www.in.gov/dnr/water/files/Elkhart_County_UNC_AQSYS_map.pdf), the SJSSA

...is composed of fine to medium sand with zones of coarse sand and gravel. Interspersed within these deposits are thin clay or till units of limited areal extent. Locally at Elkhart, thick clay deposits are present below the surface sands and gravels. These clay or till units extend, in places, close to the bedrock surface...Numerous high capacity industrial, municipal, and irrigation wells obtain water from this aquifer which constitutes one of the major aquifer systems in the state. This aquifer system is generally an area of excellent groundwater availability (100 to 1500 [gallons per minute] gpm) and is highly susceptible to groundwater contamination. There are 121 registered significant groundwater withdrawal facilities (239 wells) with high-capacity yields from 70 to 2260 gpm.

Regulatory agency coordination regarding the SJSSA was initiated with the August 17, 2020 ECL to USEPA and IDEM OLC (Appendix C-1 to C-6). On August 25, 2020, the USEPA Sole Source Aquifer Coordinator (SSAC) responded with a series of questions regarding existing local aquifer use (e.g., well data, public water supplies), and project impacts such as storm water, wastes/hazardous materials (hazmat), fill materials, and best management practices (BMPs) (Appendix C-56 to C-57). Parsons responded on behalf of the project team with a SJSSA Memorandum dated February 8, 2021 (Appendix C-58 to C-67). IDEM responded on February 9, 2021, deferring the request to the SSAC (Appendix C-71). The SSAC responded to the SJSSA Memorandum on February 25, 2021 with a series of follow-up questions and comments, which Parsons responded to via email on March 30, 2021 (Appendix C-69 to C-70). On April 5, 2021, the SSAC responded with a list of comments and suggestions regarding well closure, hazardous material sites, BMPs, and proposed foundations (Appendix C-68 to C-69). The SSAC also requested additional project information when available, such as this CE document. Information from this regulatory review process is summarized below; except, hazmat sites are discussed in the Hazardous Materials & Regulated Substances section. All applicable recommendations are included in the Environmental Commitments section of this CE document.

Local Aquifer Use: As discussed further and referenced in the Memorandum, public records were searched to identify area groundwater use and water supplies that could be impacted by the project, including the IDNR Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) and the IDNR list of Significant Water Withdrawal Facilities (Appendix C-58 to C-67).

The eastern residential area is served by well water, and municipal water is not currently available. It is likely all of the properties proposed for relocation have wells that use the SJSSA. Twelve wells are mapped within or adjacent to the construction limits; however, most well locations are estimated. The western commercial area, including the mall, commercial buildings, and nearby

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schools, is primarily served by municipal water. Prior to the late 1990s, the western commercial area did not have municipal water so there are many registered wells in this area. Field verification is required to determine the exact number of wells that will be impacted by this project.

In the eastern residential area, most of the wells range in depth from approximately 35 to 75 feet below grade (ft-bg). The static water level typically ranges from approximately 15 to 35 ft-bg. In the western commercial area, registered wells typically vary from 50 ft-bg to more than 100 ft-bg.

Five Significant Water Withdrawal Facilities are located within 0.5 mile of the project area, all within the SJSSA. Two of these facilities are located within or adjacent to the project area: the Concord Mall and Concord Senior High School.

Based on information obtained from IDEM and IDNR (C-66 to C-67), a total of seven active public water systems are within approximately 0.5 mile of the project area, as well as four inactive systems. These systems use relatively shallow wells that withdraw from the SJSSA. This includes the following facilities that are located within or adjacent to the project area: Concord Mall, Sunnyside Mennonite Church, Elkhart County Community Baptist Church, Concord High School, Concord High School Football Concessions, and Concord Junior High School.

Based on IDEM's letter dated September 10, 2020, the project area is not located within a wellhead protection area (WHPA) or Source Water Assessment Area (Appendix C-25 to C-26). However, the site is located within several hundred feet of a WHPA.

Impacts and Minimization Measures: The project will impact approximately 21.77 acres of the SJSSA. Avoiding impacts to the SJSSA is not feasible because the entire study area is within its boundaries. Potential impacts to the SJSSA include structure demolitions, direct impacts to wells/water supplies, dewatering, excavations/grading activities, material/waste handling, storm water practices, fill materials, hazmat sites/spills, and roadway maintenance practices. Further discussion of these impacts and proposed minimization measures is provided below. References are provided in the SJSSA Memorandum and related correspondence (Appendix C-58 to C-69).

It is anticipated that three to six wells will be abandoned for this project, based on the proposed relocations. Wells within the construction area and proposed ROW will be properly closed per 312 IAC 13 and other requirements under INDOT's *Standard Specifications*. Likewise, septic tanks, cisterns, underground storage tanks (USTs), etc. will be properly closed and filled per Section 202 of the *Standard Specifications*. Drilling activities must follow INDOT's *Aquifer Protection Guidelines*. Active wells should not be disturbed. Should it be determined during the ROW phase that active wells will be affected, a cost to cure will likely be included in the appraisal to restore the wells. Proposed relocations are discussed further in the Community Impacts section.

This project does not include the installation of any extraction or disposal wells. Therefore, direct impacts to adjoining significant water withdrawal facilities are not expected. Based on ongoing coordination with landowners that operate public water supplies (e.g., KTM's), the proposed strips of ROW do not contain wells or associated equipment; therefore, the preferred alternative is not expected to have direct impacts to public water supplies.

Contractors will be made aware of the presence of the SJSSA and nearby shallow drinking water wells. Pile installation will be designed to limit the potential introduction (during installation) or migration (via preferential pathway if not adequately sealed) of any contaminants. The INDOT Project Manager and Geotechnical Services Division will consider the status of the SJSSA before approval of pile construction plans/methods.

All fill/borrow materials must be approved by INDOT and obtained from pre-approved locations and sources. In accordance with Section 203 of INDOT's *Standard Specifications*, borrow material will be free of substances that are toxic or deleterious. The use of coal ash will not be permitted on this project.

Wastes generated during construction will likely include fill, demolition debris, drilling fluids, wash-out fluids, and packaging materials, as well as general refuse. All wastes must be managed per applicable rules and regulations in accordance with INDOT's *Standard Specifications*, including Section 202. Drilling activities must follow INDOT's *Aquifer Protection Guidelines*. Additionally, a *Spill Prevention Control and Countermeasures Plan* (SPCC Plan) will be developed and submitted to IDEM as part of the Rule 5 Storm Water permit. Contractor fueling, staging and wash-out areas will avoid the eastern residential area whenever possible.

During construction, storm water will be managed under an IDEM Rule 5 Storm Water permit per 327 IAC 15-5. BMPs will be employed, including but not limited to erosion and sediment control measures for both sheet flow and concentrated areas (e.g., silt fencing, filter socks, inlet protections, etc.), stable construction entrances, runoff control measures, grade stabilization measures, routine inspections, temporary and permanent surface stabilization measures (e.g., vegetation, erosion control blankets, etc.), and an SPCC plan.

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As previously discussed in the Project Description, the proposed storm water facilities include a curb and gutter system and a series of vegetated infiltration basins (Appendix B-4 to B-6 and B-10 to B-49). The basins will be mowed and maintained by Elkhart County. No pretreatment structures (e.g., oil/water separators) are proposed. Elkhart County operates under a *Rule 13 Stormwater Quality Management Plan* that includes multiple BMPs and ordinances that are being implemented throughout the county. This includes personnel training, implementing controls to minimize discharge of pollutants from operational areas, and regular bi-annual street sweepings. Additionally, this project proposes "Well Water Area – No Dumping No Spraying" signs near the basins, which is included in the Environmental Commitments section of this CE document.

Hazardous chemicals and petroleum products (above household quantities) are expected to be used or stored in the project area, primarily temporary petroleum fuel aboveground storage tanks (ASTs) for construction equipment and painting supplies. During construction, secondary containment will be required for ASTs. As previously stated, the contractor must avoid placing fueling, staging and wash-out areas within the eastern residential area whenever possible. Furthermore, these activities must be covered in the SPCC Plan under IDEM's Rule 5 Permit, and BMPs including secondary containment and routine inspections will be required.

Elkhart County uses standard road salt as a deicing agent. BMPs include: sand is utilized to minimize salt application; snow is mechanically removed (plowed) to minimize hard pack and reduce required deicer; using 24 hour plowing shifts to attempt to get ahead of traffic packing snow; equipping trucks with ground speed sensors; deicer is adjusted depending on roadway functional classification and conditions; and, all five salt storage locations throughout the County are covered to prevent runoff. Additionally, regular personnel training is conducted.

Elkhart County has a Groundwater Protection Ordinance, No. 2014-171, which is designed to further protect the ground water from spills of toxic or hazardous substances. It includes additional rules and regulations regarding disposal areas, hazmat/petroleum storage (registration, secondary containment, and required BMPs), water testing, education, and spill response measures.

Conclusion: The SSAC's April 5, 2021 response concluded, "EPA suggests that during construction and maintenance, appropriate safeguards and best management practices are in place to ensure that local ground water supplies and neighboring drinking water wells are not endangered (as discussed in our review process). Again, such precautions should include notifying general contractors that the site is sensitive, using "green infrastructure" practices where possible to reduce potential impacts of stormwater run-off, securing adequate precautions for fueling/servicing large equipment, and developing contingency plans to handle the release of any hazardous materials" (Appendix C-68 to C-69). The USEPA Region 5 Sole Source Aquifer Program also requested to be contacted if future developments significantly change the scope or potential impacts of the project.

The proposed minimization measures are expected to limit the preferred alternative's potential to impact the SJSSA. On September 28, 2021, a copy of the Notice was sent to the SSAC (Appendix G-78). The SSAC responded on September 29, 2021, referring to their April 5, 2021 coordination response and offering no additional comments (Appendix C-76). All applicable recommendations are included in the Environmental Commitments section of this CE document.

Based on the IndianaMap (<http://www.indianamap.org/>), this project is located in an Urban Area Boundary (Appendix E-1 to E-8). An August 17, 2020 ECL was sent to the MS4 coordinator, Elkhart County Health Department, and a response was not received within the 30-day time period. As discussed above, the project sponsor, Elkhart County, operates under a *Rule 13 Stormwater Quality Management Plan*, and the preferred alternative will comply with that plan. Therefore, no impacts to the MS4 are expected.

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Floodplains

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

Presence

X
X

Impacts

Yes	No
X	
X	

If applicable, indicate the Floodplain Level?

Level 1 ☐ Level 2 ☐ Level 3 ☐ Level 4 ☒ Level 5 ☒

*multiple impacts, see discussion below

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.

Based on a desktop review of The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) by Parsons on April 20, 2021, and the RFI report (Appendix E-1 to E-15), this project contains a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F-2). Specifically, there is a floodway along Yellow Creek, where two crossings are proposed. An ECL was sent on August 17, 2020 to the local Floodplain Administrator, Assistant Director for Planning (Appendix C-1 to C-6). The floodplain administrator did not respond within the 30-day time frame. The responses to early coordination from IDNR-DFW (Appendix C-7 to C-9), USACE (Appendix C-10 to C-12), and IDEM (Appendix C-18 to C-24) identified the presence of a floodway within the study area and the need for an IDNR Construction In a Floodway (CIF) permit for any construction within its boundaries.

County Bridge 151, Concord Mall Drive over Yellow Creek, is an existing single-span bridge that will be replaced on essentially the same alignment. Replacement of the structure and scour protection will cause transverse impacts to the floodway. It qualifies as Category 4, "Projects involving replacement of existing drainage structures on essentially the same alignment", per the current INDOT CE Manual, which states:

No homes are located within the base floodplain within 1,000 feet upstream and no homes are located within the base floodplain within 1,000 feet downstream. The proposed structure will have an effective capacity such that backwater surface elevations are not expected to substantially increase. As a result, there will be no substantial adverse impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evacuation routes; therefore, it has been determined that this encroachment is not substantial. A hydraulic design study that addresses various structure size alternatives was completed. A summary of this study is included with the Field Check Plans (Appendix B-43).

County Bridge 150, Sunnyside Avenue over Yellow Creek, is a proposed new single span prestressed concrete bulb-tee beam bridge that will carry the re-aligned Sunnyside Avenue over Yellow Creek. Construction of the new bridge and scour protection will cause transverse impacts to the floodway. It qualifies as Category 5, "Projects on new alignment", per the current INDOT CE Manual, which states:

There will be no substantial impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evaluation routes; therefore, it has been determined that this encroachment is not substantial. A hydraulic design study that addresses various structure size alternatives was completed. A summary of this study is included with the Field Check Plans (Appendix B-47).

A CIF permit will be required. Approximately 0.25 acre of forested floodway will be impacted by construction of County Bridge 150. Therefore, mitigation is required. It is anticipated that mitigation will be provided through IDNR's Stream and Wetland Mitigation Program (in-lieu fee).

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Farmland

Agricultural Lands

Prime Farmland (per NRCS)

Presence

Impacts

Yes

No

Total Points (from Section VII of CPA-106/AD-1006*)

N/A

**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, the 2020 site visits by Parsons, and the aerial map of the project area (Appendix B-3), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An ECL was sent on August 17, 2020 to the NRCS (Appendix C-1 to C-6), who confirmed the project will not cause a conversion of prime farmland (Appendix C-13).

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: Archaeological Phase Ia Reconnaissance:

☒

Addendum 1a

ESD Approval Date(s)

June 21, 2021

June 21, 2021

December 12, 2020

March 10, 2021

May 5, 2021

SHPO Approval Date(s)

July 14, 2021

July 14, 2021

January 11, 2021

April 15, 2021

July 14, 2021

Memorandum of Agreement (MOA)

☐

MOA Signature Dates (List all signatories)

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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.

Area of Potential Effect (APE): Pursuant to 36 CFR 800.16(d), the Area of Potential Effect (APE) for aboveground resources was generally drawn to include adjacent properties and/or within view of the project. This APE extended approximately 0.3 mile from the center of the proposed new bypass bridge, and also included the CR 13 crossing and realignment with CR 45 (Appendix D-18). The APE for archaeology included all existing and proposed ROW (Appendix D-6).

Coordination with Consulting Parties: Early coordination was initiated on September 16, 2020 with a letter inviting organizations and individuals to become consulting parties (Appendix D-19 to D-31). The Indiana State Historic Preservation Officer (SHPO) from IDNR Division of Historic Preservation (DHPA) is a designated consulting party. The following is a list of the organizations formally invited to become a consulting party (those who accepted the invitation to become a consulting party are in bold) (Appendix D-39):

- Elkhart County Historian
- Elkhart Centre, Inc.
- Elkhart Historic & Cultural Preservation Commission
- Elkhart Housing Partnership
- Elkhart County Genealogy Society
- Elkhart County Historical Museum
- Indiana Lincoln Highway Association, Inc.
- MACOG
- Elkhart County Board of Commissioners
- Elkhart County Highway Engineer
- Elkhart County Planning and Zoning
- City of Elkhart, Planning Department
- City of Elkhart, Street Department
- City of Elkhart, Mayor's Office
- Ruthmere
- Indiana Landmarks-Northern Regional Office
- Indiana State Historic Preservation Officer
- Eastern Shawnee Tribe of Oklahoma
- **Forest County Potawatomi Community**
- **Miami Tribe of Oklahoma**
- Peoria Tribe of Indians of Oklahoma
- **Pokagon Band of Potawatomi Indians**
- Shawnee Tribe

SHPO responded to the early coordination letter on October 5, 2020 stating they were not aware of other consulting parties who should be invited to participate (Appendix D-40 to D-41). On September 16, 2020, Indiana Landmarks and Ruthmere responded declining consulting party status (Appendix D-33 to D-36). On September 18, 2020, the Elkhart Historic Cultural Preservation Commission declined consulting party status (Appendix D-37). On October 13, 2020, the Miami Tribe of Oklahoma accepted consulting party status (D-42). On October 17, 2020, the Forest County Potawatomi Community accepted consulting party status (D-43 to D-45). No other consulting party responses were received.

Archaeology: Pursuant to 36 CFR § 800.4(b), staff for Weintraut and Associates, Inc. (W&A) conducted a Phase Ia records check on October 15, 2019 and a field reconnaissance between July 14 and 16, 2020. An *Archaeology Phase Ia Reconnaissance Report* (AR) was prepared, which identified four previously undocumented sites (Appendix D-93 to D-95). None of these archaeological sites were recommended eligible for listing on the NRHP. No further work was recommended, unless project limits expanded.

The archaeology report was distributed to the consulting parties on March 24, 2021. SHPO responded to the AR on April 15, 2021 and agreed that the sites did not appear to be eligible for the NRHP, and that no further work is necessary at those locations (Appendix D-54 to D-55). On April 23, 2021, the Pokagon Band of Potawatomi Indians responded to the AR and "made the determination that there will be No Historic Properties in Area of Potential Effects...significant to the Pokagon Band of Potawatomi Indians." However, they asked that "if any archaeological resources are uncovered during this undertaking, please stop work and contact me immediately" (Appendix D-65). No other consulting party responses were received.

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A project design change necessitated an expansion of the project area and APE on the southern and eastern ends of the project area. Therefore, W&A archaeologists conducted an additional field reconnaissance on March 12 and 17, 2021. An Addendum to the AR (AR Addendum No. 1) was prepared (Appendix D-96 to D-98). During the archaeological field reconnaissance of the expanded archaeology APE, two previously undocumented sites were identified. None of these archaeological sites were recommended eligible for listing on the NRHP.

The AR Addendum No. 1 was submitted to consulting parties simultaneously with the 800.11 Documentation on May 5, 2021. SHPO responded on July 14, 2021 agreeing that the sites did not appear to be eligible for the NRHP, and that no further work is necessary (Appendix D-102 to D-103). No other consulting party comments were received.

Historic Properties: W&A prepared the *Historic Properties Report* (HPR) on December 12, 2020 (Appendix D-91 to D-92). It was determined that there are no properties listed in the NRHP, and no resources were recommended eligible for listing in the NRHP for the purposes of this project.

The HPR was distributed to consulting parties on December 22, 2020. SHPO responded on January 11, 2021 and agreed with the HPR's conclusions and recommendations (Appendix D-54 to D-55). No other consulting party responses were received.

After the project area was expanded due to design changes, two additional areas outside the original project area were investigated. W&A surveyed the expanded APE on March 10 and 12, 2021. As a result of the historic property identification and evaluation efforts, no above-ground resources were recommended as eligible for listing in the NRHP. This work was covered in the 800.11 documentation and associated cover letter. Therefore, an addendum to the HPR was not needed (Appendix D-1 to D-5).

Documentation Findings: INDOT, acting on behalf of FHWA, issued the following finding on June 21, 2021 (Appendix D-1 to D-6):

- No Historic Properties Affected

Pursuant to 800.5(c), the SHPO concurred with this finding on July 14, 2021 (Appendix D-102 to D-103). No other consulting party comments were received.

Public Involvement: Public notices of the "No Historic Properties Affected" finding were published in the *Elkhart Truth* on June 24, 2021, and in the *Goshen News* on June 26, 2021. As advertised, the public comment period closed 30 days later on July 27, 2021. The text of the public notices and the affidavits of publication appear in Appendix D-100 to D-101. No comments were received.

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

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

	<u>Presence</u>	<u>Use</u>	
		Yes	No
Parks and Other Recreational Land			
Publicly owned park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

**Mapleheart Trail is classified as a park, see discussion below.*

Evaluations Prepared

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"/>

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-3), Section 106 documentation (Appendix D), and the RFI report (Appendix E), there are six potential Section 4(f) resources located within the 0.5 mile search radius. According to additional research and based on the 2020 site visits by Parsons, there is one Section 4(f) resource located within or adjacent to the project area: the Mapleheart Trail.

Mapleheart Trail: This trail is located near the center of the project area between the NSRR and CR 45 (Appendix B-3 and J-23). Photographs are provided in Appendix J-26 to J-27. This facility is owned by the Elkhart County Commissioners and maintained by Elkhart County Parks (Appendix J-42 to J-43). According to the FHWA *Section 4(f) Policy Paper* (<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.pdf>), Section 4(f) applies to publicly-owned shared use paths designated for recreation. The trail is listed as a "Park Site," and is discussed under "Recreation" in the *Elkhart County Parks & Recreation Master Plan* (2019-2023) (<https://elkhartcountyparks.org/about/annual-reports-2/>). Based on its public ownership, local significance, and its designation as a facility primarily functioning for recreation, the Mapleheart Trail is a Section 4(f) resource.

An ECL was sent to Elkhart County Parks and the Elkhart County Commissioners (Appendix C-1 to C-6). No responses were received. A Section 4(f) Concurrence Request Letter was sent to Elkhart County Parks on June 15, 2021 (Appendix J-43). Elkhart Parks confirmed they maintain the trail and referred the letter to the trail owner, Elkhart County Commissioners (Appendix J-42). No other comments regarding the proposed impacts to Mapleheart Trail have been received.

Avoiding impacts to the trail is not feasible because the trail is within the project area. Impacts have been minimized throughout the design and only temporary, short-term impacts are proposed. The trail will be impacted in four areas, as shown on the graphics in Appendix J-23 to J-41:

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Area #1: Existing Intersection of Sunnyside Avenue and CR 45/Mapleheart Trail

This at-grade crossing will be removed, and the existing four-legged intersection will be reconfigured into a three-way stop-controlled intersection.

- The existing crosswalk over Sunnyside Avenue will be replaced with an asphalt trail matching the existing trail. The grass-strip buffer will also be perpetuated.
- Existing pavement southwest of the trail will be removed and replaced with vegetative cover.
- Railroad crossing signals will be removed.
- There will be no change to the existing crosswalks over CR 45.
- Short-term closure of the trail, no more than one month total (for all areas), will be required for construction.

Area #2: New Sunnyside Avenue Bridge over CR 45/Mapleheart Trail, NSRR, and US 33/Main Street

The new overpass bridge will span CR 45 and the trail approximately 380 feet southeast of the current intersection of CR 45/Mapleheart Trail and Sunnyside Avenue (Area #1).

- The contractor will be required to keep the trail open as much as safely feasible during construction. Temporary cribbing/scaffolding will be used to keep the trail open.
- Short-term closure of the trail, no more than one month total (for all areas), will be required to set concrete beams over the trail.
- No other impacts are proposed at this location.

Area #3: New Three-Way Intersection of CR 13 and CR 45/Mapleheart Trail

The new intersection of CR 45/Mapleheart Trail and CR 13 is proposed about 420 feet northwest of the current intersection (Area #4). The existing irregular four-way stop-controlled intersection will be replaced by a three-way, 90-degree type, stop-controlled intersection.

- New curb ramp connections across CR 45 will be installed.
- No other impacts to the trail are proposed at this location.

Area #4: Existing Four-Way Intersection of CR 13 and CR 45/Mapleheart Trail

This four-way intersection will be reconfigured to eliminate the at-grade crossing south of the trail.

- The existing crosswalk over CR 13 will be replaced with an asphalt trail matching the existing trail. The grass-strip buffer will also be perpetuated.
- Existing pavement south of the trail will be removed and replaced with vegetative cover.
- Railroad crossing signals will be removed.
- There will be no change to the existing crosswalks over CR 45.
- Short-term closure of the trail, no more than month total (for all areas), will be required for construction.

Per the referenced FHWA policy paper, for public parks and trails, a temporary occupancy will not constitute a Section 4(f) use when all of the conditions listed in 23 CFR 774.13(d) are 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 with Jurisdiction (OWJ) over the Section 4(f) resource regarding the above conditions.

The above list applies to the project because the occupancy will be temporary with no change in ownership, the scope of work is minor, there will be no permanent impacts, the project will not interfere with the activities, features, or attributes of the park, and the land will be fully restored upon completion. Additionally, the OWJ for the Mapleheart Trail, the president of the Elkhart County Commissioners, concurred with this finding on June 21, 2021 (Appendix J-20 to J-41). Therefore, no Section 4(f) use is expected. All applicable commitments are included in the Environmental Commitments section of this CE document.

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Section 6(f) Involvement

Presence

Use

Yes

No

Section 6(f) Property

☐
☐
☐

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 Section 6(f) properties on the INDOT ESD website revealed a total of twenty properties in Elkhart County (Appendix J-45). The October 28, 2021 IDNR-DFW response to the Notice identifies Oxbow Park as an LWCF property within a 0.5 mile (Appendix C-72 to C-75). None of these properties are located within or adjacent to the project area (Oxbow Park is approximately 0.40 miles southeast). Therefore, there will be no impacts to Section 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

☒
☐

Is the project located in an MPO Area?

☒
☐

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

☒
☐

If Yes, then:

Is the project in the most current MPO TIP?

☒
☐

Is the project exempt from conformity?

☒
☐

If No, then:

Is the project in the Transportation Plan (TP)?

☐
☐

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

☐
☐

Location in STIP:

1801913: 2020-2024 Initial, Amendment 31, and
Modification 34 (Appendix H-1 to H-2)

Name of MPO (if applicable):

MACOG

Location in TIP (if applicable):

Page 38, Modifications M25-21 to M30-21, and
M23-19 (Appendix H-3 to H-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.

The FY 2020-2024 STIP is listed based on the lead Des. number in the contract. The lead Des. number for this contract is 1801913. The FY 2020-2024 STIP includes Des. number 1801913 by reference with the contract number B-41846 (Appendix H-1 to H-2).

This project is located in Elkhart County, which is currently a nonattainment area for Ozone, under the 1997 Ozone 8-hour standard, which 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 Transportation Plan (TP) and the Transportation Improvement Program (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

This project is of 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.

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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: July 13, 2021 (Appendix I-18)

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.

This project is a Type I project. In accordance with the current *INDOT Traffic Noise Analysis Procedure*, a *Traffic Noise Impact Analysis* was conducted for this project and is included in Appendix I. The purpose of the analysis was to evaluate noise impacts and abatement under the requirements of Title 23, Part 772 of the Code of Federal Regulations (23 CFR 772) "Procedures for Abatement of Highway Traffic Noise and Construction Noise" for the Elkhart Local Trax Project. This regulation provides procedures for preparing operational and construction noise studies and evaluating noise abatement considered for federal and federal-aid highway projects. According to 23 CFR 772.3, all highway projects that are developed in conformance with this regulation are deemed to be in conformance with FHWA noise standards.

Field investigations were conducted by Parsons on June 23 and 24, 2020 to identify land uses that could be subject to traffic and construction noise impacts. Noise sensitive receivers are those locations where activities that could be affected by increased traffic noise levels occur (e.g., residences, motels/hotels, places of worship, schools, parks, and libraries). Single-family residences were identified as Activity Category B. Places of worship, medical facilities, and a recreational trail were identified as Activity Category C. Offices and restaurants were identified as Activity Category E. Retail facilities and undeveloped lands were identified as Activity Categories F and G, respectively. Existing noise levels are determined for the most commonly used outdoor living areas at sensitive receivers. For residences, this is typically the backyard or front porch, and for commercial areas it could be a picnic table or bench. A total of 162 receivers were evaluated at residential units and other noise sensitive uses in the project area for analysis as part of the noise study. These receivers include Activity Category B and C land uses.

The FHWA Traffic Noise Model (TNM) Version 2.5 was used to predict existing and future design year noise levels. Existing noise levels at the modeled receivers range from 37 to 69 decibels - "A" weighting scale (dB(A)). Under the preferred alternative, the predicted noise levels range from 37 to 73 dB(A). Predicted noise level increases under the preferred alternative average approximately 2.4 dB(A) and range up to 10.8 dB(A). No predicted noise level increases exceed 15 dB(A). Due to the proposed changes in traffic patterns and reduced roadway speeds, there were also predicted noise level reductions for the preferred alternative, which average approximately 1.6 dB(A) and range up to 7.9 dB(A).

Because design year noise levels were predicted to approach or exceed the FHWA Noise Abatement Criteria (NAC), the project has been found to have traffic noise impacts. Five of the 162 receivers were identified as impacted. These receivers are all located within the same common noise environment (CNE) C-1, on the west and east sides of the NSRR tracks along US 33/Main Street as shown on the Noise Measurements Location map (Appendix I-17). The west area consists of medical office facilities and other commercial uses, and the east area is the Mapleheart Trail (Activity Category C).

Noise abatement was considered at all locations in the noise study area where noise impacts were identified under the preferred alternative. Based on the studies thus far accomplished, the State of Indiana has not identified any locations where noise abatement is likely. Noise abatement measures that were studied at these locations were based upon preliminary design costs and design criteria. Noise abatement has not been found to be "feasible and reasonable" because no noise abatement could be implemented that would provide the required noise level reduction. A reevaluation of the noise analysis will occur during final design. If during final design it is determined that conditions have changed such that noise abatement is feasible and reasonable, the abatement measures might be provided. The final decision on the installation of any abatement measure(s) will be made upon the completion of the project's final design and the public involvement processes.

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

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.

The proposed closure of two at-grade crossings, new bypass bridge, roundabout, and associated changes to local roads (e.g., cul-de-sacs and extended drives) will alter traffic patterns and change how the community and emergency vehicles access area residences, schools, and businesses. These changes are discussed further below.

The closure of the at-grade crossings over NSRR at Sunnyside Avenue and CR 13 will increase mobility and reduce the exposure of motorists and pedestrians to rail traffic. Increases in mobility include the elimination of queueing issues associated with the 80 to 90 average daily railroad crossings and associated train stoppages (see the Purpose and Need section). Similarly, emergency response vehicle response times should improve with the separation from the rail traffic. Furthermore, mobility and safety for pedestrians and bicyclists will be increased by the addition of sidewalks and pedestrian crossings along the realigned Sunnyside Avenue, Concord Mall Drive, and CR 13.

The proposed roundabout intersection for Concord Mall Drive, Center Drive, and the realigned Sunnyside Avenue in the western commercial area will alter how area businesses, schools, and neighborhoods are accessed. All adjoining properties will retain access, including the CCS bus facility driveway with CR 13. CR 13 will terminate at a cul-de-sac east of this driveway and south of NSRR, which is designed to accommodate turning school buses. A private alley located south of Concord Mall Drive along the eastern bank of Yellow Creek will be eliminated by the new bypass bridge. Businesses south of the bypass will retain access to US 33/Main Street.

Within the eastern residential area, the realignment of CR 13 at CR 45 should improve sight distances and driver expectancy. The addition of sidewalk and pedestrian crossings along Sunnyside Avenue and CR 13 will increase mobility and improve access to the Mapleheart Trail. The proposed changes to the existing grid of local roads within the eastern residential area includes:

- The existing Sunnyside Avenue east of CR 45 will terminate in a cul-de-sac near Amy Avenue;
- Amy Avenue will terminate at Nora Street;
- Kendall Street will terminate at cul-de-sacs north and south of the new alignment;
- John Street will terminate in a cul-de-sac west of CR 13; and,
- Linden Drive will be extended to connect with the new CR 13 alignment.

These changes in access are not expected to negatively impact community cohesion because access to all surrounding properties will be provided and there will still be an existing grid within the residential area (albeit reduced). As previously discussed, the purpose of the preferred alternative is to improve safety and mobility in the project area, which should have a net-benefit to the community. This project should not negatively impact property values.

The preferred alternative will impact the local tax base by the proposed relocations and strips of ROW detailed in the Right of Way and Relocation of People, Businesses, or Farms sections of this CE document. Commercial relocations include a vacant strip center and parking lot south of Concord Mall Drive and west of Yellow Creek, which was formerly occupied by various retail businesses and Martin's Super Market (now adjacent). The other commercial relocation is a former automotive maintenance shop on the west side of US 33/Main Street and south of Concord Mall Drive. The three residential properties are occupied. There are also four unimproved residential parcels that need to be acquired. As discussed in the Other Alternatives Considered section, the selected alignment of the preferred alternative was partially based on an effort to minimize proposed relocations. According to the Indiana Gateway for Government Units (<https://gateway.ifonline.org/default.aspx>), Elkhart County's 2021 Certification of Net Assessed Value, also known as the property tax base, is \$10,342,093,617. Therefore, the preferred alternative, including the proposed loss of three occupied residences, two commercial properties, and four unimproved residential parcels should not result in substantial impacts to the local tax base.

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As discussed in the Maintenance of Traffic (MOT) section, design of the MOT is ongoing. The TMP will include input from the project sponsor, Elkhart County, and other stakeholders including emergency services, Interurban Trolley and CCS, to ensure impacts to the public transit, schools, and community events are minimized.

Elkhart County has an approved ADA Transition Plan that was first adopted in 2014 (<http://www.elkcohw.org/resources/ada/ada-transition-plan/transitionplanbldg/>). This project will add ADA-compliant pedestrian facilities along Sunnyside Avenue, Concord Mall Drive, and CR 13, including the proposed bridges and roundabout intersection. Furthermore, the existing pedestrian facilities along Center Drive and its intersections will be perpetuated or upgraded to current standards where needed. Therefore, this project will comply with ADA and applicable transition plans.

The Elkhart Local Trax project is consistent with local and regional land use and transportation plans. Based on the discussion above, no significant economic or community impacts are expected to develop as a result of the project.

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-3), and the RFI report (Appendix E), there are four religious facilities, one private-use airport, one public library, five schools (operated by CCS), four gas pipeline segments, and one railroad located within 0.5 mile of the project. Those numbers were updated by the 2020 site visits by Parsons and additional research. Further discussion is provided below.

Two religious facilities are adjacent to the project area, the Elkhart County Community Baptist Church and Sunnyside Mennonite Church. Strips of permanent and temporary ROW are required from these properties to realign and widen Sunnyside Avenue and CR 13, add a stop light and turn lane at said-streets' intersection, and reconstruct the churches' drives. The project's proposed permanent changes in traffic patterns and the construction MOT will impact how the community accesses these properties. Refer to the Maintenance of Traffic (MOT); Right of Way; Regional, Community & Neighborhood Factors; and Drinking Water sections of this CE document for additional details. In accordance with the PIP and INDOT ROW acquisition process, coordination with these organizations includes ongoing KTMs (Appendix G-62 to G-65), invitations to public meetings, and copies of Public Notices. No written comments from these organizations have been received.

Willies Field, a private-use airport, was identified in the RFI report as located approximately 0.37 mile east of the project area (Appendix E-6). However, based on a desktop search including skyvector.com, INDOT Aviation, and Google websites, this facility is no longer in operation. There appear to be single-family residential homes along a street called "Runway Dr/DR" (Appendix E-9). No impacts are expected.

The Dunlap Branch of the Elkhart Public Library is located 0.06 mile north of the project area, at the northwest corner of CR 13 and Florence Street. The project's proposed permanent changes in traffic patterns and the construction MOT will impact how the community accesses the library. However, no direct impacts are expected, and access will be maintained.

Regarding schools, there are three CCS facilities adjacent to the project area and/or proposed MOT: Concord High School and Intermediate School at the southwest corner of CR 20/Mishawaka Road and US 33/Main Street, and the CCS bus facility at the northwest corner of CR 13 and US 33/Main Street (Appendix B-4). As previously discussed, the only ROW required from CCS is at the CR 13 driveway entrance to the bus facility, which will be restored. The project's proposed permanent changes in traffic patterns and the construction MOT will impact how the community, including school buses, access the area. Design of the MOT, including TMP meetings, is ongoing and further coordination with CCS will be required (see Environmental Commitments section). Additional details were discussed in the Maintenance of Traffic (MOT); Right of Way; Regional, Community & Neighborhood Factors; and Drinking Water sections of this CE document. Ongoing coordination with CCS includes the April 17, 2020 ECL and KTMs. No written responses have been received.

Regarding health/medical facilities, there are no hospitals within 0.5 mile of the project area. However, as discussed in the Noise section, the western commercial area includes medical offices that will have noise impacts. Additionally, a strip of ROW is needed along US 33/Main Street from a commercial property occupied by an optometry office at the northwest corner of Concord Mall Drive and US 33/Main Street (Appendix B-26). There will be no change in access to these properties. Access to all properties will be maintained during construction. Coordination with landowners is ongoing via the public involvement and related INDOT ROW acquisition process (e.g., KTMs).

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Regarding public transit, the Interurban Trolley operates two public bus routes that cross the project area (Appendix J-44). No response from the April 17, 2020 ECL was received (Appendix C-1 to C-6). The contractor will be required to notify Interurban Trolley prior to any activities that would block or limit access. As discussed in the Maintenance of Traffic (MOT) section, design of the MOT, including TMP meetings, is ongoing and further coordination with Interurban Trolley will be required (see Environmental Commitments section).

The NSRR and multiple public and private utilities cross the project area, including potential pipelines owned by Northern Indiana Power and Service Company (NIPSCO, formerly Indiana Gas), municipal sewer and water, electric, and communication services. The project team, including Parsons and Elkhart County, are conducting ongoing railroad and utility coordination for this project. Potential impacts for each alternative were discussed in the *Engineer's Report* (Appendix J-1 to J-19). A copy of the Utilities Coordination Log is provided in Appendix J-56. There will be no disruption in service; therefore, no impacts are expected. ECLs were sent to City of Elkhart, Elkhart County, INDOT Rail Programs Office, and NSRR (Appendix C-1 to C-6), and no responses regarding utilities or railroad were received. Refer to the Drinking Water section for further discussion of public water supplies.

Applicable recommendations are included in the Environmental Commitments section. Project stakeholders will be notified when this draft CE document is released for public comment.

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

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, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT *Categorical Exclusion Manual*, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent ROW. The preferred alternative will require two commercial relocations, three residential relocations, a total of approximately 13.83 acres of new permanent ROW, and 0.91 acres of temporary ROW. Therefore, an EJ Analysis is required. This analysis was prepared by Parsons and concurred by INDOT on July 22, 2021 (Appendix J-46 to J-55).

Identification of Potential EJ Populations: Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists, and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is Elkhart County (Appendix J-49). The community that overlaps the project area is called the affected community (AC). In this project, the ACs are the following Census Tract (CT) Block Groups (CTBGs): Block 1, CT 21.01 (AC-1), Block 2, CT 21.01 (AC-2), Block 2, CT 20 (AC-3), Block 1, CT 20 (AC-4) (see Appendix J-50 and J-53). An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the Census.gov 2019 American Community Survey (ACS) 5-year Estimates was obtained from the [census.gov](https://www.census.gov) website on June 21, 2021. The data collected for minority and low-income populations within the AC are summarized in the below table.

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Minority and Low-Income Data (2019 ACS 5-Year Estimates)					
	COC Elkhart County	AC-1	AC-2	AC-3	AC-4
Percent Minority	25.2	42.2	17.4	39.2	14.9
125% of COC	31.5	AC > 125% COC	AC < 125% COC	AC > 125% COC	AC < 125% COC
EJ Population of Concern?		Yes	No	Yes	No
Percent Low-Income	12.4	16.3	4.2	19.2	4.1
125% of COC	15.5	AC > 125% COC	AC < 125% COC	AC > 125% COC	AC < 125% COC
EJ Population of Concern?		Yes	No	Yes	No

Source: census.gov

AC-1 has a percent minority of 42.2, which is below 50% but is above the 125% COC threshold. Therefore, AC-1 does contain a minority population of EJ concern. AC-1 has a percent low-income of 16.3, which is below 50% but is above the 125% COC threshold. Therefore, AC-1 does contain a low-income population of EJ concern.

AC-2 has a percent minority of 17.4, which is below 50% and is below the 125% COC threshold. Therefore, AC-2 does not contain a minority population of EJ concern. AC-2 has a percent low-income of 4.2, which is below 50% and is below the 125% COC threshold. Therefore, AC-2 does not contain a low-income population of EJ concern.

AC-3 has a percent minority of 39.2, which is below 50% but is above the 125% COC threshold. Therefore, AC-3 does contain a minority population of EJ concern. AC-3 has a percent low-income of 19.2, which is below 50% but is above the 125% COC threshold. Therefore, AC-3 does contain a low-income population of EJ concern.

AC-4 has a percent minority of 14.9, which is below 50% and is below the 125% COC threshold. Therefore, AC-4 does not contain a minority population of EJ concern. AC-4 has a percent low-income of 4.1, which is below 50% and is below the 125% COC threshold. Therefore, AC-4 does not contain a low-income population of EJ concern.

The census data sheets, map, and calculations can be found in Appendix J-49 to J-53.

The US Department of Housing and Urban Development (HUD) Resource Locator (<https://resources.hud.gov/>) was researched to identify potential EJ resources and/or populations (Appendix J-54). No resources were identified within the four ACs associated with this project. The nearest resource is Ashton Pines Apartments, 4353 Balsam Fir Lane, located approximately 0.75 mile southeast of the project area. No impacts are expected.

Impact Analysis:

ROW and Relocations: The proposed ROW and relocation impacts per AC are summarized in the following table.

Summary of Impacts per AC				
AC / EJ Population?	Permanent ROW (Acres) / Type(s)	Temporary ROW (Acres) / Type(s)	Relocations / Type	Other ROW (non-relocations)
AC-1 / Yes	8.93 commercial	0.06 commercial	2 vacant commercial	Strips from 9 commercial parcels
AC-2 / No	4.17 residential 0.14 commercial 0.18 religious	0.51 residential 0.08 commercial 0.15 religious	3 residential	4 unimproved residential parcels Strips from 14 residential parcels, 2 religious facilities, and 5 commercial parcels
AC-3 / Yes	0.00	0.07 residential	None	Strips from 8 residential parcels
AC-4 / No	0.01 residential 0.40 commercial	0.04 residential	None	Strips from 1 residential parcel and 1 commercial parcel

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Within AC-1, which does contain EJ populations, the proposed relocations consist of two vacant commercial properties: a strip center that contained a grocery store, its parking lot, and a former automotive service garage property. This area is proposed for the new roundabout, a storm water basin, and the new bridges: County Bridge 150, Sunnyside Avenue over Yellow Creek; County Road 151, Concord Mall Drive over Yellow Creek; and County Bridge 148, the new Sunnyside Avenue bypass over US 33/NSRR (Appendix J-53). Additionally, strips of ROW from commercial properties are required within AC-1. The proposed ROW acquisition within AC-3, which also contains EJ populations, is limited to strips from residential properties along the east side of CR 13 where a sidewalk is being added, as well as driveways that need to be reconstructed to tie into the improved roadway. No relocations are proposed within AC-3.

Within AC-2, which does not contain EJ populations, the proposed relocations consist of three occupied residential properties. Additionally, acquisition of four unimproved residential parcels, and strips of ROW from residential, commercial, and religious properties are proposed. Work in this area will include the eastern side of the new bypass bridge (County Bridge 148), widening of Sunnyside Avenue and CR 13 to include sidewalks, intersection improvements at Sunnyside Avenue/CR 13 and CR 13/CR 45, and several storm water basins. Within AC-4, which also does not contain EJ populations, ROW impacts are limited to strips from a commercial parcel and a residential parcel. No relocations are proposed within AC-4.

Maintenance of Traffic (MOT): The proposed MOT will include full roadway closures and detours will be provided. Refer to the MOT section for further details. Access for all residences and businesses will be maintained throughout construction. Design of the MOT is ongoing. The TMP will include input from the project sponsor, Elkhart County, and meetings with stakeholders including emergency services, Interurban Trolley, and CCS, to ensure impacts to the public transit, schools, and community events are minimized. Therefore, the proposed MOT is not anticipated to disproportionately impact EJ populations.

Changes in Traffic Patterns: The proposed closure of two at-grade crossings (AC-1 and AC-2), construction of a new bypass bridge (AC-1 and AC-2) and roundabout (AC-1), and associated changes to local roads (e.g., cul-de-sacs and extended drives) (AC-1 to AC-4) will alter traffic patterns and change how the community and emergency vehicles access area residences, schools, and businesses. These changes were discussed in the Regional, Community & Neighborhood Factors section of this CE document, as well as the EJ Analysis (Appendix J-46 to J-48). A summary is provided below.

Within AC-1, the proposed roundabout intersection for Concord Mall Drive, Center Drive, and the realigned Sunnyside Avenue in the western commercial area will alter how area businesses, schools, and neighborhoods are accessed. Within the eastern residential area (AC-2 to AC-4), the realignment of CR 13 at CR 45 should improve sight distances and driver expectancy. Multiple cul-de-sacs and changes to the existing residential grid of streets are proposed. These changes in access are not expected to negatively impact community cohesion because access to all surrounding properties will be provided and there will still be an existing grid within the residential area (albeit reduced).

The proposed closure of the at-grade crossings over NSRR at Sunnyside Avenue and CR 13 will increase mobility and reduce the exposure of motorists and pedestrians to rail traffic. Increases in mobility include the elimination of queueing issues and delays associated with the 80 to 90 average daily railroad crossings and associated train stoppages (see Purpose and Need section). Similarly, emergency vehicle response times should improve due to the elimination of train crossing delays and stoppages.

Furthermore, mobility and safety for pedestrians and bicyclists will be increased by the addition of sidewalks and pedestrian crossings along the realigned Sunnyside Avenue, Concord Mall Drive, and CR 13 (AC-1 through AC-4). The added pedestrian facilities will connect with existing sidewalks along US 33/Main Street and CR 20/Mishawaka Road, as well as the Mapleheart Trail (along CR 45), and the Interurban Trolley transit stop at the Concord Mall. This will improve pedestrian access to area businesses and transit, as well as the Concord Highschool and Intermediate School campus.

Public involvement and resource agency coordination activities conducted prior to the hearing, including the August 2020 public informational virtual meeting (webinar) and in-person open house, did not identify impacts to EJ populations of concern (Appendix G). Feedback about the proposed project from area businesses, primarily located within AC-2, has been positive. As discussed in the Public Involvement section, project stakeholders were sent the Notice about the public hearing when the draft environmental document was available for comment (Appendix G-66 to G-68). This included adjoining landowners and the following stakeholders associated with EJ populations: elected officials, Interurban Trolley, CCS, Elkhart Housing Authority, USHUD, USEPA, Elkhart County Health Department, churches, Elkhart County Minority Health Coalition, Northern Indiana Hispanic Health Coalition, Ashton Pine Apartments, Briarwood Village, Carriage House Elkhart, Goodwill Community Career Center, and Community Foundation of Elkhart County (Appendix G-78 to G-85). No comments from these stakeholders were received.

Conclusions: As stated in the Purpose and Need section, the purpose of this project is to improve safety and mobility in this area of Elkhart County. Removing the at-grade crossings and providing new pedestrian facilities will benefit the community by addressing the safety and mobility issues outlined above. The impacts within ACs identified as containing EJ populations (AC-1 and AC-3) are

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limited to vacant commercial properties and strips of ROW. The impacts within ACs identified as not containing EJ populations (AC-2 and AC-4) include three residential properties, four unimproved residential parcels, and strips of ROW from residential, commercial, and religious parcels. The proposed changes in traffic patterns primarily impact a commercial area within AC-1, as well as commercial and residential areas within AC-2. Based on this analysis, there does not appear to be disproportionately high and adverse impacts to EJ populations in or near the project area.

On July 22, 2021 INDOT ESD concluded, "With the information provided, the relocations would not disrupt community cohesion or create a physical barrier. INDOT-ESD would not consider the impacts associated with this project as causing a disproportionately high and adverse effect on minority and/or low income populations of EJ concern relative to non EJ populations in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23a. No further EJ Analysis is required" (Appendix J-55).

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

Number of relocations: Residences: 3 Businesses: 2 Farms: 0 Other: 0

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

This project includes two commercial relocations and three residential relocations. Both commercial relocations are unoccupied, and the three residential properties are occupied. Based on the current *INDOT CE Manual*, this project does not require a Business Information Survey (BIS) or Conceptual Stage Relocation Study (CSRS) because there are fewer than 10 commercial relocations. The relocations are shown on the Detailed Proposed Conditions Maps (Appendix B-5 and B-6).

A commercial strip center and parking lot south of Concord Mall Drive and west of Yellow Creek, formerly occupied by various retail businesses and Martin's Super Market (now adjacent), is required for the new roundabout intersection, realigned Sunnyside Avenue, and storm water facilities. A former automotive maintenance shop on the west side of US 33/Main Street and south of Concord Mall Drive is needed for the realigned Sunnyside Avenue and associated bridges, County Bridges 148 and 150.

Two of the residential relocations are needed to accommodate the realigned Sunnyside Avenue and associated storm water facilities. One is located along CR 45, at the northeast end of the new County Bridge 148 (bypass bridge). The other residence is at the southwest corner of Sunnyside Avenue and Amy Avenue. The third residential relocation is needed for the CR 13 realignment and storm water facilities, located along the south side of John Street and west of CR 13.

In an effort to reduce the number of residential relocations, the preferred alternative will acquire four unimproved residential parcels. These parcels are located south of Sunnyside Avenue between Amy Avenue and Kendall Street, and west of CR 13 between John Street and Mary Street. As discussed in the Other Alternatives Considered section and the *Engineer's Report* (Appendix J-1 to J-19), the estimated number of relocations were one of the critical factors used in selection of the preferred alternative, which had the least relocations of the four central alternatives that were considered.

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 relocatees 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.

Indiana Department of Transportation

County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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

Date RFI concurrence by INDOT SAM (if applicable): January 12, 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, an RFI was concurred by INDOT Site Assessment and Management on January 12, 2021 (Appendix E-1 to E-15). Two underground storage tank (UST) sites are located within 0.5 mile of the project area. One construction demolition waste facility is located within 0.5 mile of the project area. Four leaking UST (LUST) sites are located within 0.5 mile of the project area. One brownfield site is located within 0.5 mile of the project area. One institutional control (IC) facility is located within 0.5 mile of the project area. Eight National Pollutant Discharge Elimination System (NPDES) facilities are located within 0.5 mile of the project area. Three other potential sites of concern are located within 0.5 mile of the project area. The RFI identified four hazmat sites that could affect the project area:

Dunlap Citgo, 23710 US 33, FID 19251, is an active gas station (Phillips 66) that is 0.02 mile south of the project at the northwest corner of US 33 and CR 13. Based on the September 5, 2018 Quarterly Monitoring Report, groundwater primarily flows to the northeast, and residual contamination was present underneath CR 13 (aka Lewis Avenue) approximately 0.02 mile south of the project limits. Groundwater samples exceeded drinking water standards for ethylbenzene and naphthalene. A Phase II Environmental Site Assessment (Phase II ESA) was recommended, as well as further coordination with the current IDEM Project Manager before further site activities occur.

Three other potential sites of concern were identified based on a review of Google Earth. Former Goodyear automotive service center, 3707 S Main Street and south of the intersection of Concord Mall Drive and US 33, is located within the project area and is proposed for relocation. This facility appears to have service bays and a history of automotive maintenance. Likewise, Tuffy Tire & Auto Service Center, 3703 S Main, is an active automotive maintenance facility located adjacent to the northwest of Goodyear and within the project area. Additionally, a vacant outbuilding of the Concord Mall is adjacent to the north of the project area, north of Concord Mall Drive and Center Drive (located south of the mall). This building has the potential to be a former automotive service center, which was once common practice for mall department stores. A Phase II ESA was recommended.

In April of 2021, SESCO Group (SESCO) performed a Phase II ESA consisting of subsurface investigations with soil and groundwater sampling and analyses (Appendix E-16 to E-25). The scope of work was approved by INDOT Site Assessment & Management on April 29, 2020. The results were summarized in a Phase II ESA report, approved by INDOT Site Assessment & Management on May 24, 2021 (Appendix E-16 to E-25). The laboratory results of soil and groundwater samples collected from existing ROW did not exceed applicable IDEM Remediation Closure Guide screening levels. The report has the following recommendations, "Based on the soil analytical results, the use of the Uncontaminated Soil Policy (Waste-0064-NPD) can be applied for the Project Area investigated in SESCO's Phase II ESA activities and standard Personal protective equipment (PPE) is sufficient for providing worker safety" (Appendix E-17).

A copy of the draft CE document released for public involvement and approved Phase II ESA report will be provided to USEPA, IDEM OWQ, and the IDEM project manager for the Dunlap Citgo facility for comment. A copy of the Phase II ESA will be included with the contract documents. This is included in the Environmental Commitments section.

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County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section10 Permit)

Nationwide Permit (NWP)
Regional General Permit (RGP)
Individual Permit (IP)
Other

X

IN Department of Environmental Management (401/Rule 5)

Nationwide Permit (NWP)
Regional General Permit (RGP)
Individual Permit (IP)
Isolated Wetlands
Rule 5
Other

X
X

IN Department of Natural Resources

Construction in a Floodway
Navigable Waterway Permit
Other

X

Mitigation Required

X

US Coast Guard Section 9 Bridge Permit

--

Others (Please discuss in the discussion below)

--

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

More than one acre of land will be disturbed; therefore, an IDEM Rule 5 permit is required. IDEM's electronic coordination discussed this permit requirement (Appendix C-18 to C-24).

A USACE Section 404 Regional General Permit and an IDEM Section 401 Water Quality Certification are required. IDNR-DFW's and USACE's responses to early coordination, and IDEM's electronic coordination, discussed these permit requirements (Appendix C-8 to C-12, and C-18 to C-24). Mitigation is not anticipated.

A CIF permit is required for impacts to the Yellow Creek floodway. Mitigation via the IDNR Stream and Wetland Mitigation Program (in-lieu fee) is anticipated for the proposed 0.25 acre of tree clearing within a forested floodway. IDNR-DFW's and USACE's responses to early coordination, and IDEM's electronic coordination, discussed these permit requirements (Appendix C-8 to C-12, and C-18 to C-24).

Applicable recommendations provided by resource agencies are included in the Environmental Commitments section of this document. If permits are found to be necessary, 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 Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

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 and INDOT District)
- 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) General AMM 1: 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)
- 4) Lighting AMM 1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
- 5) Lighting AMM 2: 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)
- 6) Tree Removal AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
- 7) Tree Removal AMM 2: Apply time of year restrictions (April 1 through September 30) 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)
- 8) Tree Removal AMM 3: 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)
- 9) Tree Removal AMM 4: 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)
- 10) Prior to any demolition, all building structures will be inspected for bats or evidence of bats. If bats, or evidence of bats, are found coordination will occur with INDOT ESD and USFWS before demolition starts. If further coordination is needed no demolition can occur until coordination is concluded with INDOT ESD and USFWS. (INDOT and USFWS)
- 11) USFWS Bridge/Structure Assessment shall take place no earlier than two (2) years prior to the start of construction. If construction will begin after June 23, 2022, an inspection of the structure Concord Mall Drive over Yellow Creek (County Bridge 151) by a qualified individual, must be performed. Inspection of County Bridge 151 should check for presence of bats/bat indicators and/or presence of birds. The results of the inspection must indicate no signs of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)
- 12) The portions of Wetland 1, Wetland 2A and Wetland 2B that are outside the construction area are labeled "Do Not Disturb" on project plans. (INDOT ESD)
- 13) Contractors will be made aware of the presence of the St. Joseph Sole Source Aquifer (SJSSA) and nearby shallow drinking water wells. Contractors should reduce the potential impact of storm water runoff. (USEPA Region 5 SSAC)
- 14) Contractor fueling, staging and wash-out areas will avoid the eastern residential area whenever possible. (USEPA Region 5 SSAC)

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County Elkhart Routes Sunnyside Avenue, Concord Mall Drive, and CR 13 Des. No. 1801913 (Lead)

- 15) Field verification is required to determine the exact number of wells that will be impacted by this project. Any wells in close proximity to the project will be either properly abandoned or protected to avoid disturbance or contamination. (USEPA Region 5 SSAC)
- 16) Should it be determined during the ROW phase that active wells will be affected, a cost to cure will likely be included in the appraisal to restore the wells. (INDOT SAM)
- 17) The USEPA Region 5 Sole Source Aquifer Program will be contacted if future developments significantly change the scope or potential impacts of the project. (USEPA Region 5 SSAC)
- 18) All fill/borrow materials must be approved by INDOT and obtained from pre-approved locations and sources. In accordance with Section 203 of INDOT's Standard Specifications, borrow material will be free of substances that are toxic or deleterious. The use of coal ash will not be permitted on this project. (Elkhart County and USEPA Region 5 SSAC)
- 19) Pile installation will be designed to limit the potential introduction (during installation) or migration (via preferential pathway if not adequately sealed) of any contaminants. The INDOT Project Manager and Geotechnical Services Division will consider the status of the SJSSA before approval of pile construction plans/methods. (USEPA Region 5 SSAC)
- 20) Drilling activities must follow INDOT's *Aquifer Protection Guidelines*. (USEPA Region 5 SSAC)
- 21) The Spill Prevention Control and Countermeasures Plan (SPCC Plan) developed as part of the Rule 5 Storm Water permit will identify and consider the presence of the SJSSA and surrounding shallow residential and public water supply wells. The SPCC Plan will also comply with the Elkhart County Groundwater Protection Ordinance, No. 2014-171. This will include secondary containment requirements, and avoiding the placement of fueling, staging and wash-out areas within the eastern residential area whenever possible. Additionally, Elkhart County Health Department and public water supply contacts will be included in the event notification of spill is warranted. (USEPA Region 5 SSAC)
- 22) The project's storm water basins will have signs that state "Well Water Area – No Dumping No Spraying". (Elkhart County and USEPA Region 5 SSAC)
- 23) All wastes must be managed per applicable rules and regulations in accordance with INDOT's Standard Specifications, including Section 202. (USEPA Region 5 SSAC)
- 24) The Mapleheart Trail will remain open as much as feasible during construction. Short-term closures will be limited to one month or less. Temporary cribbing/scaffolding will be used to keep the trail open as much as feasible. (INDOT)
- 25) As the design of the MOT progresses, further coordination with Interurban Trolley, Concord Community Schools (CCS), and local emergency management will occur such as involvement in TMP meetings. (INDOT ESD)
- 26) The Uncontaminated Soil Policy (Waste-0064-NPD) can be applied for the Project Area investigated in SESCO's *Phase II ESA* and standard personal protective equipment is sufficient for providing worker safety. (INDOT SAM)
- 27) Further coordination including a copy of the draft CE document released for public involvement and Phase II ESA report will be provided to USEPA, IDEM OWQ, and the IDEM project manager for the Dunlap Citgo facility, 23710 US 33, FID 19251 for comment. A copy of the Phase II ESA will be included with the contract documents. (INDOT ESD)
- 28) INDOT and Elkhart County should work with the City of Elkhart Aquatics Department and Public Works and Utilities Department to develop mitigation for the project that would help protect, and hopefully improve, Yellow Creek. This could include constructed wetlands to receive storm water runoff from the project before discharge to Yellow Creek, planting native prairie or woodland plants on the lands purchased for the project but not used for the new roadways/bridges, and instream habitat improvements such as a 2-stage ditch with instream pools and riffles. (USFWS)

Further Consideration:

- 29) When designing a new or replacement structure, bridges are recommended over culverts, and three-sided culverts are recommended over box or pipe culverts. Multiple culverts or culverts with multiple openings are not recommended. If box and pipe culverts must be used, the culvert bottoms should be sumped a minimum of 6" (or 20% of the culvert height or diameter, whichever is greater up to a maximum of 2') below the stream bed elevation. Sumping is not required for bridges or three-sided culverts. Crossings must span the entire channel width (a minimum of 1.2 times the ordinary high water mark width). Crossings

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must maintain the natural stream substrate within the structure (natural stream substrate must be replaced in sumped box and pipe culverts up to the existing flowline). Scour protection at the inlet and outlet must not extend above the existing flowline elevation to maintain aquatic organism passage. Stream depth, channel width and water velocities in the crossing structure during low-flow conditions must approximate those in the natural stream channel. (IDNR-DFW)

- 30) Maintaining or improving fish and wildlife passage at existing or proposed stream crossing locations is a priority to reduce wildlife mortality along roadways. For brand new crossings in areas that currently do not have a crossing, the new structure must accommodate white-tailed deer passage where appropriate. Minimum structure dimensions for white-tailed deer passage are 20 feet of width clearance (overall size of the structure span) and 8 feet of height clearance measured from the OHWM to the low chord elevation and where deer passage is provided. For crossing replacements, the new structure must include wildlife passage appropriate for the type of replacement structure being proposed. If the replacement structure is sized to accommodate white-tailed deer passage then it should be included in the design of the new structure. If white-tailed deer passage is not possible with the existing structure, deer passage still needs to be considered in the design and at minimum the bank lines must be restored within structures to allow for smaller wildlife passage above the ordinary high water mark. All wildlife passage designs must include a smooth level pathway a minimum of 1-2 feet in width composed of natural substrate (soil, sand, gravel, etc.) or compacted aggregate fill over riprap (#2, #53, #73, etc.) tied into existing elevations both upstream and downstream. The stream crossing repairs or modifications, and any bank stabilization under or around the structure, must not create conditions that are less favorable for wildlife passage when compared to existing conditions. Upgrading wildlife passage for rehabilitated/modified structures is encouraged whenever possible to improve wildlife/vehicle safety. (IDNR-DFW)
- 31) Impacts to non-wetland forest of one (1) acre or more should be mitigated at a minimum 2:1 ratio. If less than one acre of non-wetland forest is removed in a rural setting, replacement should be at a 1:1 ratio based on area. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, 1 inch to 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10-inch dbh or greater (5:1 mitigation based on the number of large trees) or by using the 1:1 replacement ratio based on area depending on the type of habitat impacted (individual canopy tree removal in an urban streetscape or park-like environment versus removal of habitat supporting a tree canopy, woody understory, and herbaceous layer). Impacts under 0.10 acre in an urban area may still involve the replacement of large diameter trees but typically do not require any additional mitigation or additional plantings beyond seeding and stabilizing disturbed areas. There are exceptions for high quality habitat sites however. (IDNR-DFW)
- 32) Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure. (IDNR-DFW)
- 33) Riprap must not be placed in the active thalweg channel or placed in the streambed in a manner that precludes fish or aquatic organism passage (riprap must not be placed above the existing streambed elevation). Riprap may be used only at the toe of the sideslopes up to the ordinary high water mark (OHWM). The banks above the OHWM must be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges, wildflowers, shrubs, and trees native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion. (IDNR-DFW)

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Appendix A

INDOT Supporting Documentation

Categorical Exclusion Level Thresholds

	PCE	Level 1	Level 2	Level 3	Level 4 ¹
Section 106	Falls within guidelines of Minor Projects PA	"No Historic Properties Affected"	"No Adverse Effect"	-	"Adverse Effect" Or Historic Bridge involvement ²
Stream Impacts³	No construction in waterways or water bodies	< 300 linear feet of stream impacts	≥ 300 linear feet of stream impacts	-	USACE Individual 404 Permit ⁴
Wetland Impacts³	No adverse impacts to wetlands	< 0.1 acre	-	< 1.0 acre	≥ 1.0 acre
Right-of-way⁵	Property acquisition for preservation only or none	< 0.5 acre	≥ 0.5 acre	-	-
Relocations	None	-	-	< 5	≥ 5
Threatened/Endangered Species (Species Specific Programmatic for Indiana bat & northern long eared bat)*	"No Effect", "Not likely to Adversely Affect" (With select AMMs ⁶)	"Not likely to Adversely Affect" (With any AMMs or commitments)	-	"Likely to Adversely Affect"	Project does not fall under Species Specific Programmatic ⁷
Threatened/Endangered Species (Any other species)*	Falls within guidelines of USFWS 2013 Interim Policy or "No Effect"	"Not likely to Adversely Affect"	-	-	"Likely to Adversely Affect"
Environmental Justice	No disproportionately high and adverse impacts	-	-	-	Potential ⁸
Sole Source Aquifer	No Detailed Groundwater Assessment	-	-	-	Detailed Groundwater Assessment
Floodplain	No Substantial Impacts	-	-	-	Substantial Impacts
Section 4(f) Impacts	None	-	-	-	Any ⁹
Section 6(f) Impacts	None	-	-	-	Any
Permanent Traffic Alteration	None	-	-	-	Any
Noise Analysis Required	No	-	-	-	Yes
Air Quality Analysis Required	No	-	-	-	Yes ¹⁰
Approval Level • District Env. (DE) • Env. Serv. Div. (ESD) • FHWA	Concurrence by DE or ESD	DE or ESD	DE or ESD	DE and/or ESD	DE and/or ESD; and FHWA

¹ Coordinate with INDOT Environmental Services Division. INDOT will then coordinate with the appropriate FHWA Environmental Specialist.

² Any involvement with a bridge processed under the Historic Bridge Programmatic Agreement.

³ Total permanent impacts to streams (linear feet) and wetlands (acres).

⁴ US Army Corps of Engineers Individual 404 Permit

⁵ Total permanent and temporary right-of-way. This does not include reacquisition of existing apparent right-of-way.

⁶ Avoidance and Mitigation Measures (AMMs) determined by the IPAC determination key to be required that are not tree AMMs, bridge AMMs, or structure AMMs.

⁷ Projects that do not fall under a Species Specific Programmatic and results in a "Likely to Adversely Affect". Other findings can be processed as a lower level CE.

⁸ Potential for causing a disproportionately high and adverse impact.

⁹ Section 4(f) use resulting in an Individual, Programmatic, or *de minimis* evaluation. The only exception is a *de minimis* evaluation for historic properties (Effective January 2, 2020). If a historic property *de minimis* and no other use, mark the *None* column.

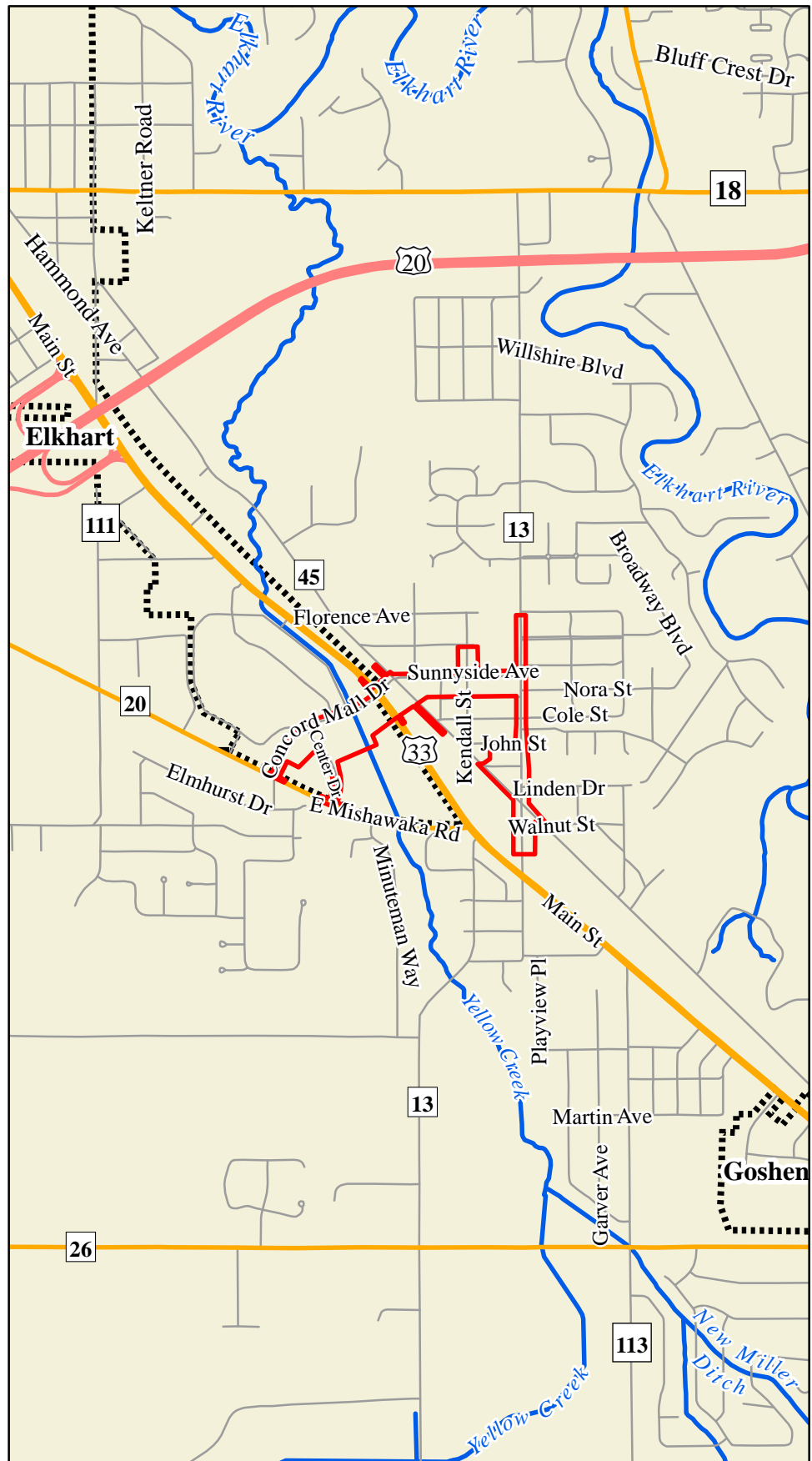
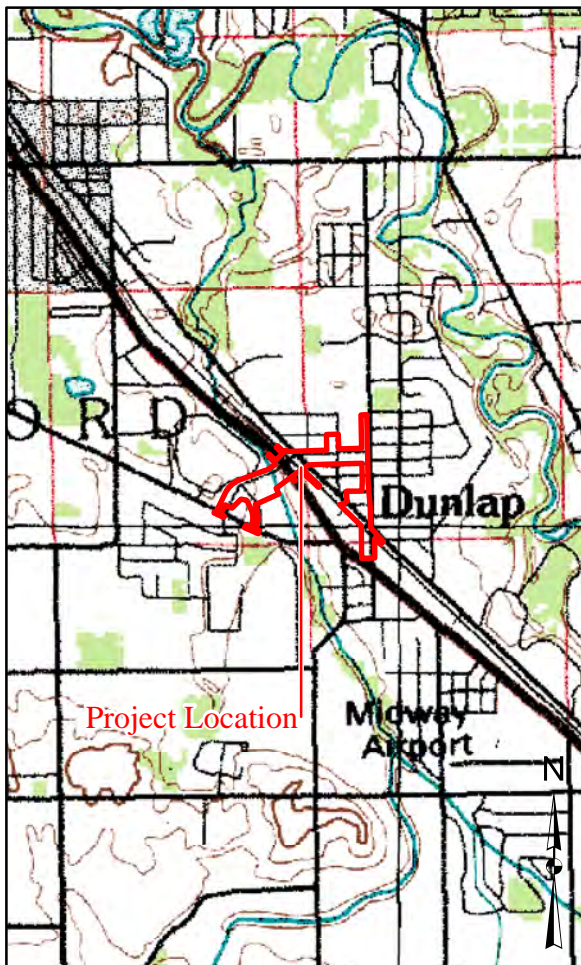
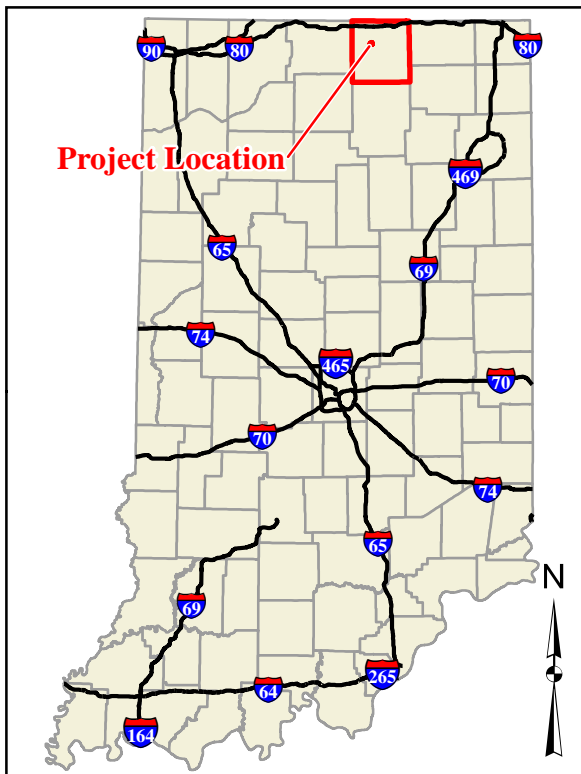
¹⁰ Hot Spot Analysis and/or MSAT Quantitative Emission Analysis.

* Includes the threatened/endangered species critical habitat

Note: Substantial public or agency controversy may require a higher-level NEPA document.

Appendix B

Graphics



- Study Area
- ~ Streams and Rivers
- ~ Interstate
- ~ State Routes
- Incorporated Areas
- ~ Local Roads



0 1,000 2,000
Feet

Sources:
Non Orthophotography Data -
Obtained from the State of Indiana
Geographical Information Office Library
Orthophotography -
Obtained from Indiana Map
Framework Data (www.indianamap.org)

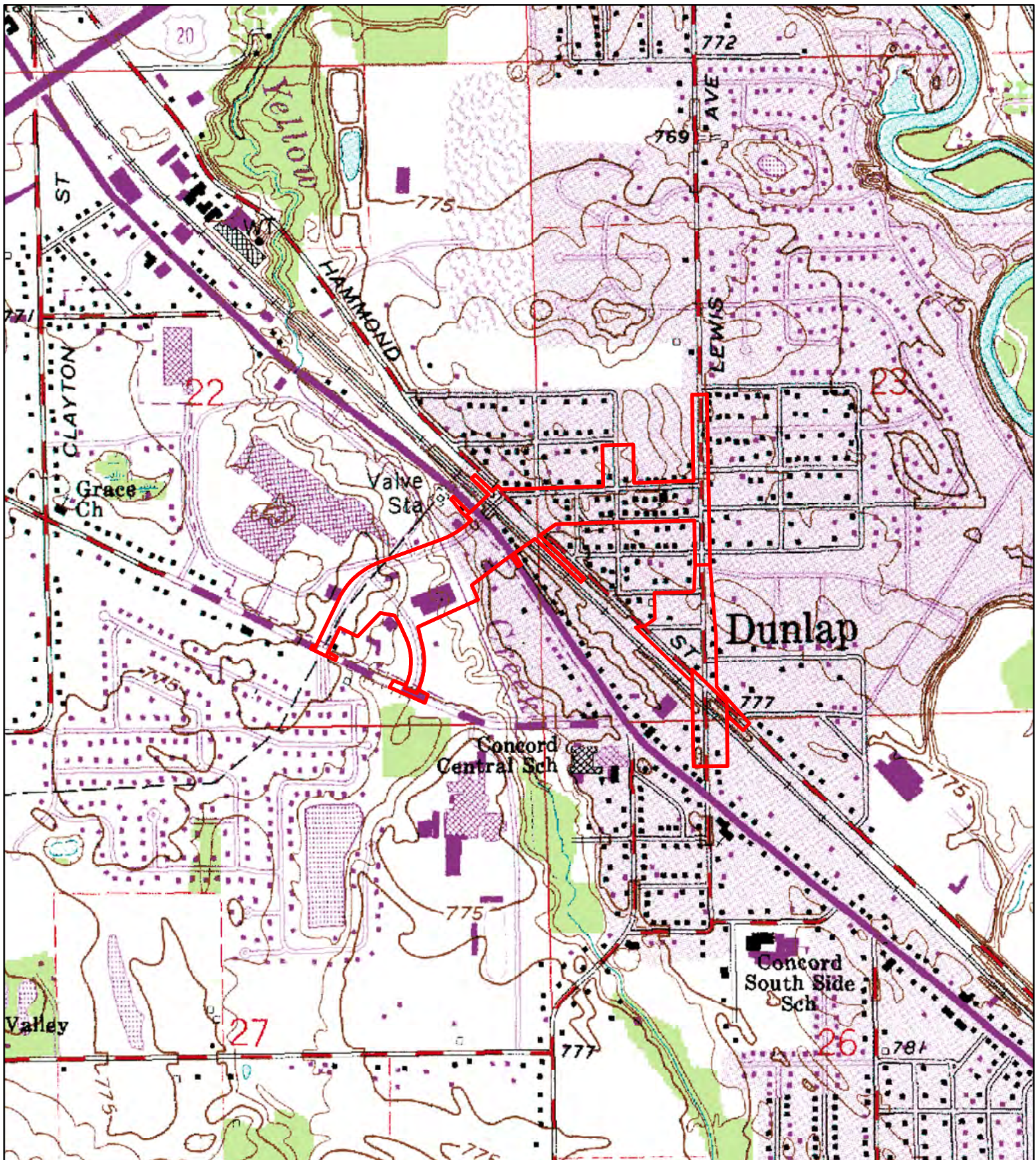
Elkhart Local Trax Grade Separation Elkhart County, Indiana Project Location

Des. 1801913

Date: 7/21/2021




PARSONS



 Study Area



0 500 1,000

 Feet

Sources:
 Non Orthophotography Data -
 Obtained from the State of Indiana Geographical
 Information Office Library
 Orthophotography -
 Obtained from Indiana Map
 Framework Data (www.indianamap.org)

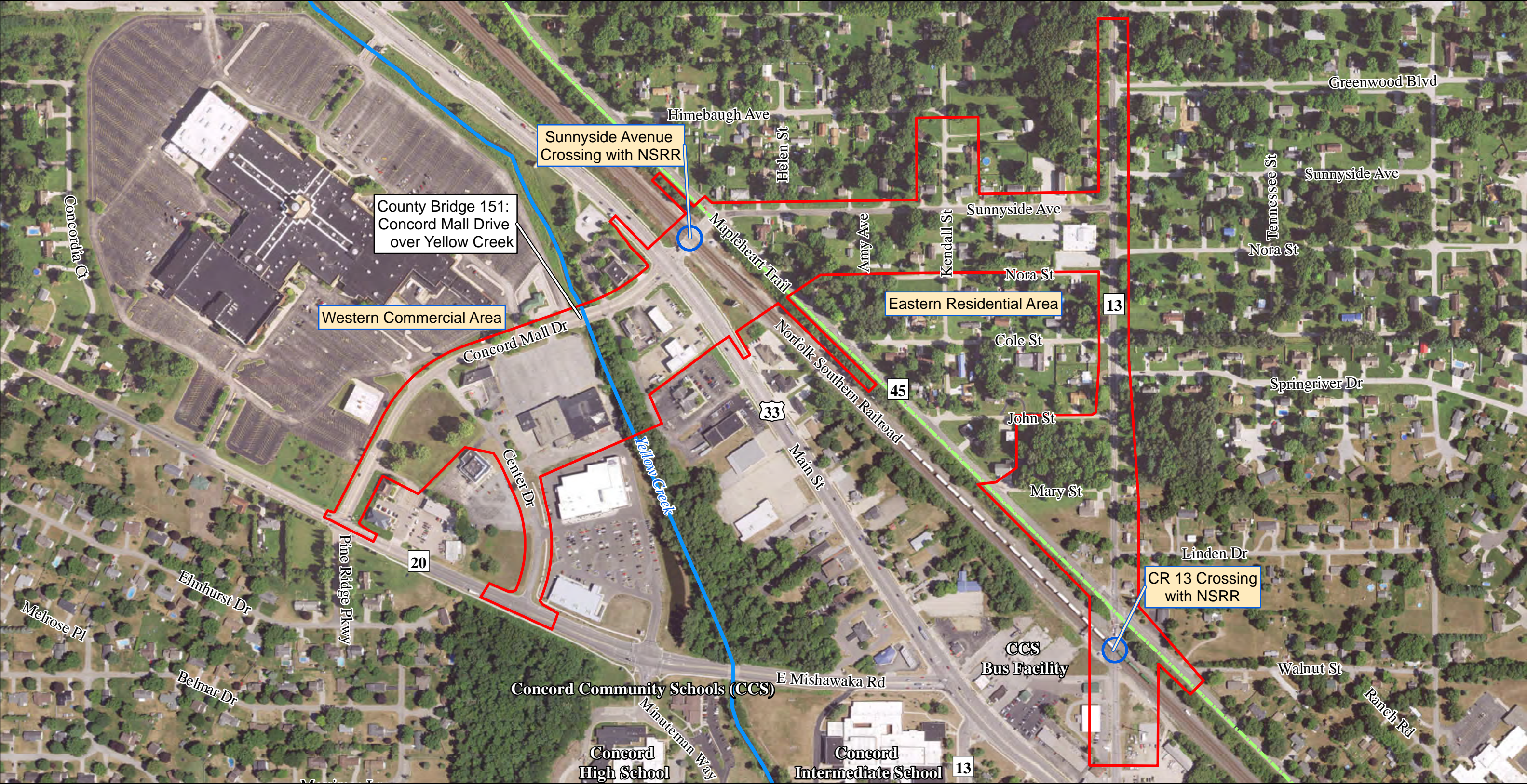
**Elkhart Local Trax
 Grade Separation
 Elkhart County, Indiana
 USGS Topographic**

Des. 1801913

Date: 2/24/2021



PARSONS



Study Area

Stream

Trail

N

0

375

750

Feet

1 Inch = 370 Feet

Sources:


Non Orthophotography Data -
Obtained from the State of
Indiana Geographical
Information Office Library

Orthophotography -
Obtained from Indiana
Map Framework Data
(www.indianamap.org)

Elkhart Local Trax
Grade Separation
Elkhart County, Indiana
Existing Conditions

Des. 1801913 (Lead)

Date: 7/21/2021



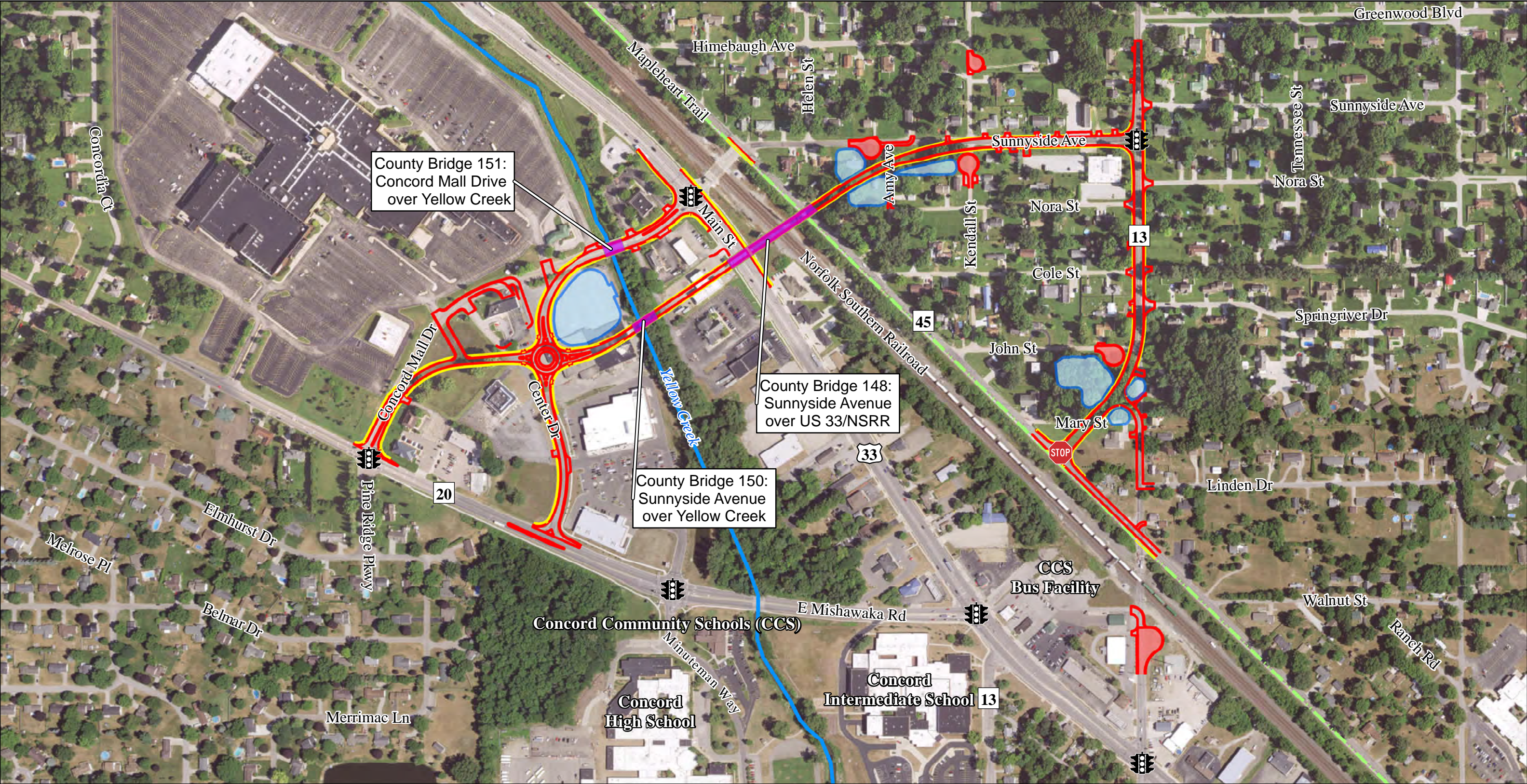
PARSONS

Created by: KDV

Des. 1801913

Appendix B

Page B-3



Proposed Pavement

Proposed Sidewalk

Proposed Bridge

Vegetated Infiltration Basin

Stream

Trail

Stoplight

Stop Sign

0375750

Feet

1 Inch = 370 Feet

Sources:
Non Orthophotography Data -
Obtained from the State of
Indiana Geographical
Information Office Library
Orthophotography -
Obtained from Indiana
Map Framework Data
(www.indianamap.org)

Des. 1801913 (Lead)

Date: 7/26/2021

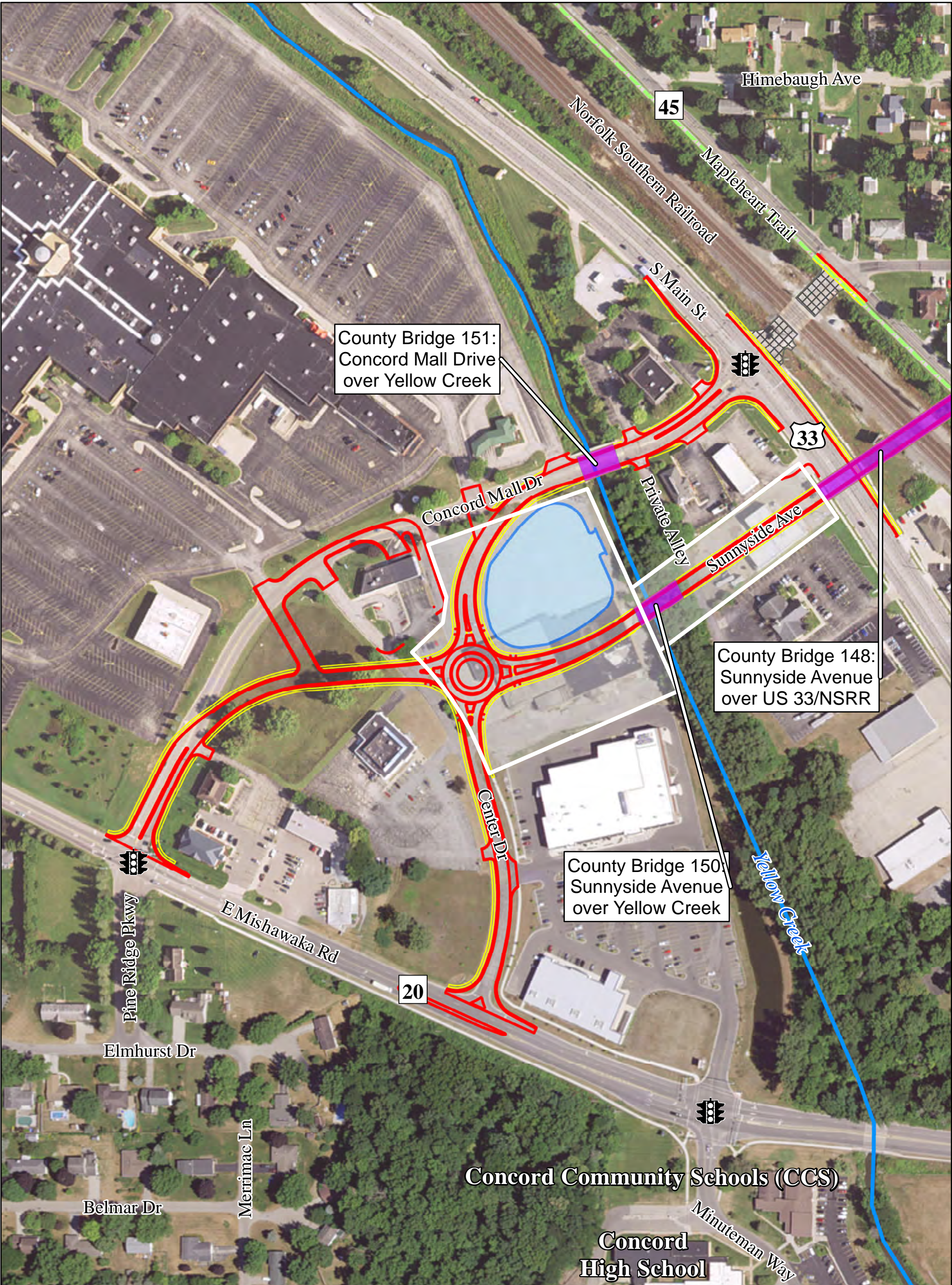
Elkhart Local Trax
Grade Separation
Elkhart County, Indiana
Proposed Conditions


Created by: KDV

Des. 1801913

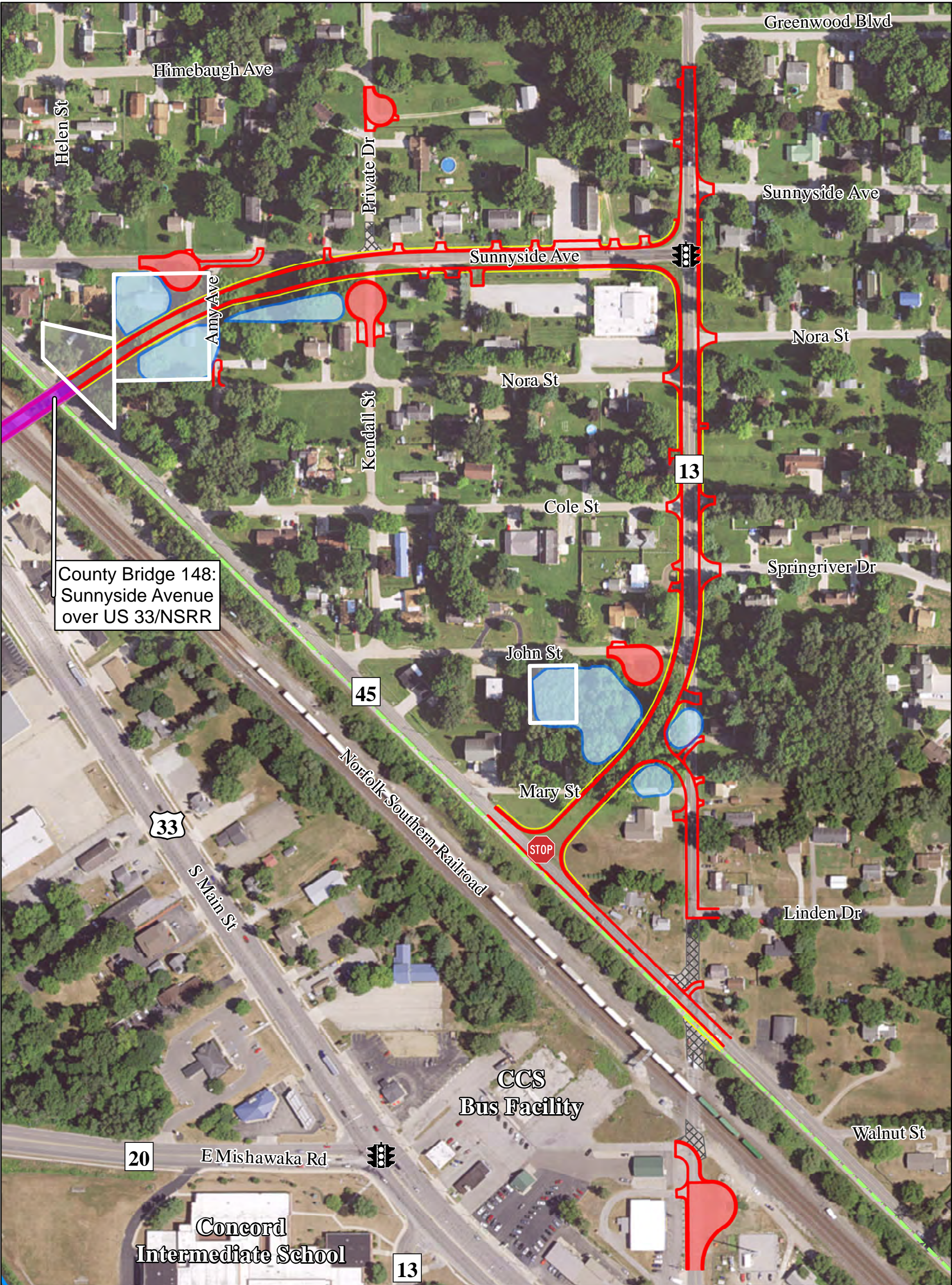
Appendix B

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<div>Proposed Pavement</div> <div>Proposed Sidewalk</div> <div>Proposed Bridge</div> <div>Pavement to be Removed</div> <div>Vegetated Infiltration Basin</div> <div>Stream</div> <div>Trail</div>	<div>Stoplight</div> <div>Stop Sign</div> <div>Proposed Relocation</div>	<div>0120240</div> <div>Feet</div> <div>1 Inch = 200 Feet</div>	<div>Elkhart Local Trax Grade Separation</div> <div>Elkhart County, Indiana</div> <div>Detailed Proposed Conditions</div> <div>Sheet 1 of 2</div>	
			<div>Des. 1801913 (Lead)</div> <div>Date: 7/26/2021</div>	<div></div> <div>PARSONS</div>

Sources:
Non Orthophotography Data -
Obtained from the State of
Indiana Geographical
Information Office Library
Orthophotography -
Obtained from Indiana
Map Framework Data
(www.indianamap.org)




<ul style="list-style-type: none">Proposed PavementProposed SidewalkProposed BridgePavement to be RemovedVegetated Infiltration BasinStreamTrail	<ul style="list-style-type: none">StoplightStop SignProposed Relocation	<p>0 120 240 Feet</p> <p>1 Inch = 200 Feet</p> <p>Sources: Non Orthophotography Data - Obtained from the State of Indiana Geographical Information Office Library Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)</p>	<p>Elkhart Local Trax Grade Separation Elkhart County, Indiana Detailed Proposed Conditions Sheet 2 of 2</p>
<p>Des. 1801913 (Lead)</p>			 PARSONS
<p>Date: 7/26/2021</p>			



Photo 1 – View facing west of a parking lot and commercial building within project area, south of Concord Mall Drive and west of US 33. A roundabout is proposed in this area (06-23-20).



Photo 2 – View facing northwest of Yellow Creek within the project area. The Concord Mall Drive bridge is in the background (06-23-20).



Photo 3 – View facing southeast of US 33 and Concord Mall Drive /Sunnyside Avenue intersection. The NSRR at-grade crossing is on the left (07-16-19).



Photo 4 – View facing southeast along MapleHeart Trail at Sunnyside Avenue. CR 45 is on the left and the NSRR at-grade crossing is on the right (07-16-19).



Photo 5 – View facing north-northeast along CR 13. The NSRR at-grade crossing is in the background (06-23-20).



Photo 6 – View facing south of the CR 13 at-grade NSRR crossing (06-23-20).



Photo 7 – View facing southwest along Concord Mall Drive. This intersection is proposed for reconfiguration (06-23-20).



Photo 8 – View facing southwest of commercial buildings along US 33 within the project area, south of Concord Mall Drive (06-23-20).



Photo 9 – View facing west at the Sunnyside NSSR at-grade crossing from the intersection of Helen Street and Sunnyside Avenue (06-23-20).



Photo 10 – View facing south at the intersection of Kendall Street and Sunnyside Avenue (06-23-20).



Photo 11– View facing west along Sunnyside Ave. Elkhart County Community Baptist Church is on the right and Sunnyside Mennonite Church is on the left (07-16-19).



Photo 12 – View facing south along CR 13 from the intersection of CR 13/Sunnyside Ave (07-16-19).