U.S. Department
of Transportation

**Federal Highway
Administration**

Michigan Division

315 W. Allegan St., Room 201
Lansing, Michigan 48933

December 16, 2005

Ms. Susan Mortel, Director
Bureau of Transportation Planning (B340)
Michigan Department of Transportation
Lansing, Michigan

Dear Ms. Mortel:

Record of Decision
Final Environmental Impact Statement and Final Section 4 (f) Evaluation
FHWA-MI-EIS-01-01-F
I-94 Rehabilitation Project
City of Detroit, Wayne County, Michigan

The Federal Highway Administration has completed its review of the environmental documentation, comments received from the public, and comments received from interested agencies for the above project. We have accordingly signed the attached Record of Decision (ROD) on December 16, 2005, documenting this decision. To the extent practicable, the ROD shall be provided to all persons, organizations, and agencies that received a copy of the final EIS pursuant to CFR 771.125 (g). The ROD contains commitments by MDOT, which must be followed through. This action completes the environmental review process for the project and you may now proceed with further project development.

Sincerely,

A. A. Abdalla

Abdelmoez A. Abdalla
Environmental Programs Manager

For: James J. Steele
Division Administrator

Attachment
cc: Doug Proper, Project Planning, MDOT (B340) w/attach.
Terry Stepanski, MDOT, Design w/attach
Kreig Larson, W/O, HEPE-1, w/attach.
Ron Moses, Midwestern Resource Center, w/attach.
Ryan Rizzo, FHWA w/attach

(P#19026)

RECORD OF DECISION

Proposed I-94 Rehabilitation Project
From East of I-96 to East of Conner Avenue
City of Detroit, Wayne County, Michigan

1.0 DECISION

The following sets forth the basis for the Selected Alternative for the I-94 Rehabilitation Project. The logical terminus of this project is from east of I-96 to east of Conner Avenue, City of Detroit, Wayne County, Michigan. The Selected Alternative will be constructed in stages and will follow the existing I-94 alignment within the project limits. The purpose of the project is to improve the condition and capacity of the existing I-94 roadway and interchanges to support the mobility needs of local and interstate commerce as well as national and civil defense. This decision is based upon full consideration of information contained in the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation approved January 22, 2001, the Public Hearings held March 5th and 6th, 2001, DEIS re-evaluation approved November 3, 2004, the Final EIS and Final Section 4 (f) Evaluation approved December 21, 2004, public and agency comments, other alternatives considered, environmental consequences, and other issues related to the proposed action. It was estimated that the cost of the Selected Alternative is about 1.2 billion dollars (2004 dollars).

2.0 ALTERNATIVES CONSIDERED

The alternatives are adequately addressed in Chapter 4 of both the Draft EIS and the Final EIS. While the No-Build Alternative and Enhanced No-Build Alternative would result in less negative environmental consequences than the Build Alternative, they do not satisfy the need for increased capacity and safety to meet current and future transportation demands, they do not provide acceptable levels-of-service, and they do not meet the 'Purpose and Need' as described in Chapter 2 of both the Draft and Final EIS.

Other Alternatives

Chapter 4 of the DEIS described the alternatives that were evaluated to determine the best option to address current and projected travel demands, reduce the number of traffic crashes, and rehabilitate the pavement and bridges along I-94. The Practical Alternatives were retained for further study in the FEIS; however, only the DEIS Build Alternative was determined to satisfy the purpose and need. The Practical Alternatives included:

- The No-Build Alternative;
- The Enhanced No-Build Alternative; and
- The DEIS Build Alternative.

Three modifications to the DEIS Build Alternative were considered in preparation of the FEIS (see Section 4.4 of the FEIS). The changes respond to public and agency comments. All

changes resulted in reductions of the footprint of the DEIS Build Alternative. The main elements of the DEIS Build Alternative and the three modifications remain the same (four lanes in each direction of the I-94 freeway mainline and continuous service drives).

- Modification 1 includes a narrower median (no reserved space for future transportation needs) and reduces the service drives to a continuous two-lane configuration, except adjacent to Wayne State University.

- Modification 2 retains the reserved space in the median; however, it reduces the service drives to a continuous two-lane configuration, except adjacent to Wayne State University.

- Modification 3 eliminates the reserved space in the median, while retaining the three-lane service drive configuration.

Description of the Selected Alternative:

The DEIS Build Alternative Modification 1 with three refinements (see FEIS Section 4.4) was chosen as the Selected Alternative. Each of the refinements was made in specific response to agency and stakeholder concerns to minimize impacts and maximize service. The Selected Alternative contains four through-traffic lanes in each direction and improved geometrics including:

- Redesigned interchanges with M-10 and I-75;

- Adequate acceleration-deceleration lanes; and

- Auxiliary lanes for weaving.

The median will include a 14-foot inside shoulder, a 12-foot outside shoulder width, and a 6- to 10-foot variable median strip in which to place a concrete barrier. The service drives will include two 11-foot travel lanes and an 8-foot shoulder except in the location between M-10 and I-75 on the south side of the I-94 freeway where three lanes will be provided (see FEIS Section 4.5). It will not include a reserved space on the I-94 mainline freeway. The Selected Alternative:

- Satisfies the purpose and need for the project;

- Most effectively addresses public, stakeholder, and agency concerns among all alternatives considered;

- Is the least costly and has the least social, economic, and environmental impact to construct compared to the DEIS Build Alternative and Modifications 2 and 3; and

- Allows independent projects with the service drives and interchanges to be constructed separate from, and prior to the mainline freeway rehabilitation, to maintain local traffic during construction.

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3.0 SECTION 4(F)

Section 4(f) Properties

The Selected Alternative will not use any publicly owned land from a park, recreation area, or wildlife and waterfowl refuge. The Selected Alternative will use property from one historic district (the Woodbridge Neighborhood Historic District) listed on the National Register of Historic Places (NRHP) and three properties that are eligible for listing on the NRHP: the I-94/M-10 interchange, the United Sound Systems Recording Studios, and the Square D/Detroit Fuse and Manufacturing Company Building. The properties are discussed in detail in the DEIS and FEIS Section 5.11 Cultural Resources and in Chapter 6.0 Final Section 4(f) Evaluations for the Woodbridge Neighborhood Historic District, I-94/M-10 Interchange, Square D/Detroit Fuse and Manufacturing Company Building, and the United Sound Systems Recording Studios.

Section 106

In accordance with Section 106 of the National Historic Preservation Act, a Memorandum of Agreement (MOA) between the Federal Highway Administration and the State Historic Preservation Officer (SHPO) has been negotiated and signed to document the results of the coordination described in Chapter 6.0 of the FEIS. The results of the coordination include the measures that will be carried out to minimize the adverse effects to the historic properties and are included in the attached Project Mitigation Summary Green Sheet. Since the Section 106 MOA applies to the same properties addressed by the Final Section 4(f) Evaluation, the measures to minimize adverse effects described in the MOA will also apply to the Section 4(f) properties. The SHPO concurred in the MOA. A copy of the MOA is attached.

Section 4(f) Summary

No Prudent and Feasible Alternatives

The age and physical condition of existing I-94 between I-96 and Conner Avenue in Detroit requires that action be taken to keep the facility in serviceable condition. The congestion, capacity, safety, operational, and other problems identified in the FEIS further require that the rehabilitated roadway be designed to current standards and expanded with added capacity to accommodate current and future traffic and improve service to local and through traffic. The existing right-of-way is used in its entirety to maximize the utilization of resources already committed to I-94 and to reduce impacts. The Selected Alternative cross-section has been reduced to minimize impacts while still accomplishing the project purpose and need. As a result, there are no prudent and feasible alternatives to the Selected Alternative, as documented in FEIS Section 6.7.

Planning to Minimize Harm

Since there is no prudent and feasible alternative to using the existing alignment and taking adjacent properties where additional right-of-way is necessary, the action must include all possible planning to minimize harm. Moving the Woodbridge Neighborhood District house at 5287 Hecla Street to nearby vacant land will be considered during right-of-way acquisition, subject to feasibility, and approval by the owner. The I-94 cross-section was reduced to eliminate as many impacts as possible. The encroachments at the house on Hecla Street and at the recording studio also were reduced, but not enough to avoid acquisition. Both of these structures are impacted due to the redesign of the off-ramps. All ramp configurations between I-96 and I-75 were further studied; however, the area is so constrained by urban development that other locations for the ramps were not viable.

The left-hand entrances and exits on the I-94/M-10 interchange require replacement. Moving the interchange to a new location to preserve the existing interchange was not an option because of the increased environmental and community impacts it would cause at a new location. The redesign of the I-94/I-75 interchange to current design standards results in the ramp from westbound I-94 to northbound I-75 directly impacting the Square D/Detroit Fuse and Manufacturing Company Building. Moving this ramp is not feasible if it is to meet current design standards. The four historic resources will be recorded to appropriate SHPO standards prior to their destruction or moving.

All possible planning to minimize harm has been completed and the Selected Alternative is a feasible and prudent alternative with the least harm to the Section 4(f) resources after considering mitigation.

Formal Coordination

Consultation with the SHPO, the owners of the Section 4(f) properties, the FHWA, and other interested parties was initiated to determine whether there were any additional actions available that would minimize harm. A workshop specific to Historic Cultural Resources was held on the Wayne State University campus on December 11, 2003. This workshop was held to discuss the potential impacts of the project on the affected historic properties and to engage the interested parties from the community, the SHPO, the MDOT, and the FHWA to discuss innovative ways to preserve, protect, and/or record the historic properties.

Additionally, representatives of the project team attended a meeting with the Woodbridge Citizens District Council to discuss the project and other concerns of the neighborhood. Staff assigned to the project, together with reviewing agency personnel, attended local community meetings and organized interest group meetings (i.e. New Center Council, Wayne State University, Neighborhood Cluster Meetings, Central City Alliance, Congregation of Baptist Ministers, TRU, Art Center CDC, Warren Conner Development, and interested neighborhood groups). The staff, agency, and organized groups took field trips to become familiar with the specific properties and their setting. These activities assisted the project staff in coordinating the issues and concerns and addressing them in the FEIS.

Coordination Comments

The Memorandum of Agreement between the SHPO and the MDOT was included in the FEIS Appendix E. Comments, discussions, and conclusions resulting from the Historic Cultural Resources Workshop are summarized in the summary of that workshop included in the FEIS Appendix G. All of the coordination helped to reduce impacts and address concerns regarding the project.

Section 4(f) Conclusion

Based on the considerations discussed in the FEIS, there is no feasible and prudent alternative to the use of land from the Woodbridge Neighborhood Historic District, the I-94/M-10 interchange, the United Sound Systems Recording Studios, and the Square D/Detroit Fuse and Manufacturing Company Building. The Selected Alternative includes all possible planning to minimize harm to the historic properties.

4.0 MEASURES TO MINIMIZE HARM

The FEIS Chapter 7.0 addressed mitigation measures being considered for the Selected Alternative and is based on the information available through November 2004. An updated Project Mitigation Summary "Green Sheet" is attached.

5.0 COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT

The FEIS was made available for agency and public review on December 21, 2004, and sent to the EPA for filing. The comment period closed on April 29, 2005. The Selected Alternative was supported by various agencies such as the City of Detroit Planning and Development Department, SEMCOG, EPA, and the Michigan Department of Agriculture. These agencies replied that the FEIS responded to the DEIS comments, incorporated their concerns into the document, and/or that the FEIS satisfactorily provided further explanation. There were also agencies, other interested parties, and citizens (SEMCOG, Sierra Club Mackinac Chapter, The League of Women Voters of the Detroit Metropolitan Area, Transportation Riders United, and two citizens) that provided clarification, comments, or questions on the FEIS.

The following are summaries of letters and comments that were received as part of the public record. The letters are grouped into four groups: Federal and state agencies; regional planning agency; local agencies, interest groups; and the public.

5.1 LETTERS FROM FEDERAL AND STATE AGENGIES

5.1.1 The United States Environmental Protection Agency (EPA) replied that they had reviewed the document and stated that the selection of the Selected Alternative, the additional information provided in the FEIS, and the technical reports addressed the issues that they expressed in their May 11, 2001 letter in regards to the DEIS.

5.1.2 The United States Environmental Protection Agency (EPA) replied that they had reviewed the document and stated that the selection of the Selected Alternative, the additional information provided in the FEIS, and the technical reports addressed the issues that they expressed in their May 11, 2001 letter in regards to the DEIS.

5.1.3 The Michigan Department of Agriculture (MDA) replied that they had reviewed the document and stated that the concerns expressed regarding potential impacts to the existing system of county and inter-county drains were satisfactorily addressed. They have no additional concerns regarding the issues identified in the FEIS as they relate to the functions of the MDA.

5.2 LETTERS FROM THE REGIONAL PLANNING AGENCY

5.2.1 MDOT received three letters from the Southeast Michigan Council of Governments (SEMCOG) stating they had reviewed the FEIS and had the following comments:

- The FEIS is consistent with the Water Quality Management Plan for Southeast Michigan.
- The FEIS mitigation procedures for assessing contaminated sites rated MEDIUM and HIGH are a significant addition to project procedures for addressing environmental protection and public health and safety.
- The DEIS comments submitted were responded to in the FEIS by incorporating SEMCOG's concerns into the document or by satisfactorily providing further explanation.
- Actions taken during the FEIS development process included the following:
  - An update was provided by SEMCOG, during the FEIS comment period, stating that the "entire seven-county SEMCOG area was recently designated a non-attainment area for the new eight-hour ozone standard and non-attainment for fine particulate matter (PM2.5)." This information was available in the FEIS Sections 1.5.6 and 5.5.3.2.
  - In October 2004 SEMCOG adopted the 2030 Regional Transportation Plan (RTP). The 2030 RTP includes the Selected Alternative in its conformity analysis and is constrained to reasonably available funding. (Sections 3.5 and 5.5.4)
- The 2004-2006 Transportation Improvement Program (TIP) included funding for the completion of the FEIS.

5.3 LETTERS FROM LOCAL AGENCIES AND INTEREST GROUPS

5.3.1 The City of Detroit Planning and Development Department replied that they had reviewed the FEIS and that they supported the project.

5.3.2 The Sierra Club, Mackinac Chapter provided a letter summarizing eight concerns regarding the FEIS.

1. Traffic Increase Priority. It was commented that the FEIS recommendation is to maximize vehicular traffic and does not address the public comments asking for mass transit.

   Response: As stated in the DEIS and FEIS Chapter 4.0 and FEIS Chapter 8.0 Public Participation and Agency Coordination pages 8-107 through 8-109, transit ridership was assessed in the corridor as a potential alternative in the DEIS and I-94 was not deemed to be the appropriate corridor for transit service as ridership projections were estimated to be too low. Also, on October 25, 2001, SEMCOG adopted *Improving Transit in Southeast Michigan: A Framework for Action.* The report assessed transit within the Detroit metropolitan area and identified a 12-corridor, 259-mile transit system within southeast Michigan. The mainline of I-94 was not identified as a transit corridor for rail or high-speed buses. This project portion of the I-94 Rehabilitation Project is a critical section of the National Interstate and defense Highway System.

   The FEIS Chapter 4.0 and DEIS Chapter 4.0 provide the alternatives considered from the beginning of the study up through the Selected Alternative. The Selected Alternative is consistent with the *2025 Regional Transportation Plan,* as I-94 is listed as a high-priority corridor under study in order to develop recommendations for improving travel. It also meets the *MDOT's State Long Range Plan 2000-2025* goals. The tools utilized in all the analyses are approved by the EPA, SEMCOG, city of Detroit, MDOT, and FHWA. The CEQ Regulations at 1502.13 make it clear that the Purpose and Need "statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." The FEIS Chapter 2.0 describes the Purpose and Need for the Proposed Action. This has been consistent throughout the development of the DEIS and FEIS.

2. Increased Air Pollution and Health Impacts. Issues raised are regarding hazardous air pollution and the effects from more traffic especially the increase in truck/diesel emissions (linked to asthma, respiratory related disease, cancer risks, and low birth rates) are not addressed. The concern is that the FEIS does not propose any measures to contain, much less reduce, toxic emissions.

   Response: Air quality meetings were held with regulatory agencies to coordinate and agree on the analyses and the requirements for the FEIS. The air quality standards set for mobile sources by the USEPA are based on many

health risk studies of at-risk population groups, such as asthmatics, children, and the elderly. The air quality analysis performed for the I-94 Rehabilitation Project (which has been performed twice, once for the DEIS and updated for the FEIS) indicates that the project will not violate the applicable standards. The project also was found to conform to the State Implementation Plan for air quality by SEMCOG. Further information on air quality is contained in FEIS Sections 5.5 and 7.16. There are no air quality standards for air toxics and it is not a requirement of air quality analysis for environmental documentation at this time.

3. Transit/Toxic Reduction. The concern is that the FEIS has no proposed revisions recommending investment with cooperative arrangements with the Detroit Department of Transportation (DDOT) and/or the suburban SMART system to fund buses along the continuous service drives, dedicated bus/carpool lanes, park and ride lots, or other options to discourage single-occupancy vehicles.

   Response: As indicated in the FEIS Chapter 8.0, coordination with transit agencies DDOT and SMART has been ongoing throughout project planning and during selection of the Selected Alternative. Both agencies have expressed support for the proposed design, shown interest in utilizing the continuous service drives to expand bus service within the corridor, and have communicated specific service-related requirements to the MDOT. The MDOT is committed to working with these agencies for the duration of the project and will continue to seek transit agency input during the design phase to ensure that their specifications for enhanced transit service within the corridor are met and that any disruptions to existing service are minimized. FEIS Section 4.5 describes some of the motorized and pedestrian and bicycle options compatible with the Selected Alternative.

   High-occupancy vehicle (HOV) lanes were analyzed as part of the alternatives analyzed and was determined to have too low of a usage to support an HOV lane in the corridor. The transit operators do not use I-94, they operate adjacent and over it, so a bus lane is not desired by the transit operators.

4. Illegal Segmentation of I-94 Planning. The concern is over the focus on one segment of I-94 and not considering a range of alternatives as a system and the environmental impacts of the entire system.

   Response: FEIS Section 2.3 describes the process followed and the requirements that are meet for the validation of the project limits, logical termini, and independent utility.

5. Contaminated Sites. A comment is provided that the final construction plans for the project should contain further screening for soil and groundwater contamination and that a health and safety plan should be developed to protect construction workers exposed to lead, asbestos, and other contaminants while

handling impacted soil and demolishing buildings. Health and safety measures are needed to protect workers exposed to contaminants.

Response: Health and safety plans will be developed during design to ensure the protection of construction workers exposed to lead, asbestos, or other contaminants while handling impacted soil and building debris.

6. Noise Abatement. The concern is whether noise abatement was considered for institutional, as well as residential land uses.

   Response: Noise abatement was considered for institutional and residential land uses in the FEIS. Noise barriers will be provided where appropriate, effective, and consistent with FHWA and MDOT policies. Three barriers are currently proposed for the project corridor. Refer to Section 7.6 of this FEIS for more information. The final design process will re-evaluate the need for noise barriers in specific corridor locations. The construction phase of the project will mitigate for noise impacts as described in FEIS Section 7.15.

7. Environmental Justice. The comment stated a concern that the FEIS failed to address two principals of Environmental Justice: (1) providing opportunities for public participation and involvement in decision-making, (2) relief from the overburdening of pollution from multiple, cumulative sources. There were no public hearings on the FEIS, no announcement of meetings on the website, and no address where to send comments.

   Response: The analysis followed MDOT Environmental Interim Draft Guidance dated March 2001. Based on the interim guidance, the project team developed an outline to address the I-94 Rehabilitation Project. This outline was reviewed, revised, and approved by MDOT, FHWA, and EPA prior to conducting the analysis on the project to address Environmental Justice concerns. Outreach to the community has been a significant component of the I-94 Rehabilitation Project since its inception in 1994. There have been approximately 150 meetings during the project that have allowed the public and agencies the opportunity to be updated and provide input into the study process. Various techniques were utilized on this project from phone lines, email, newsletters, postcards, website, and meetings to communicate with the public and agencies in the project study area.

   In response to the public and agency comments received on the DEIS, and concerns over community impacts, three modifications to the DEIS Build Alternative were developed and included with the Selected Alternative. The estimated number of structures was reduced from 69 for the DEIS Build Alternative to 42 for the FEIS Selected Alternative. FEIS Section 5.1.4 provides an updated environmental justice analysis and describes expected improvements such as community facilities and services, neighborhood cohesion and connectivity across and adjacent to I-94, and pedestrian and bicycle mobility within the corridor.

Air quality meetings were held with regulatory agencies and language was coordinated and agreed upon for content in the FEIS. The air quality standards set for mobile sources by the U.S. EPA are based on many health risk studies. The studies are based on the at-risk population (asthmatics, children, and elderly). The air quality analysis performed for the I-94 Rehabilitation Project (which has been performed twice, once for the DEIS and updated for the FEIS) indicates that the project will not violate the applicable standards. The project also was found to conform to the State Implementation Plan for air quality by SEMCOG. Further information on air quality is contained in FEIS Sections 5.5 and 7.16. There are no air quality standards for air toxics and it is not a requirement of air quality analysis for environmental documentation at this time.

There is no NEPA requirement to hold a public hearing after the FEIS is published. This Record of Decision is responding to comments from responses received on the FEIS. The Technical Advisory T 6640.8A lays out the process required and followed during this stage. The project website facilitated the meetings and public participation needed for the project and also contained the FEIS. The website located at (http://www.michigan.gov/mdot under Projects and Programs) has a section titled 'Public Meetings and Hearings' that provides all the locations and meeting dates. The section 'Public Involvement' has ways to contact the department with comments. Chapter 8.0 Public Participation and Agency Coordination, Sections 8.1 through 8.2, describes the type of meetings, coordination, and timing of the public participation process. The first page of the FEIS also provided a Federal Highway Administration and MDOT contact for comments on the FEIS, by listing an address, phone, fax and email for each contact person.

8. Other concerns. A concern was raised regarding the increase in water run-off due to expanding impervious paved surfaces and the potential failure of Southeast Michigan to meet federal attainment standards for particulate matter and carbon monoxide in the future.

   Response: The Selected Alternative will include the construction of a new drainage system. Any increased run-off due to the additional paved areas associated with the Selected Alternative will be detained on-site through in-line detention, (surface detention will also be evaluated for areas within the interchanges) and metered back into the city of Detroit sewer system at a rate not to exceed the current maximum flow. In-line detention or detention ponds in the interchanges will also be further examined. This aspect of the study has been coordinated with the city of Detroit, and such coordination will continue through the design and construction phases.

   An update was provided by SEMCOG, during the FEIS comment period, stating that the "entire seven-county SEMCOG area was recently designated a non-attainment area for the new eight-hour ozone standard and non-attainment for fine particulate matter (PM2.5)." This information was available in the FEIS

Sections 1.5.6 and 5.5.3.2. The update provided by SEMCOG does not change the conclusions, as stated in the FEIS.

5.3.3 The League of Women Voters of the Detroit Metropolitan Area stated that they join with Transportation Riders United (TRU) in rejecting the FEIS for the I-94 Rehabilitation Project. The comments of TRU and the responses are below in Section 5.3.4.

5.3.4 The Transportation Riders United provided comments and concerns regarding areas of concern with the FEIS.

1. Introduction. TRU respectfully requests that the Federal Highway Administration reject the FEIS as inadequate, incomplete, and non-responsive to the public comments received.

   Response: MDOT has sponsored approximately 150 meetings over the course of 11 years and has followed the appropriate NEPA requirements. Meetings have been held with EPA and FHWA to ensure that the appropriate coordination, analysis, and documentation were performed. Public and agency input has influenced the project and has helped reduce the magnitude of the impacts. Examples of modifications due to public input include reducing impacts around the M-10/I-94 interchange; reducing impacts along Hendrie Street, reducing the continuous service drive width, and a reduction of historic impacts. FEIS Section 8.0 provides the public participation and agency participation interaction and response to comments.

2. The NEPA Process. Concern is raised whether the EIS process followed on I-94 satisfied the requirements of NEPA.

   Response: In order for the Federal Highway Administration (FHWA) to sign the title page of the FEIS, the document must be reviewed by FHWA for legal sufficiency and a determination that it satisfies the agency's NEPA requirements. The I-94 Rehabilitation Project FEIS was signed by the FHWA on December 21, 2004. NEPA requires a "hard look" at the reasonably foreseeable actions and environmental consequences of proposed alternatives before decisions are made and before actions are taken. Reasonably foreseeable generally means based on the best available data and does not require speculation or the determination of a preferred future. NEPA procedures require that the agency must ensure that this environmental information is available to public officials and citizens. The Federal agency's responsibility is to independently evaluate the information and be responsible for its accuracy.

3. The Purpose and Need for this Project is improperly biased in favor of expanding I-94, is not justified, and fails to take into account important regional planning objectives. Concern is raised whether the purpose and need was too narrow, and that it excluded other reasonable alternatives. Concern is raised whether the need was justified and whether it failed to take into account

important regional planning objectives. The concern is that the purpose and need for this project appear to be predisposed to select a pavement solution to meet capacity and safety needs. Concern was raised over why the I-75 and I-94 interchange has to be rebuilt, as it has all right-hand exits and entrances. Concern is raised over why reconstruction is needed, as the congestion does not appear to justify the expansion.

Response: The FEIS Chapter 2.0 describes the Purpose and Need for the Proposed Action, as well as the proposed project's independent utility. The FEIS Chapter 4.0 and DEIS Chapter 4.0 provide the alternatives considered from the beginning of the study up through the Selected Alternative. The Selected Alternative is consistent with the *2025 Regional Transportation Plan,* as I-94 is listed as a high-priority corridor under study in order to develop recommendations for improving travel. It also meets the *MDOT's State Long Range Plan 2000-2025* goals. The tools utilized in all the analyses are approved by the EPA, SEMCOG, City of Detroit, MDOT, and FHWA. The CEQ Regulations at 1502.13 make it clear that the Purpose and Need "statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." This has been consistent throughout the development of the DEIS and FEIS.

As stated in the DEIS and FEIS Chapter 4.0 and FEIS Chapter 8.0 Public Participation and Agency Coordination pages 8-107 through 8-109, transit ridership was assessed in the corridor as a potential alternative in the DEIS and not deemed to be the appropriate corridor for transit service as ridership projections were estimated to be too low. Also, on October 25, 2001, SEMCOG adopted *Improving Transit in Southeast Michigan: A Framework for Action.*

The report assessed transit within the Detroit metropolitan area and identified a 12-corridor, 259-mile transit system within southeast Michigan. The mainline of I-94 was not identified as a transit corridor for rail or high-speed buses. This project portion of the I-94 Rehabilitation Project is a critical section of the National Interstate and defense Highway System.

The level of service and delay that exists today and what is anticipated for the future justifies the need to provide additional capacity in the corridor. There is an expected 35-percent increase in traffic by the year 2025 over the base year data from 1995 (the 1995 volumes varied from 120,000 to 160,000 annual average daily traffic (AADT)) in the corridor. The 2025 volumes would result in Levels of Service (LOS) E or F, with LOS A being best and LOS F being worst, throughout the study area if no improvements were made. Operation under these circumstances is considered congested. This generally means that speeds will be even lower than exist today, with more stops, and congestion will extend over a longer time period. A more detailed description of LOS can be found in the DEIS Section 2.5.3 and in the Traffic Report, Volume 3. The corridor does not meet current design standards to promote safety and traffic flow. Alleviating traffic congestion will also help to address air quality issues.

The project area has had some improvements, such as a pavement overlay, but they are short-term fixes, expected to last approximately ten years. (FEIS Section 2.5.3)

The ramp design at the I-75 and I-94 interchange was once state-of-the-art practice. These ramps are nearing the end of their useful life. The current interchange design cannot safely carry the traffic volumes that utilize it. Some of the ramps have had to be rebuilt in their current location twice in the last ten years due to serious crashes that destroyed the structural integrity of a ramp. The capacity, radius, and grade of the interchange are elements that would be redesigned to current design standards. The I-75 and I-94 interchange and its design interact with the M-10 and I-94 interchange, as they are closely spaced, less than one mile apart. Redesigning the ramps to current design standards improves the overall safety and operation of both interchanges.

4. Concern is raised whether the project is in compliance with MDOT's Transportation Vision.

   Response: MDOT's website outlines the agency's Mission, Vision, and Values. MDOT has been proactive in its leadership and support for planning the I-94 Rehabilitation Project. It has utilized various agency resource tools and coordination to provide a transportation solution that will be safe, efficient, and effective. The Selected Alternative is socially and environmentally responsible, responsive to current and future needs, and supports economic growth. It helps enhance the vitality of the community by providing continuous service drives, as well as enhancing the economic vitality of goods movement within southeast Michigan along the freeway. The MDOT continually communicated with the customers and stakeholders by holding approximately 150 meetings since the fall of 1994 to address the current and future needs and concerns.

5. Concern is raised over the compliance with SEMCOG's 2030 Regional Transportation Plan Goals and Objectives. The concern is that the project does not further the goals and objectives of the SEMCOG 2030 Regional Transportation Plan.

   Response: The following goals and objectives are part of the SEMCOG 2030 Regional Transportation Plan and are addressed by the Selected Alternative.

   - Goal—Enhance accessibility and mobility for all people. The Selected Alternative does enhance accessibility and mobility for all people by providing safer, less congested freeway and surface street facilities. It enhances non-motorized capabilities along the continuous service drives, provides safer crossings over the freeway, and provides DDOT and SMART additional opportunities to expand service along the corridor.

   - Goal—Enhance accessibility and mobility for freight while maintaining community integrity. The safer and less congested I-94 freeway

enhances accessibility and mobility for freight and keeps the freight traffic on their major route and maintains community integrity.

- Goal—Promote a safe and secure transportation system. A newly designed facility will provide for safer, securer, smoother flow of traffic and reduce crashes along the corridor.

- Goal—Protect the environment, both natural and built. The project minimizes impacts to the natural and built environment. The project has followed the NEPA planning process and provided numerous opportunities for public input. Agencies and the MPO approved it in the 2030 Regional Transportation Plan.

The 2004-2006 TIP included funding to complete the FEIS. Should the project be built, the project sponsor must submit this project for the TIP as it is considered regionally significant and will most likely require federal funds. The MDOT is working to secure federal funding for the project.

6. Concern is raised that the project does not meet the TEA-21 (Transportation Equity Act for the 21st Century) goals. There is concern that the project does not provide accessibility and mobility for all people and goods, and that it is not a strategic investment that is designed to enhance the vitality of the community. There is concern that it does not promote a safe and secure transportation system, nor does it protect and enhance the environment. The proposed project does not satisfy historic goals for freeway rehabilitation in the region.

   Response: Citing TEA-21, 23 USC Sec.134(a)(1) planning objectives in the Transportation Equity Act for the 21st Century: "It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution."

   The Selected Alternative addresses the goals of providing accessibility and mobility for all people and goods, as it provides for freight, motorized, and non-motorized mobility. It provides the potential for bus service where it cannot exist today, along the proposed continuous service drives by providing better linkages for bus service and routes adjacent and across I-94. It helps enhance the vitality of the community by providing continuous service drives, as well as enhancing the economic vitality of goods movement within southeast Michigan along the freeway. It is designed to enhance vehicular, bus, and non-motorized safety on and off the freeway. It also is designed to protect and enhance the environment. Since it is an urban area, the amount of natural environment is limited, but the Selected Alternative will also be designed to address the community's needs and be enhanced with context sensitive solutions. Historic

preservation has played a prominent role in the FEIS, with commitments for preservation for the freeway, as well as impacted historic structures.

7. The FEIS fails to rigorously explore and objectively evaluate all reasonable alternatives, as required by the National Environmental Policy Act. There is a concern that all reasonable alternatives were rigorously and objectively evaluated, including mass transit. There is a suggestion that MDOT should use Construction Traffic Maintenance and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding to finance transit as a component of the project.

   Response: As stated in the DEIS and FEIS Chapter 4.0 and FEIS Chapter 8.0 Public Participation and Agency Coordination pages 8-107 through 8-109, transit ridership was assessed in the corridor as a potential alternative in the DEIS and not deemed to be the appropriate corridor for transit service as ridership projections were estimated to be too low. Also, on October 25, 2001, SEMCOG adopted *Improving Transit in Southeast Michigan: A Framework for Action.* The report assessed transit within the Detroit metropolitan area and identified a 12-corridor, 259-mile transit system within southeast Michigan. The mainline of I-94 was not identified as a transit corridor for rail or high-speed buses. This project portion of the I-94 Rehabilitation Project is a critical section of the National Interstate and defense Highway System. As indicated in the FEIS Chapter 8.0, coordination with transit agencies DDOT and SMART has been ongoing throughout project planning and during selection of the Selected Alternative. Both agencies have expressed support for the proposed design, shown interest in utilizing the continuous service drives to expand bus service within the corridor, and have communicated specific service-related requirements to the MDOT. The MDOT is committed to working with these agencies for the duration of the project and will continue to seek transit agency input during the design phase to ensure that their specifications for enhanced transit service within the corridor are met and that any disruptions to existing service are minimized. FEIS Section 4.5 describes some of the motorized and pedestrian and bicycle options compatible with the Selected Alternative. Any available funding to mitigate congestion during construction will be pursued.

8. Concern was raised that the cost estimates for the various alternatives lack adequate substantiation and detail to make a meaningful comparison of alternatives. A cost-benefit analysis is recommended to be performed. Comment and examples provided utilizing the "Triple Bottom Line" assessment to evaluate the alternatives.

   Response: Detailed cost estimates will be developed during the engineering report and design phase. The level of detail provided for the cost estimates in the FEIS is appropriate for planning purposes. A matrix assessment was performed on I-94 during the Selected Alternative Analysis Phase, around August 2002. This matrix assessment looked at engineering, community access and circulation, environment, and social and economic factors for the No-Build,

DEIS Build, and the three modifications, prior to the selection of the Selected Alternative. This embodies some of the similar attributes as the "Triple Bottom Line" assessment.

A plan for construction phasing and duration will be developed in an Engineering Report. It will follow the Record of Decision, and will precede design activities.

9. MDOT has engaged in unlawful segmentation and failed to consider the cumulative impacts of other connected or foreseeable projects. The concern is that the logical termini are of sufficient length and have independent utility. A recommendation is made that MDOT carry out a Programmatic EIS.

   Response: FEIS Section 2.3 describes the process followed and the requirements for validation of the project limits, logical termini, and independent utility. A Programmatic EIS is not needed.

10. MDOT has failed to take the requisite "hard look" at significant environmental and social impacts of the proposed I-94 expansion project. The concern is that the environmental and social impacts of the proposed project and the other alternatives are insufficient, as well as the assessment and mitigation for the Environmental Justice impacts.

    Response: In order for the Federal Highway Administration (FHWA) to sign the title page of the FEIS, the document was reviewed by FHWA for legal sufficiency and a determination that it satisfies the agency's NEPA requirements. The I-94 Rehabilitation Project FEIS was signed on December 21, 2004. NEPA requires a "hard look" at the reasonably foreseeable actions and environmental consequences of proposed alternatives before decisions are made and before actions are taken. Reasonably foreseeable generally means based on the best available data and does not require speculation or the determination of a preferred future. NEPA procedures must ensure that this environmental information is available to public officials and citizens. The Federal agency's responsibility is to independently evaluate the information and be responsible for its accuracy.

    Comments related to environmental justice focused on public outreach, negative consequences of increased traffic on the health of residents, and community impacts to low-income and minority population in the project area. The analysis followed MDOT guidelines and met with EPA approval. Outreach to the community has been a significant component of the I-94 Rehabilitation Project since its inception in 1994. There have been approximately 150 meetings during the project that have allowed the public and agencies the opportunity to be updated and provide input into the study process. Various techniques were utilized on this project from phone lines, email, newsletters, postcards, and meetings to communicate with the public and agencies in the project study area.

In response to the public and agency comments received on the DEIS, and concerns over community impacts, three modifications to the DEIS Build Alternative were developed. The estimated number of structures was reduced from 69 for the DEIS Build Alternative to 42 for the FEIS Selected Alternative. FEIS Section 5.1.4 provides an updated environmental justice analysis and describes expected improvements such as community facilities and services, neighborhood cohesion and connectivity across and adjacent to I-94, and pedestrian and bicycle mobility within the corridor.

11. There is a concern that the Selected Alternative interferes with the pedestrian access within the I-94 corridor. Concern is raised over the removal of pedestrian structures at the Piquette, Ferry, Third, John R, and Beaubien Streets over I-94 and I-75, as well as the pedestrian-only structure east of Trumbull. The concern is raised about the project providing access for the transit dependent, as well as addressing safety.

    Response: Currently, non-motorized accessibility is not continuous from east to west in the corridor. The new design, as described in FEIS Section 5.1.2.3 will provide continuous street and sidewalk facilities, a shoulder along the continuous service drives, safer crossings over the I-94 freeway, and provide these crossings with context sensitive design as developed in subsequent phases of the project. The FEIS pages 8-109 through 8-111 address the pedestrian accessibility issue. As indicated in the FEIS Chapter 8.0, coordination with transit agencies DDOT and SMART has been ongoing throughout project planning and during selection of the Selected Alternative. Both agencies have expressed support for the proposed design, shown interest in utilizing the continuous service drives to expand bus service within the corridor, and have communicated specific service-related requirements to the MDOT. The MDOT is committed to working with these agencies for the duration of the project and will continue to seek transit agency input during the design phase to ensure that their specifications for enhanced transit service within the corridor are met and that any disruptions to existing service are minimized. FEIS Section 4.5 describes some of the motorized and pedestrian and bicycle options compatible with the Selected Alternative. The Selected Alternative provides DDOT more opportunity to serve the transit dependent, as it provides service within the corridor.

12. A comment is made that the FEIS does not appropriately address the community noise concern. Concern is raised that the Selected Alternative makes things worse. A concern is raised over the procedure on predicting noise levels. Concern is raised over the criteria used for determining noise barrier locations.

    Response: Noise barriers will be provided where appropriate, effective, and consistent with FHWA and MDOT policies and procedures. Three barriers are currently proposed for the project corridor. Refer to Section 7.6 of this FEIS for more information. The final design process will re-evaluate the need for noise

barriers in specific corridor locations. The construction phase of the project will mitigate for noise impacts as described in FEIS Section 7.15.

13. Air quality impacts are a concern at a localized and regional level. A comment was provided that the No-Build and mass transit alternatives are better for air quality. Issues with conformity analysis, regional impacts of mobile source emissions, the increase in toxic air pollutants, increases in emissions of greenhouse gases from mobile sources, increase in NAFTA-related international truck traffic, and induced travel demand.

    Response: Regarding the induced travel demand, the indirect and cumulative effects analysis addressed these impacts. Regarding the NAFTA-related international truck traffic, the traffic report took into account the additional international truck traffic forecast, as well as any other know generators in the seven-county area that could add to the traffic in the study corridor.

    Air quality meetings were held with regulatory agencies and language was coordinated and agreed upon for content in the FEIS. The air quality standards set for mobile sources by the USEPA are based on many health risk studies. The studies are based on the at-risk population (asthmatics, children, and elderly). The air quality analysis performed for the I-94 Rehabilitation Project (which has been performed twice, once for the DEIS and updated for the FEIS) indicates that the project will not violate the applicable standards. The project also was found to conform to the State Implementation Plan for air quality by SEMCOG. Further information on air quality is contained in FEIS Sections 5.5 and 7.16. There are no air quality standards for air toxics and it is not a requirement of air quality analysis for environmental documentation at this time. An analysis of greenhouse gases is not a requirement of the NEPA process or for documentation in the environmental impact statement.

    An update was provided by SEMCOG, during the FEIS comment period, stating that the "entire seven-county SEMCOG area was recently designated a non-attainment area for the new eight-hour ozone standard and non-attainment for fine particulate matter (PM2.5)." This information was available in the FEIS Sections 1.5.6 and 5.5.3.2. The update provided by SEMCOG does not change the conclusions, as stated in the FEIS.

    An update was provided and clarified by SEMCOG during the FEIS comment period. In October 2004, SEMCOG adopted the 2030 RTP. The 2030 RTP includes the Selected Alternative in its conformity analysis and it is constrained to reasonably available funding. (FEIS Sections 3.5 and 5.5.4)

14. It is stated that the FEIS Section 2.7 Summary comments are not justified.

    Response: The comments in FEIS Section 2.7 are accurate based on the analysis performed and the documentation in the FEIS Chapter 2.0.

15. Section 4(f) precludes destruction of protected 4(f) historic resources because prudent and feasible alternative exist.

    Response: All impacts and measures to mitigate impacts to Section 4(f) properties are documented in Chapter 6. Extensive consultation and coordination with local community representatives, the SHPO, and ACHP have taken place regarding impacts to historic properties within the corridor.

    Alternate locations for the proposed action that would avoid the taking of the historic structures were considered and were not found to be practical. The project involves the reconstruction of an existing roadway with minimal need for additional rights-of-way and all feasible alternatives were assessed to minimize impacts. The MOA for historic facilities is contained in the FEIS Appendix E.

16. MDOT's public participation process has been flawed. A concern was raised that a "town hall" style public hearing was not held and that a true public hearing be held. It was asked if anyone, and who, was invited from TRU to attend the Context Sensitive Solutions and Historic Workshops? The perception by TRU is that the project has been unresponsive to public comment received. The public notice was flawed and TRU had to request copies. The perception is that the public notice did not specify the end date for the comment period.

    Response: MDOT has sponsored approximately 150 meetings over the course of 11 years and has followed the appropriate NEPA requirements. These meetings have addressed organized groups (public and private) that requested an update on the project. Public communication and outreach efforts have included Citizen Advisory Committee, Public Information Meetings, Neighborhood and Organization Meetings, a Citizen Impact Survey, a Focus Group Study, Agency Coordination, an Interagency Coordination Committee, Agency and Local Government Meetings, Context Sensitive Solutions and Historical Workshops, and Regulatory Agency Meetings. All of these meetings were held consistent with NEPA guidelines and helped in selecting the I-94 Rehabilitation Project Selected Alternative. Public and agency input has influenced the project and has helped reduce the magnitude of the impacts. Examples of modifications due to public input include reducing impacts around the M-10/I-94 interchange; reducing impacts along Hendrie Street, the continuous service drive size, and a reduction of historic impacts. FEIS Section 8.0 provides the public participation and agency participation interaction and response to comments.

    Over the course of the 11-year history of the planning of this project, there have been many different meetings held in varying formats to address the public. At all times the public has had the opportunity to provide comments and feedback. There is no requirement to conduct a "town hall" style meeting, although there were several such town hall style meetings held during the project. The meetings held recently have been open forum style to allow as much public

interaction as possible. There is no NEPA requirement to hold a public hearing after the FEIS is published. This Record of Decision is responding to comments from responses received on the FEIS.

Regarding the invitees to Context Sensitive Solutions and Historical Workshops, there were over 25 different agency/organizations (Wayne State University; City of Detroit engineering, administration, and planning staff; New Center Council; TRU; Warren-Conner Development; Central City Alliance; University Cultural Center Association; Detroit Economic Growth Corporation, etc.) and over 80 individuals were invited to the Context Sensitive Solutions workshops and over 10 agency/organizations (SHPO, Woodbridge Historic District, Detroit Historic District, etc.) were invited to the Section 106 Workshop. Special interest groups were invited to the Context Sensitive workshops held in February 2004. A card was mailed to Karen Kendrick-Hands of TRU with a bulk mailing on January 26, 2004. Also at the public meetings held October 21 and 22, 2003, a station was included that provided information on the upcoming workshops and a sign-up sheet for anyone who wanted to be included on the mailing list for the upcoming Context Sensitive workshops.

Regarding the concerns of the public notice comment period, the public notice contained all of the required information. It was published twice in the Federal Register. The first time was on February 25, 2005, on page 9306, to set the comment period. The second time was on March 11, 2005, in Volume 70, #47, page 12212, to extend the comment period. On March 10, 2005, a press release stated the final date for comments was April 29, 2005.

5.4 LETTERS AND COMMENTS RECEIVED FROM THE PUBLIC

The MDOT received comments and letters from two individuals.

5.4.1 An email was received asking for clarification of the meaning of "Wait Period Ends," as well as the dates for submission of comments on the FEIS and the extension for comments. Also it was asked whether the Federal Register notice would be amended. A concern was also expressed about the MDOT and FHWA to strictly enforce the provisions of the NEPA law and CEQ regulations regarding the preparation of environmental impact statements.

Response: The term "wait period ends" means the end of the comment period. Any person or agency can give their comments until that day. The time period extension was originally March 28, 2005 and was extended to April 29, 2005. It should be noticed that this was a two-month comment period, compared to the CEQ regulation's requirement of only a one-month waiting period. Regarding the concerns of the public notice comment period, the public notice contained all of the required information. It was published twice in the Federal Register. The first time was on February 25, 2005, on page 9306, to set the comment period. The second time was on March 11, 2005, in

Volume 70, #47, page 12212, to extend the comment period. On March 10, 2005, a press release stated the final date for comments was April 29, 2005.

In order for the Federal Highway Administration (FHWA) to sign the title page of the FEIS, the document must be reviewed by FHWA for legal sufficiency and a determination that it satisfies the agency's NEPA requirements. The I-94 Rehabilitation Project FEIS was signed by the FHWA on December 21, 2004. NEPA requires a "hard look" at the reasonably foreseeable actions and environmental consequences of proposed alternatives before decisions are made and before actions are taken. Reasonably foreseeable generally means based on the best available data and does not require speculation or the determination of a preferred future. NEPA procedures require that the agency must ensure that this environmental information is available to public officials and citizens. The Federal agency's responsibility is to independently evaluate the information and be responsible for its accuracy.

5.4.2 Another email was received regarding the status of the widening and the update on the concept of Harper Avenue as a continuous service drive.

Response: As part of the alternatives reviewed in the DEIS, an "unconventional service drive" option was considered for Harper Avenue. It was determined to be too costly to buy land and the community impacts were significant. Sufficient capacity increases to I-94 (3 to 4 lanes) are expected to keep the vehicles off Harper that use it now as I-94 back-ups.

December 15, 2005
Date

James J. Steela
For the Federal Highway Administration

Record of Decision "Green Sheet" for the Selected Alternative

1. *Cultural Environment*
    a. United Sound Systems Recording Studios Building will be recorded to SHPO standards to create a permanent record of its existence before the building is adversely affected. The MDOT will fund a survey of music-related sites in the Detroit area and prepare a dissemination and publication plan with the SHPO (FEIS Section 6). The MDOT will also fund the research and production of a documentary film, in cooperation with the SHPO, which will document the history of United Sound Studios.
    b. The Woodbridge Historic District house at 5287 Hecla Street will be recorded to SHPO standards before the building is adversely affected to create a permanent record of its existence. The MDOT will prepare a marketing plan in conjunction with the SHPO to market the house at 5287 Hecla Street for removal from its current location and relocation to another site. Should attempts to relocate fail; the MDOT will demolish the building. (FEIS Section 6).
    c. MDOT shall ensure that any vacant land within the Woodbridge Historic District boundaries impacted by the Selected Alternative will be landscaped in accordance with a landscape plan designed in advance of any construction. This plan will be designed in consultation with and be approved by the SHPO, a representative staff member from the Detroit Historic District Commission and the property owners. (FEIS Section 6)
    d. The Square D/Detroit Fuse and Manufacturing Company Building will be recorded to SHPO standards to document the history of the building before the building is adversely affected. A physical and/or internet-based exhibit will be developed with the SHPO, and coordinated with the MDOT, on the 1954 Square D strike. (FEIS Section 6)
    e. The I-94/M-10 interchange will be recorded to the SHPO standards in order to create and preserve a permanent record of its existence. A small-scale exhibit of the interchange will be produced and the exhibit display schedule will be coordinated with the SHPO. (FEIS Section 6)
    f. Copies of the original I-94/M-10 interchange plans and other materials relating to the design and construction of the interchange will be compiled and provided to the SHPO and any appropriate archives as directed by the SHPO. (FEIS Sections 6.5.2 & 7.8)

2. *Social and Economic Environment*
    a. The four industrial and 12 commercial properties that would be displaced as a result of the Selected Alternative will be acquired in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Federal Law 91-646). These businesses will be contacted by the MDOT and appropriate mitigation will be developed to assist businesses during and after construction. (FEIS Sections 5.1.2 and 7.1)
    b. The Context Sensitive Solution effort will continue in the Engineering Report and design phase by the MDOT to develop appropriate design themes begun in the

Context Sensitive Solutions Workshops held in February 2004. (FEIS Section 7.7)

c. Eight of the existing ten pedestrian-only bridges crossing I-94 and M-10 within the study limits will be reconstructed in approximately the same locations as they exist today. When rebuilt, these pedestrian-only bridges will span over both the freeway and the continuous service drives to provide safer crossings for all residents. The eight locations are as follows: Over M-10 north of I-94 around Holden; over M-10 south of I-94 at Wayne State University, north of Warren; over I-94 in the vicinity of Helen; over I-94 just east of Sheridan; over I-94 at Iroquois; over I-94 just west of Rohns; over I-94 just east of Springfield; and over I-94 just east of the Conner Avenue ramps. The only two pedestrian-only bridges not being replaced are Brooklyn over I-94 (just west of M-10) and Canfield over M-10 (just south of Forest Avenue). Both locations are within one block of a proposed vehicular-pedestrian crossing facility. (FEIS Section 5.1.2.3)

d. Three state-of-the-art noise barriers will be provided at the locations listed below that satisfy both the cost and acoustic components of the MDOT's noise abatement policy guidelines for feasibility and reasonableness. The three locations are Barrier 3 (B3-northwest quadrant of the M-10/I-94 interchange), and Barriers 5 and 7 (B5 and B7-southwest quadrant of the I-75/I-94 interchange). Other potential noise barrier locations will be reevaluated during final design. (FEIS Figures 5-11A and B)

e. State-of-the-art retaining walls will be constructed as appropriate throughout the corridor to improve aesthetics and further decrease neighborhood noise levels. (FEIS Section 4.3)

f. A minimum of six-foot wide sidewalks will be constructed along one side of the service drives, through the interchanges, and on all reconstructed bridges and cross streets. Service drives will be continuous with sidewalks that include appropriate crosswalks. (FEIS Section 2.5.6 and FEIS Section 5.15.2)

g. To minimize impacts, all service drives will be designed to match the existing roadway width and continue along the existing service drives adjacent to the residential/commercial areas wherever feasible.

h. An early mitigation concept for Hendrie Street has already been developed in response to a city of Detroit comment (see FEIS Chapter 8, Letter 7, Response 7-26). The city of Detroit requested the construction of a new street east of Woodward Avenue and parallel to the service drive, in conjunction with the eastbound service drive, for local traffic and to provide a buffer for the Hendrie Street residents from the eastbound service drive traffic. (FEIS Figure 7-1)

3. *Natural Environment*

a. Water quality will be improved by reconstructing the existing drainage system and adding pollution control measures, such as protecting all storm water inlets and adding oil/water separators at new pump stations. (FEIS Section 5.9.3)

4. *Hazardous/Contaminated Materials*

a. If further investigation indicates that contaminated soils will be encountered,

requirements for handling impacted soils and worker safety measures will be developed and incorporated into final construction plans. (FEIS Section 5.8.2)

b. Any sites rated MEDIUM and HIGH will be analyzed further prior to the design phase of this project to verify potential contamination concerns. Further assessment will include field screening and the collection of soil and groundwater samples for laboratory analysis, where applicable. (FEIS Section 7.11)

c. If contaminated soils are present in the M-10/I-94 and I-75/I-94 interchange areas where multi-level interchanges are planned, consideration should be given to structure foundations that do not involve excavation or drilling to depths where contaminated soils may exist. (FEIS Section 5.8.2)

5. *Construction*

a. Service drives and bridges carrying local streets over I-94 east of I-75 will be constructed in advance to provide local access while the mainline is under construction. (DEIS Section 5.14.1)

b. Disruption of traffic in the construction area will be minimized to the extent possible. There will be a public awareness and information program that will inform local residents and businesses, together with other travelers and trucking companies that use I-94 in the project area, regarding construction schedules, ramp closings, alternative routes, and other matters affecting their travel in and through the area. Efforts to reduce travel demand through the project area to minimize congestion and improve safety during construction include: MDOT will encourage car pooling; MDOT will coordinate with other agencies to utilize ITS facilities to inform motorists; prior to construction, MDOT will identify alternate travel routes and an information campaign; the SMART and DDOT transit agencies will be encouraged to apply for special construction mitigation funding to pursue project area transit service on parallel facilities, as well as adding express bus service. (FEIS Sections 5.14.1 and 7.13)

c. The MDOT and the appropriate agencies will cooperatively develop an emergency response plan during construction to maintain emergency services within the project corridor. (DEIS Section 5.14.2.2 and referenced in FEIS Section 5.14.2)

d. The duration of ramp closings will be minimized to the extent practicable and adjacent ramps will not be closed at the same time. (FEIS Section 7.13)

e. Incentives will be considered for inclusion in construction contracts to encourage accelerated construction and minimize the duration of impacts. (FEIS Section 7.13)

f. Access to homes and businesses will be maintained at all times. (FEIS Section 7.13)

g. Basement surveys will be offered in areas where vibration impacts could occur. Structures within 200 feet from construction operations such as bridge/pavement removal or piling/steel sheeting installation will be reviewed. These areas will be identified during final design. Vibration impacts, however, are not anticipated at this time. (FEIS Section 5.7.3)

h. Air pollution from construction equipment exhaust will be limited by the use of state-of-the-art best management practices at the time of construction per state and federal standards. (FEIS Section 7.16).
i. Noise abatement measures will be used to minimize construction noise levels in all areas outside the construction site boundaries. (FEIS Section 7.15)
j. Noise barriers will be constructed as part of the proposed improvements as early as feasible in the construction phase. These barriers will help shield nearby residential areas from construction noise and traffic noise. (FEIS Section 5.5)
j. Ensure that the construction contractors adhere to all applicable local, state, and federal noise control ordinance requirements. (FEIS Section 5.5)
k. Stationary construction equipment, such as generators, will be enclosed or shielded, to block the direct path between the noise source and residences. (FEIS Section 5.5)
l. Truck loading and unloading and other handling operations will be scheduled so as to minimize noise impacts to nearby residences. (FEIS Section 5.5)

MEMORANDUM OF AGREEMENT BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION AND
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE REHABILITATION OF I-94 BETWEEN I-96 AND EAST OF CONNER AVENUE
CITY OF DETROIT, WAYNE COUNTY, MICHIGAN
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR PART 800.6(b)(1)

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Rehabilitation of I-94 between I-96 and east of Conner Avenue (Project) will have an adverse effect upon the following four historic properties (Historic Properties), which either are listed in the National Register of Historic Places (NRHP) or appear to meet the criteria for listing in the NRHP:

- Woodbridge Neighborhood Historic District, listed in the NRHP (Woodbridge District)
- I-94 Interchange with Michigan Route 10/John C. Lodge Freeway (I-94 Interchange)
- United Sound Systems Recording Studio located at 5840 Second Street (United Sound)
- Square D/Detroit Fuse and Manufacturing Company Building at 6060 Rivard (Square D)

WHEREAS, the FHWA has consulted with the Michigan State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (the Act); and

WHEREAS, The Michigan Department of Transportation (MDOT), owner of the I-94 Interchange, has participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

NOW, THEREFORE, the FHWA and the SHPO agree that the Project shall be implemented in accordance with the following stipulations to take into account the effect of this Project on the Historic Properties.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

I. General Recordation

MDOT will prepare photographic documentation and a historical overview of the Historic Properties according to the SHPO *Documentation Guidelines* attached hereto as **Attachment A.** MDOT shall ensure that all documentation is completed and accepted by the SHPO for deposit in the State Archives of Michigan, and any appropriate local repositories designated by the SHPO, prior to the initiation of any construction activities.

II. Landscaping

MDOT shall ensure that any vacant land within the Woodbridge District boundaries impacted by the Project will be landscaped in accordance with a landscape plan designed in consultation with and approved by the SHPO, a representative staff member from the City of Detroit Historic District Commission and the property owners. MDOT will retain a historian meeting the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44738-39) and trained in historic landscape analysis and design to assist in plan development.

III. Building Relocation

One contributing building within the Woodbridge District, the residence at 5287 Hecla Street, will be removed as a result of the Project. Relocation of the house includes only the physical structure itself and not the basement, utilities, or any other object not permanently affixed to the physical structure. MDOT will implement the following measures, contingent upon the structural condition of the building, for 5287 Hecla Street in the order below:

A. Relocation within the Woodbridge District
Subject to the availability of land within the Woodbridge District and the cooperation of the property owner, MDOT will make an effort to locate a vacant parcel within the boundaries of the Woodbridge District and move 5287 Hecla to the vacant parcel. MDOT will develop a relocation plan in conjunction with the property owner and the SHPO.

B. Marketing Plan
Should attempts to satisfy III.A fail, MDOT will prepare a marketing plan in conjunction with the SHPO to market 5287 Hecla Street for removal from its current location and relocation to another site. Should attempts to market the house fail, MDOT will demolish the building. Prior to any demolition, MDOT will record the house in accordance with Stipulation I.

IV. Resource Development and Interpretation

A. Research and Resource Development

1. MDOT will compile copies of the original plans and other materials relating to the design and construction of the I-94 Interchange in addition to the Recordation under Stipulation I. MDOT will provide the SHPO, and any other repository as directed by the SHPO, with the compiled information. MDOT will ensure that the SHPO copy will meet the requirements for housing in the State Archives of Michigan.

2. In accordance with a publication and dissemination plan generated in consultation with the SHPO, MDOT will fund the development and publication of a historical context and survey of popular music-related sites in the Detroit area.

Developed in coordination with the SHPO, the study will provide a broad historic context for the importance of Detroit in the twentieth-century American popular music industry (approximately 1900 to 1975). The study will also identify extant sites associated with popular music in Detroit (including residences of performers, composers and publishers; places where the music was performed, including theaters, bars, clubs, or any other entertainment venues; and recording studios), evaluate the significance of extant sites in terms of the NRHP criteria, and place the sites within the broader context.

a. As part of the study, a published report shall be produced that documents the historic context and provides an inventory of extant sites.
b. MDOT shall work with the SHPO to develop and implement a plan for the publication and distribution of the study.

3. MDOT will study the feasibility of instituting a historic preservation fund for future project mitigation. No later than a year after the executed MOA, MDOT will provide a report with its findings and recommendations to the SHPO.

B. Interpretation

1. MDOT will produce a small-scale exhibit of the I-94 Interchange and coordinate the exhibit display with the SHPO.

2. MDOT will produce a physical and/or internet-based exhibit of the events surrounding the 1954 Square D strike and will coordinate the exhibit display with the SHPO.

3. MDOT will fund the research and production of a documentary film, in cooperation with the SHPO, which will document the history of United Sound Studios and explore the role of United Sound Studios in the Detroit recording industry.

V. Amendment

Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR800.6(c)(7) to consider such an amendment.

VI. Dispute Resolution

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

A. provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or

B. notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

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

FEDERAL HIGHWAY ADMINISTRATION

By: J. C. Kirschnsteiner Date: 1/10/05
for James J. Steele, Division Administrator

MICHIGAN STATE HISTORIC PRESERVATION OFFICE

By: Brian D. Conway Date: 12/8/04
Brian Conway, State Historic Preservation Officer

Concur:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: Susan R. Mortel Date: 1/05/05
Susan Mortel, Deputy Director, Bureau of Transportation Planning