

APPENDIX B

Maintenance of Traffic Concept

Technical Memorandum

Main Street (M-139) Bridge Replacement
Niles, Michigan

MDOT J.N. 104152
C.S. 11021

Prepared by:

Wilbur Smith Associates



Prepared For:

The Michigan Department of Transportation



July 01, 2011

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Background

Construction of the preferred alternative for the city of Niles, MI, will include replacement of the Main Street (M-139) Bridge and its approaches. The detour route to be used during construction was chosen for two main reasons:

1. The existing Main Street Bridge over the St. Joseph River is an earth-filled reinforced concrete arch that cannot be removed using part-width construction.
2. The city of Niles has a redundant bridge on Broadway Street just south of the project limits which can effectively be used for a detour route.

While the specifics of the maintenance of traffic plan will be developed during the design phase, this report outlines the anticipated schemes that will be utilized to limit environmental impacts.

The detour route’s primary focus will be to maintain truck traffic on M-139 while avoiding the downtown business area. During meetings with the city of Niles, it was determined that the majority of those who will be affected by construction are local residents, and will likely not use the detour route as signed. Local traffic, familiar with the area, will find other routes. Once traffic crosses the Broadway Street Bridge there are several other combinations of side streets that can be used to reach destinations.

Preferred Detour Route

The preferred detour route is shown in **Figure 1**. Main Street will be closed between the State Street and Front Street intersections. Each intersection (State Street and Front Street) will remain open during construction. The intersection of St. Joseph Avenue and Main Street will be closed and approximately 200 feet of St. Joseph Avenue will be reconstructed. It is anticipated that the Contractor will utilize the space between State Street and Front Street for staging and storage, as well as for any additional construction operations.

The suggested M-139 detour route (described for northbound traffic) has traffic turn east from Lincoln Avenue onto Grant Street, cross the Broadway Street Bridge, then continue east on Broadway Street to 5th Street. Traffic then turns north on 5th Street (which becomes M-51 at Main Street) until Wayne Street, and then heads west onto Wayne Street back towards M-139.

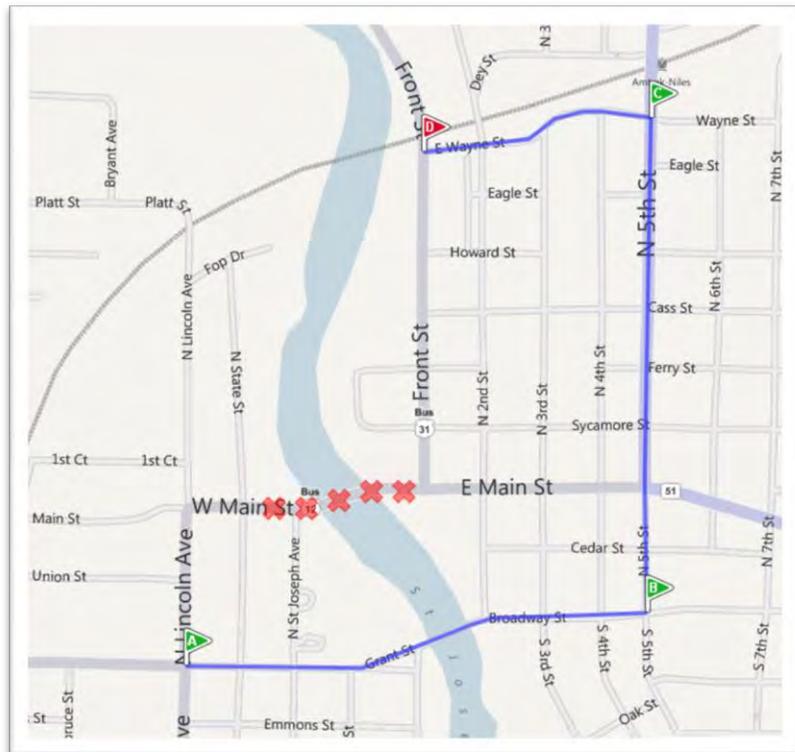


Figure 1 - Preferred Detour Route

This route was chosen mainly because of the geometrics of 5th Street being the most favorable to convey traffic when compared to the other side streets. The intersection of 5th Street and Broadway Street has a large radius allowing southbound truck traffic to easily turn onto Broadway Street. The intersection of 5th Street and Main Street is signalized; an advantage ensuring that detoured traffic does not queue up on 5th Street. Wayne Street, the connection back to M-139, is a designated truck route for the city of Niles and thus serves as a suitable route to move traffic to and from M-139. The intersection of 5th Street and Wayne Street also features apt radii for truck turning movements.

Pedestrian Concerns

Due to construction activities, temporary impacts to the existing walkway/bike path are inevitable. These impacts will be minimal and include only those necessary to facilitate construction of the bridge abutment and setting of the beams. Pedestrian facilities that cross under and over the Main Street Bridge will be accommodated with detours.

As described for northbound pedestrian traffic, the path can be intercepted at the Broadway Street Bridge (at Location “1” in **Figure 2**) and brought to street level at 2nd Street (Location “D”). The detour then uses 2nd Street north to Main Street (“E”), Main Street west to Front Street (“F”), Front Street north to Sycamore Street (“G”), and west on Sycamore Street. This leads into Riverfront Park’s ADA compliant gazebo entrance (“H”) that connects to the bike path further west. Pedestrians have sidewalks available the entire detour except for a short distance along Sycamore Street, west of the city parking lot. The possible closure of a parking space may be required to provide access to the park sidewalks. The total length of this detour is roughly one-quarter mile.

Pedestrians heading east across the Main Street Bridge will be directed south down St. Joseph Avenue (“A”) and then turn east onto Grant Street (“B”). Upon crossing the Broadway Bridge (“C”-“D”), they will then tie into the existing detour (“D”). The total length of this detour is roughly one-half mile, including the existing detour.

The alternative to this detour would be providing temporary pedestrian pathways along the south side of Main Street to Front Street and then back along the north side of Main Street to the park entrance at the Veteran’s Memorial. This plywood and lumber pathway is typically placed outside the construction limits. The sidewalk on the north side of Main Street extends to the right-of-way (ROW) line. On the south side of Main Street, the sidewalk goes to planter islands which are adjacent to the ROW line. This

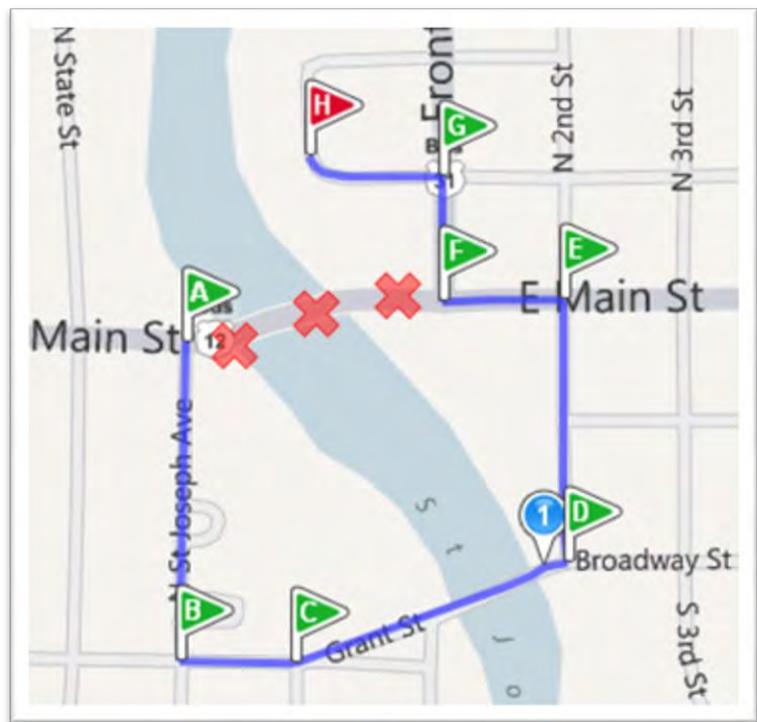


Figure 2 - Pedestrian Detour

doesn't leave room for temporary pathways. The construction activities in this area could include the lifting of bridge beams, moving of steel reinforcement, and moving machinery. This causes unsafe conditions for adjacent walkway users. As pedestrian safety is paramount, this alternative is not recommended.

Proposed Signing

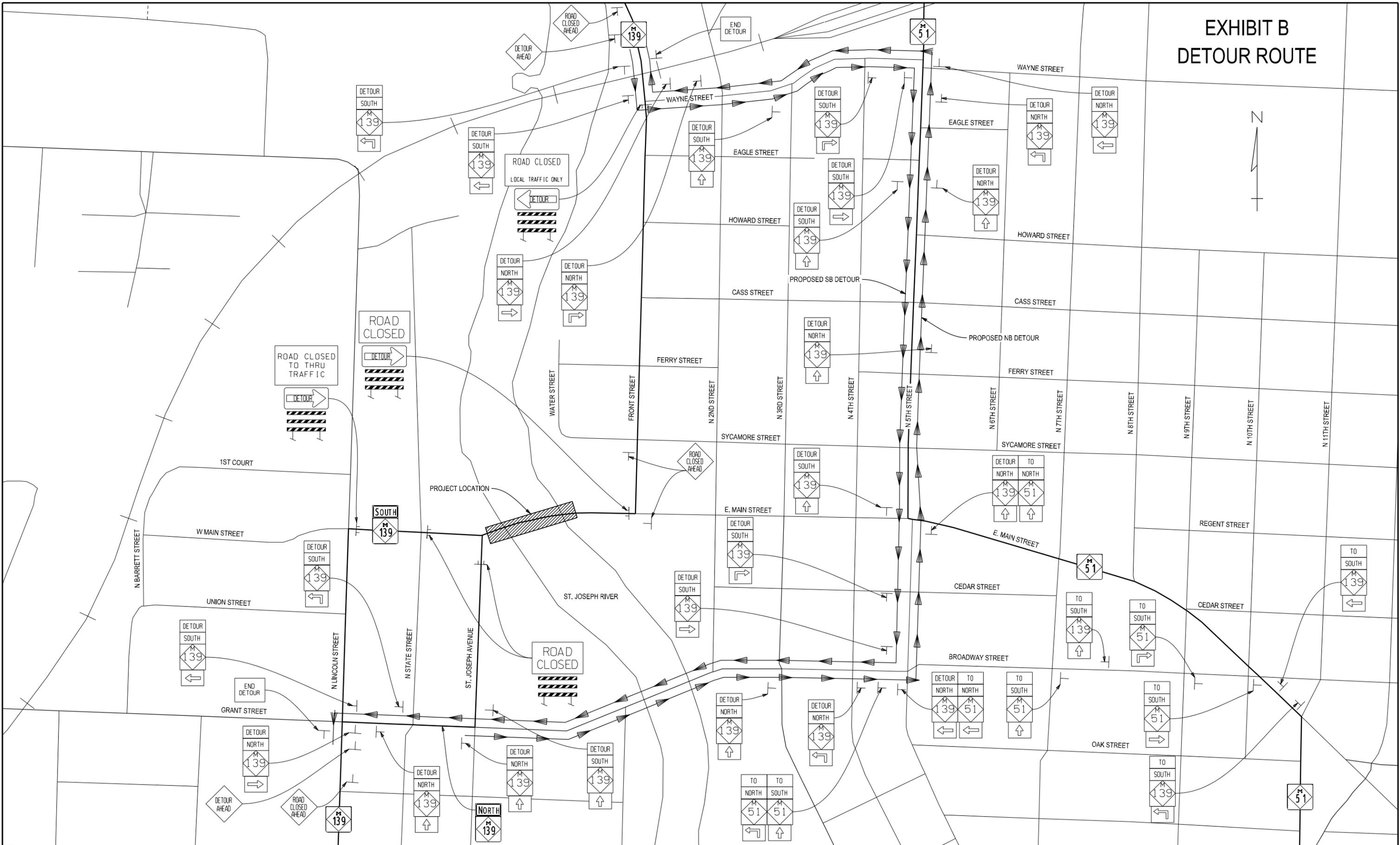
Detour signing will be placed on all major incoming routes to the city of Niles directing Niles-bound traffic to seek an alternate route to M-139. The city of Niles has stated that only local-delivery truck traffic will be permitted within the Niles business area. Larger truck traffic would present difficulties in maneuvering through city streets and the more confined curve radii.

In addition to the aforementioned detour route, signs will be placed on Broadway Street prior to the intersection of 5th Street that direct eastbound traffic to turn left onto 5th street for North M-51 and to continue straight for South M-51. Signs will also be added for westbound traffic on Broadway Street that direct traffic to continue heading straight to reach South M-139 or to turn right at 5th Street to continue on North M-139. Also, signing will be added to M-139 prior to Broadway Street indicating the M-139 detour. Refer to the MOT detour plans for additional information (**Exhibit B**). All applicable MOT signs will carry additional plaque signs stating that local businesses are open during construction.

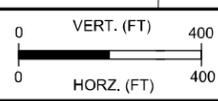
Economic Impacts

It is critical that economic impacts be minimized for the city of Niles during construction. There will be signs placed throughout the detour route stating that the local businesses are still open. All businesses and commercial districts will have access maintained during the term of the construction. There are alternate, redundant routes to every business that avoid the Main Street Bridge. The only business drive that is being affected during construction is the western drive that leads into the River Front Square Mall on the east side of the river; however, this mall has two drives along Main Street and the other will remain open.

EXHIBIT B DETOUR ROUTE



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE)				AS-LET PLAN REVISIONS			
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION



FILE: 104152_MTDETR_001.dgn

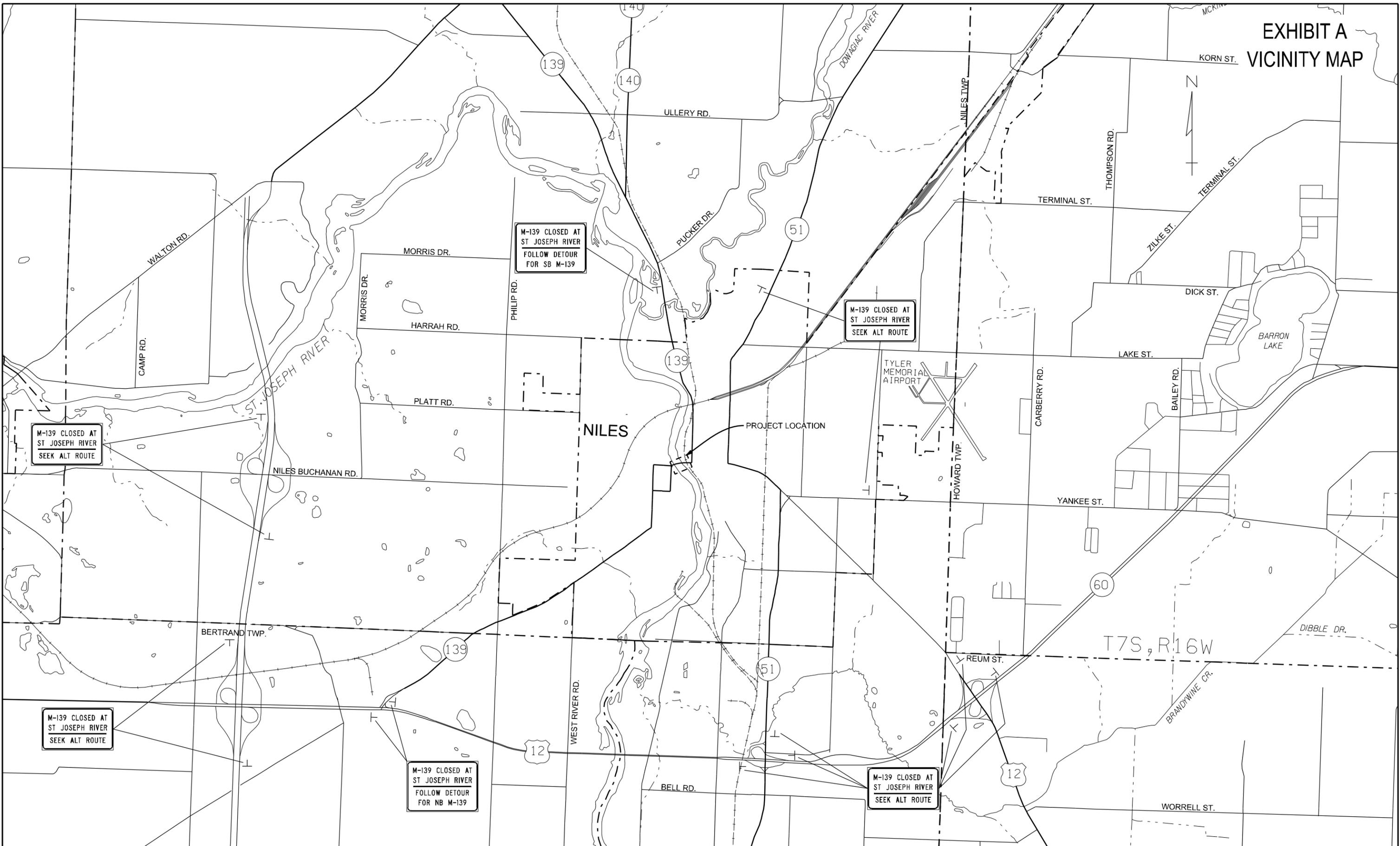
DATE: 07/01/11
 DESIGN UNIT: WOOLCOCK
 TSC: COLOMA

CS: 11021
 JN: 104152

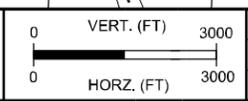
M-139 MAIN STREET BRIDGE REPLACEMENT
 MAINTENANCE OF TRAFFIC
 DETOUR MAP

DRAWING SHEET
 M-139
 MOT 1 20

EXHIBIT A VICINITY MAP



FINAL ROW PLAN REVISIONS (SUBMITTAL DATE)			AS-LET PLAN REVISIONS				
NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION



FILE: 104152_MTVIC_001.dgn

DATE: 07/01/11
 DESIGN UNIT: WOOLCOCK
 TSC: COLOMA

CS: 11021
 JN: 104152

M-139 MAIN STREET BRIDGE REPLACEMENT
 MAINTENANCE OF TRAFFIC
 VICINITY MAP

DRAWING SHEET
 M-139
 MOT 2 21

APPENDIX C



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

April 9, 2010

Mr. Neil Coulston, Public Works Director
Niles Department of Public Works
508 East Main Street
Niles, Michigan 49120

Dear Mr. Coulston:

The Michigan Department of Transportation (MDOT) in cooperation with the Federal Highway Administration (FHWA) is preparing an Environmental Assessment (EA)/Section 4(f) Evaluation for the proposed M-139 (formerly US-12BR) Historic Bridge Replacement located in the City of Niles, Berrien County, Michigan.

In 1994, MDOT began the environmental process to replace the US-12 BR bridge in Berrien County. When MDOT notified the public, concern was raised over the historic nature of the bridge. After speaking to the public and stakeholders, MDOT changed the bridge replacement project to a bridge rehabilitation project. Since the rehabilitation project, the bridge has been declared a scour critical structure. Due to the type of structure, an earth filled concrete arch bridge, the structural work needed to bring the bridge up to current standards is not feasible. Therefore, MDOT is now proposing to replace structure B02 of 11021 and improve the geometrics of the bridge.

A Maintenance of Traffic Plan has also been developed for this project. MDOT is proposing to use Lincoln Avenue to Grant Street to 5th St (M-51) as the detour route. The proposed route is shown on the enclosed map.

The majority of the improvements will be done within the existing right-of-way. However, dependent upon the selected alternative there may be a need for small amounts of right-of-way. The enclosed map that shows the proposed EA project limits and the proposed detour route.

As part of the early coordination process, the M-139 project team is seeking input from interested agencies as well as the general public. We are asking for your agency to comment on this project for the Environmental Assessment as it relates to specific areas of concerns; acceptable methodologies; and mitigation and permitting requirements, which may be necessary for project implementation. If you need additional information or desire a joint field review, please contact Richard Bayus at (517) 373-8046 or Jason Latham at (269) 337-3792.

Sincerely,

A handwritten signature in black ink that reads "Matt W. Webb".

Matt W. Webb, AICP
Project Planning Section

Enclosure



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

April 20, 2010

G. William Monaghan, Ph.D.
Interim Director and Senior Research Scientist
Glenn A. Black Laboratory of Archaeology, Indiana University
423 North Fess Ave.
Bloomington, Indiana 47401

Dear Dr. Monaghan:

Environmental Assessment (EA)/Section 4(f) Evaluation
Proposed M-139 (US-12BR) Bridge Replacement
City of Niles, Berrien County, Michigan

The Michigan Department of Transportation (MDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA)/Section 4(f) Evaluation for the proposed M-139 (US-12BR) Bridge Replacement. The project is located in the City of Niles, Berrien County, Michigan.

In 1994, MDOT began the environmental process to replace the US-12 BR bridge and notified the public and stakeholders, who voiced concern about the historic nature of the bridge. MDOT subsequently modified the 1994 project from a replacement to a rehabilitation project. Since the rehabilitation project, the bridge has deteriorated and, based on an engineering field evaluation, has been rated scour critical. The current bridge is an earth-filled concrete arch bridge and the structural work needed to bring the bridge up to current standards is not feasible. Therefore, MDOT proposes to replace the existing bridge, as well as improve the bridge geometrics.

The majority of the construction will be accomplished within the existing right-of-way (ROW); however, depending upon the selected alternative, work may extend outside the existing ROW. In addition, a Maintenance of Traffic Plan has also been developed for this project. MDOT has proposed a possible detour route using Lincoln Avenue to Grant Street to Broadway and over the Broadway Bridge to 5th Street. The enclosed figures depict the project area and possible detour route.

As I indicated to you during our telephone conversation of April 13, 2010, MDOT is in the process of evaluating the archaeological sensitivity and the potential for deeply buried archaeological sites in the project area. Given your experience and expertise regarding the geoarchaeology of the project vicinity, MDOT is requesting your opinion regarding the potential for deeply buried archaeological sites to be present and whether deep testing is necessary.

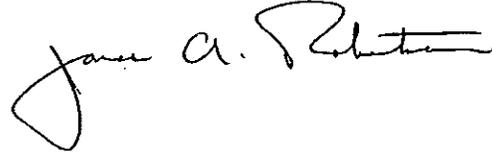
G. William Monaghan, Ph.D.

Page 2

April 20, 2010

We would appreciate hearing from you in writing as soon as possible regarding this proposed undertaking. If you have any questions or concerns, please contact me at 517-335-2637 and/or via e-mail at robertsonj3@michigan.gov.

Sincerely,

A handwritten signature in black ink that reads "James A. Robertson". The signature is written in a cursive style with a large, looped initial "J".

James A. Robertson, Ph.D.
Staff Archaeologist
Project Planning Division
Environmental Section

Enclosure

BTP:PPD:ENV:JAR:ks

cc: ~~Richard Bayus~~, MDOT



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

April 20, 2010

Michael Nassaney, Ph.D.
Department of Anthropology
Western Michigan University
1014 Moore Hall
Kalamazoo, Michigan 49008

Dear Dr. Nassaney:

Environmental Assessment (EA)/Section 4(f) Evaluation
Proposed M-139 (US-12BR) Bridge Replacement
City of Niles, Berrien County, Michigan

The Michigan Department of Transportation (MDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA)/Section 4(f) Evaluation for the proposed M-139 (US-12BR) Bridge Replacement. The project is located in the City of Niles, Berrien County, Michigan.

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As I indicated to you during our telephone conversation of April 13, 2010, MDOT is in the process of evaluating the archaeological sensitivity and the need for archaeological survey of the project area. Given your experience and expertise regarding the archaeology of the project vicinity, MDOT is requesting your opinion regarding the archaeological sensitivity of the project area based on prior surveys and investigations.

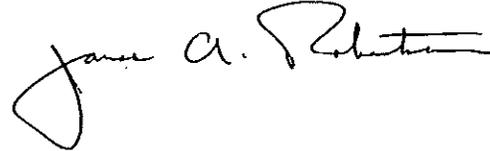
Michael Nassaney, Ph.D.

Page 2

April 20, 2010

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James A. Robertson, Ph.D.
Staff Archaeologist
Project Planning Division
Environmental Section

Enclosure

BTP:PPD:ENV:JAR:ks

cc: Richard Bayus, MDOT



Figure 1. Aerial Map (1:12,000), Project Location and Possible Detour



Figure 2. Topographic Map (1:12,000), Project Location and Possible Detour



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

April 22, 2010

Mr. Derek J. Bailey, Tribal Chairman
Grand Traverse Band of Ottawa & Chippewa Indians
2605 N.W. Bayshore Drive
Suttons Bay, Michigan 49682

Dear Chairman Bailey:

Environmental Assessment (EA)/Section 4(f) Evaluation
Proposed M-139 (US-12BR) Bridge Replacement
City of Niles, Berrien County, Michigan

The Michigan Department of Transportation (MDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA)/Section 4(f) Evaluation for the proposed M-139 (US-12BR) Bridge Replacement. The project is located in City of Niles, Berrien County, Michigan.

In 1994, MDOT began the environmental process to replace the US-12 BR bridge and notified the public and stakeholders, who voiced concern about the historic nature of the bridge. MDOT subsequently modified the 1994 project from a replacement to a rehabilitation project. Since the rehabilitation project, the bridge has deteriorated and based on an engineering field evaluation, has been rated scour critical. The current bridge is an earth-filled concrete arch bridge and the structural work needed to bring the bridge up to current standards is not feasible. Therefore, MDOT proposes to replace the existing bridge, as well as improve the bridge geometrics.

The majority of the construction will be accomplished within the existing right-of-way (ROW); however, depending upon the selected alternative, work may extend outside the existing ROW. In addition, a Maintenance of Traffic Plan has also been developed for this project. MDOT has proposed a possible detour route using Lincoln Avenue to Grant Street to Broadway and over the Broadway Bridge to 5th Street. The enclosed figures depict the project area and possible detour route.

On behalf of the FHWA, MDOT respectfully invites the Grand Traverse Band of Ottawa & Chippewa Indians to participate in formal Section 106 consultation for this project regarding any traditional cultural or religious places and/or other significant sites that you are concerned

Mr. Derek J. Bailey

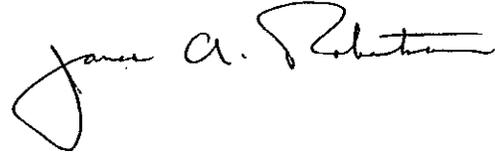
Page 2

April 22, 2010

may be affected by this proposed project. We would appreciate hearing from you as soon as possible to consult with you on this proposed undertaking.

If you have any questions or concerns, please contact me at 517-335-2637 and/or via e-mail at robertsonj3@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Robertson". The signature is fluid and cursive, with a large initial "J" and "R".

James A. Robertson, Ph.D.
Staff Archaeologist
Project Planning Division
Environmental Section

Enclosure

BTP:PPD:ENV:JAR:ks

cc: Richard Bayus, MDOT



Figure 1. Aerial Map (1:12,000), Project Location and Possible Detour

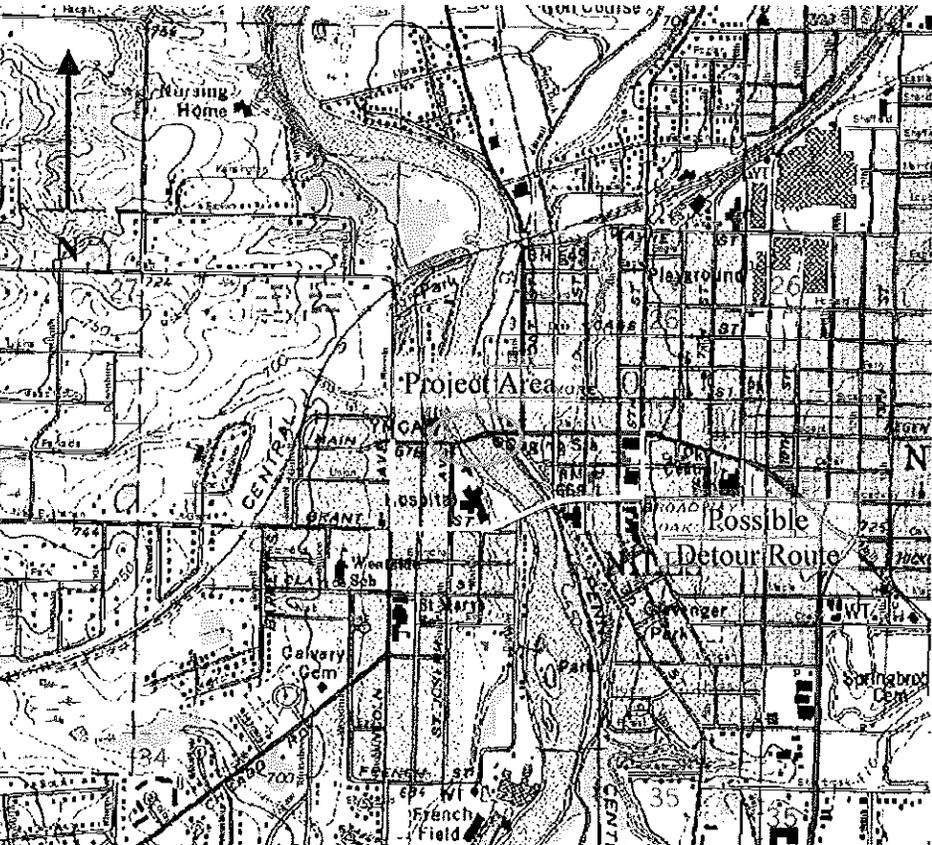


Figure 2. Topographic Map (1:12,000), Project Location and Possible Detour

Mr. Mark Parrish
Tribal Historic Preservation Officer
Pokagon Band of Potawatomi Indians
PO Box 180
Dowagiac, MI 49047

Ms. Summer Sky Cohen
Tribal Historic Preservation Officer
Keweenaw Bay Indian Community
16429 Bear Town Road
Baraga, MI 49908

Ms. Giiwegiizhigookway Martin
Tribal Historic Preservation Officer
Lac Vieux Desert Band of Lake Superior Chippewa Indians
PO Box 249
Watersmeet, MI 49969

Mr. Daniel Shepard
Planning Director
Little River Band of Ottawa Indians
375 River Street
Manistee, Michigan 49660

Mr. Jay Sam
Cultural Coordinator
Little River Band of Ottawa Indians
375 River Street
Manistee, Michigan 49660

Mr. Monte Davis
Environmental Quality Specialist
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Gun Lake Tribe
1743 142nd Avenue
PO Box 218
Dorr, Michigan 49323

Mr. Cecil E. Pavlat, Sr.
Cultural Repatriation Specialist
Sault Ste. Marie Tribe of Chippewa Indians
523 Ashmun St.
Sault Ste. Marie, MI 49783

Ms. Paula Carrick
Tribal Historic Preservation Officer
Bay Mills Indian Community
12099 W. Lakeshore Drive
Brimley, Michigan 49715



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha, Nebraska 68102-4226



26-00672(MWR-P/G)
26-01446

JUL 06 2010

Mr. Matt W. Webb, AICP
Project Planning Section
Michigan Department of Transportation
425 West Ottawa Street
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Webb:

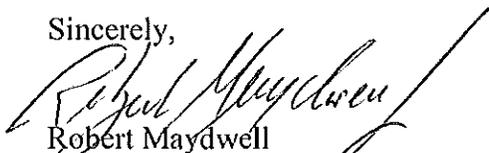
The National Park Service has reviewed a copy of the Environmental Assessment and Programmatic Section 4(f) Evaluation. We understand the proposed project consists of M-139 (formerly US-12BR) Historic Bridge Replacement located in the City of Niles, Berrien County, Michigan.

The proposed study area includes two public parks and recreation areas that were developed with assistance from the Land and Water Conservation Fund (L&WCF) program. These sites are 26-00672 (St. Joseph River Park) and 26-01446 (Niles Riverfront Park).

We recommend you consult directly with the official who administers the L&WCF program in the State of Michigan to determine any potential conflicts with Section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended). This section states: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

The administrator for the L&WCF program in Michigan is Ms. Rebecca Humphries, Director, Department of Natural Resources, P. O. Box 30028, Lansing, Michigan 48909.

Sincerely,


Robert Maydwell
Grants Management Assistant

TAKE PRIDE[®]
IN AMERICA 

cc:

Mr. Jim Wood, Chief, Grants, Contracts, & Customer Systems, Department of Natural Resources, P. O. Box 30028, Lansing, Michigan 48909.



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

May 6, 2010

Mr. Matt W. Webb, AICP
Project Planning Section
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Webb:

SUBJECT: Michigan Department of Natural Resources (DNRE)
Project Number 10-11-5002
Early Coordination M-139 (US-12 BR) over the St. Joseph River
City of Niles, Berrien County

Thank you for your April 9, 2010, early coordination letter regarding the proposed replacement of the M-139 crossing of the St. Joseph River in Niles Michigan (T7S, R17W, Section 26). The letter indicates that the Michigan Department of Transportation (MDOT) is in the process of preparing an Environmental Assessment (EA) for the proposed project.

The purpose of the proposed EA is to evaluate potential impacts along the work corridor. The Land and Water Management Division (LWMD) has the following comments.

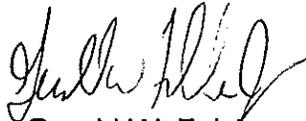
- a) A permit is required under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). If there are existing piers in the river, MDOT should explore the feasibility of reducing the number of piers.
- b) A permit will also be required under the State's Floodplain Regulatory Authority, found in Part 31, Water Resources Protection, of the NREPA. Under Part 31, the proposed structure shall provide equal or greater hydraulic capacity when compared to existing conditions. A hydraulic analysis may be needed to demonstrate that the project does not cause a harmful interference as defined by Part 31. Additional information on Part 31 requirements may be found at www.michigan.gov/deqtransportationreview.
- c) It is not clear from the information provided if any wetlands are being impacted. If they are, a permit will be required under Part 303, Wetlands Protection, of the NREPA. Additional information on Part 303 requirements may be found at www.michigan.gov/deqwetlands.

Mr. Matt W. Webb, AICP
Page 2
May 6, 2010

- d) A search of our database indicates the possible presence of a state threatened plant within section 26. MDOT should coordinate with Ms. Lori Sargent, Wildlife Division, Department of Natural Resources and Environment (DNRE).
- e) A search of our database indicates a potential Part 201 site within section 26. MDOT should coordinate with Mr. David O'Donnell, Remediation and Redevelopment Division, DNRE.
- f) The no work dates due to Fishery concerns for the St. Joseph River at this location are May 1 through June 30 unless you are working within cofferdams.
- g) The United States Geological Survey (USGS) maintains a continuous monitoring gaging station at this location. Removal of the bridge must be coordinated with Mr. Steve Blumer, USGS.

If you have any questions or would like to arrange an on-site meeting, please contact Ms. Holly Vickers 517-373-4667, or you may contact me.

Sincerely,



Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Land and Water Management Division
517-335-3172

cc: Mr. Steve Blumer, USGS
Ms. Lori Sargent, DNRE
Mr. Greg Danneffel, DNRE
Mr. David O'Donnell, DNRE
Mr. Jay Wesley, DNRE
Mr. Kameron Jordan, DNRE
Ms. Holly Vickers, DNRE



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT MI 48226-2550

REPLY TO
ATTENTION OF:

April 30, 2010

Engineering & Technical Services
Regulatory Office
File No. LRE-2010-00270-211

Matt Webb
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Webb:

This is in response to your recent correspondence regarding Department of the Army jurisdiction on the proposed replacement of the M-139 bridge over the St. Joseph River in Niles, Michigan. Thank you for giving the Corps of Engineers the opportunity to review this project.

In 1984 a portion of the Corps' regulatory responsibilities was assumed by the Michigan Department of Natural Resources and Environment (MDNRE). This project site is within the assumed area. Unless otherwise notified, a separate authorization from the Corps is not required; however, you may need to obtain a permit from the MDNRE. Therefore, we recommend that you contact the MDNRE Kalamazoo District Office for a determination of State permit requirements.

If you have any questions please contact Katie Schill of this office at the above address, telephone 313-226-5479, or e-mail katie.l.schill@usace.army.mil. Please refer to File No. LRE-2010-00270-211 in all future communications with this office.



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

April 29, 2010

Mr. Matt W. Webb, AICP
Project Planning Section
Department of Transportation
PO Box 30050
Lansing, MI 48909

RE: Proposed replacement of historic bridge on M-139 in City of Niles

Dear Mr. Webb:

Deputy Director Koch asked that I respond to your request for comments on the proposed project. The location of the proposed project was checked against known localities for rare species and unique natural features, which are recorded in a statewide database. This continuously updated database is a comprehensive source of existing data on Michigan's endangered, threatened, or otherwise significant plant and animal species, natural plant communities, and other natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records in the database for a particular site may mean that the site has not been surveyed. The only way to obtain a definitive statement on the status of natural features is to have a competent biologist perform a complete field survey.

Under Act 451 of 1994, the Natural Resources and Environmental Protection Act, Part 365, Endangered Species Protection, "a person shall not take, possess, transport, ...fish, plants, and wildlife indigenous to the state and determined to be endangered or threatened," unless first receiving an Endangered Species Permit from the Department of Natural Resources & Environment, Wildlife Division. The presence of threatened or endangered species does not preclude activities or development, but may require alterations in the project plan. *Species may be present that have not been recorded in the database.*

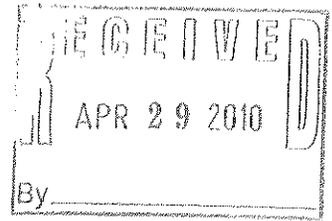
The following is a summary of the results of the review in Berrien County, Section 26, T7S R17W:

The project should have no impact on rare or unique natural features at the locations specified above if it proceeds according to the plans provided. Please contact me for an evaluation if the project plans are changed.

Thank you in for your coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Michigan Department of Natural Resources & Environment, Wildlife Division, PO Box 30444, Lansing, MI 48909. If you have further questions, please call Lori Sargent at 517-373-1263 or e-mail at SargentL@michigan.gov.

Sincerely,

Russ Mason, Chief
Wildlife Division



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOIVISTO
DIRECTOR

April 27, 2010

Mr. Matt W. Webb, AICP
Project Planning Section
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: M-139 Historic Bridge Replacement, City of Niles, Berrien County – Environmental Assessment/ Programmatic Section 4(f) Evaluation

Dear Mr. Webb:

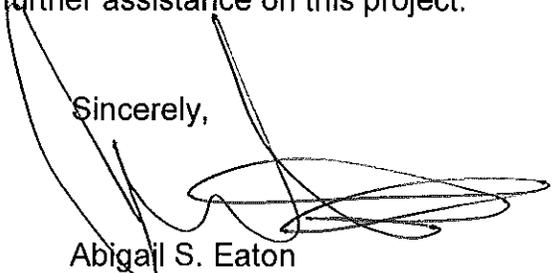
I received your request for review and comment as part of the Environmental Assessment (EA)/ Programmatic Section 4(f) Evaluation for the proposed M-139 Historic Bridge Replacement, City of Niles, in Berrien County. I have reviewed the project location map and discussion of the proposed project with Michigan Department of Agriculture (MDA) staff.

Our primary concern, as it relates to this and similar projects, would be potential impacts the project could have on properties enrolled under Part 361 of NREPA (formerly PA 116, the Farmland and Open Space Preservation Act) and on established intra- and inter-county drains. This area, however, is within the city limits in a highly urbanized corridor. We find no potential impacts to Part 361 lands nor do plans indicate any impacts on established intra-county or inter-county drains.

We find no additional concerns regarding the issues identified in this Environmental Assessment as they might relate to the various additional functions of the MDA.

We appreciate being included in this Environmental Assessment Process. Feel free to contact me at 517-241-3933, if I can be of further assistance on this project.

Sincerely,



Abigail S. Eaton
Environmental Resource Specialist

United States Department of Agriculture



Helping People Help the Land

Natural Resources Conservation Service

3001 Coolidge Road, Suite 250

East Lansing, MI 48823

T (517) 324-5270/ F (517) 324-5171/ www.mi.nrcs.usda.gov

April 19, 2010

Matt W. Webb, AICP
Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

RE: Proposed Replacement of Bridge Structure B02 of 11021 on US 12 (Main Street) in
Niles, Michigan

Dear Mr. Webb:

The Natural Resources Conservation Service has reviewed the proposal to replace bridge structure B02 of 11021 and improve the geometrics of the bridge located on US 12 (Main Street) in Niles, Michigan. This review was conducted to determine if the proposal involved the conversion of prime and unique farmland. Since all areas around the bridge have already been converted to non-farm uses, it is our determination that no new conversions will take place with this proposal.

Thank you for the opportunity to review and comment on the proposal.

Sincerely,

A handwritten signature in cursive script that reads "Salvador Salinas".

SALVADOR SALINAS
Acting State Conservationist

cc:

Sherman Reed, District Conservationist, NRCS, Berrien Springs, MI

Eddie Glover, Area Conservationist, NRCS, Grand Rapids, MI



United States Department of the Interior

FISH AND WILDLIFE SERVICE
East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

April 26, 2010

Mr. Matt W. Webb
Project Planning Section
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Re: M-139 (US-12BR) Historic Bridge Replacement Environmental
Assessment/Section 4(f) Evaluation, City of Niles, Berrien County, Michigan

Dear Mr. Webb:

We are responding to your April 9, 2010, request for early coordination regarding the subject project. We submit these comments in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act), and the National Environmental Policy Act (NEPA).

Migratory Birds

Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful to take, capture, kill, or possess migratory birds, their nests, eggs, and young. For proposed projects that may contain habitat suitable for nesting by migratory bird species, we recommend you schedule construction activities or remove potential habitat or nesting structures before the initiation of spring nesting or after the breeding season has ended to avoid take of migratory birds, eggs, young, and/or active nests. Generally, we recommend that any habitat disturbance occur before April 15 or after August 15 to minimize potential impacts to migratory birds, but please be aware that some species may initiate nesting before April 15.

Wetlands

Pursuant to state law and the federal Clean Water Act, the State of Michigan regulates certain activities in wetlands. Development that would impact wetlands may require a permit for which this office may have review authority. In the review of these permit applications, we may concur (with or without stipulations) or object to permit issuance depending whether the proposed work may impact public trust fish and wildlife resources.

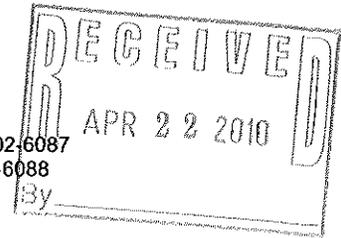
U.S. Department of
Homeland Security

United States
Coast Guard



Commander (dpb)
Ninth Coast Guard District
1240 E. Ninth Street, Room 2025
Cleveland, OH 44199-2060

Phone: (216) 902-6087
FAX: (216) 902-6088



16590
B-055/lds
April 20, 2010

Mr. Matt W. Webb
Project Planning Section
Michigan Department of Transportation
Murray D. Van Wagoner Building
PO BOX 30050
Lansing, MI 48909

Dear Mr. Webb,

I am responding to your letter dated April 9, 2010 regarding the rehabilitation of the State Route 139 (M-139) Bridge over Saint Joseph River near the town of Niles, Michigan in Berrien County, Michigan.

The proposed project is located on a portion of Saint Joseph River that is in Advance Approval status for Coast Guard Bridge Permitting purposes. Accordingly, a Coast Guard Bridge Permit is not required.

Though a Coast Guard Bridge Permit is not required, you are encouraged to provide for at least the same navigation clearances as the existing bridge. You must also comply with the requirements of other federal, state, or local agencies. Please ensure these requirements are satisfied.

Please contact me at (216) 902-6087 if you have further questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Scot M. Striffler".

SCOT M. STRIFFLER
Chief, Bridge Branch
By direction of Commander,
Ninth Coast Guard District

APPENDIX D

PROGRAMMATIC SECTION 4(f) EVALUATION

1. INTRODUCTION

The historic property protected by Section 4(f) and potentially affected by the proposed project is the Main Street/M-139 (formerly US-12BR) Bridge over the St. Joseph River in the City of Niles, Berrien County. The bridge is an earth-filled, concrete-arch bridge constructed in 1919 and owned and maintained by the Michigan Department of Transportation.

Riverfront Park is located on the east side of the Main Street Bridge. This Section 4(f)/6(f) public recreational property is under the jurisdiction of the City of Niles, Michigan. Riverfront Park is not eligible for listing on the National Register, nor is it part of any historic district.

Section 4(f) of the federal National Department of Transportation Act of 1966 (as amended) prohibits the use of publicly-owned land from any park, recreation area, or wildlife/waterfowl refuge or land from a historic site of national, state, or local significance for transportation projects unless (1) there is no prudent and feasible alternative to the use; and (2) the proposed project includes all possible planning to minimize harm. The following Programmatic Section 4(f) Evaluation discusses the proposed project and potential impacts to protected Section 4(f) properties and those efforts made to avoid, minimize, or mitigate harm. Based on the following evaluation, a preliminary determination has been made that that the proposed bridge replacement will impact Section 4(f) resources, all alternatives have been fully and reasonably evaluated, and measures taken to minimize the impacts to the Section 4(f) resources. Upon considering comments received from resource agencies and the public concerning the bridge replacement, the Federal Highway Administration will either apply the Section 4(f) Evaluation and document the project files or will prepare a separate Section 4(f) document for processing under the procedures established in Federal Highway Administration regulations 23 CFR 771.135.

Section 6(f) of the Land and Water Conservation Act (LAWCON), as amended, was enacted to ensure that property acquired or developed with LAWCON assistance is retained and used for public outdoor recreational use. Any property so acquired or developed, shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the director of the U.S. Department of the Interior. However, no LAWCON property within the proposed project limits will be converted to a transportation use. Thus, Section 6(f) documentation is not required.

2. PROPOSED ACTION AND NEED FOR THE PROJECT

The primary purpose of the proposed project is to replace the southbound Main Street/M-139 (formerly US-12BR) Bridge [Bridge] in order to maintain the safety of the M-139 (Main Street) crossing over the St. Joseph River. The need to replace the Bridge is triggered by the scour critical rating of the Bridge, which was built on spread footings that are vulnerable to scour. Scour is the removal of the material around the foundations of a structure due to the flow of water, especially increased flows during significant

events. A scour critical rating means that enough material is calculated to be removed in a design event (100 year) to cause the structure to fail. The existing Bridge carries traffic over the St. Joseph River and is an important connection within the City of Niles linking the eastern and western portions of the City. Average Daily Traffic across the Bridge is 10,000 vehicles per day as of 2010.

3. DESCRIPTION OF 4(f) FACILITIES

a. Historic

Historic resources are those buildings, structures, districts and/or sites that are listed on or eligible for listing on the National Register of Historic Places (NRHP). The criteria for evaluation of eligibility is the quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- A. are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. are associated with the lives of persons significant in our past; or
- C. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. have yielded, or may be likely to yield, information important in prehistory or history.

The Bridge is eligible for listing on the NRHP under Criterion C (see Figures 1-2 in Attachment A). The Bridge is largely intact with the exception of its railing, which has been replaced at least twice. The Bridge was most recently rehabilitated in 1995-96 when the deck was removed, the earth fill replaced, and new railing installed. Although the Bridge retains much of its original integrity, the Bridge has a scour critical rating. When the Bridge was constructed in 1919, spread footings were built to support the piers without adding any pilings. The Bridge is therefore vulnerable to scour, which has the potential to undermine the piers and result in the collapse of the entire structure.

The Bridge is now the second-longest, earth-filled, concrete-arch bridge known to survive in Michigan, with an overall length of 338 feet. A recent survey of historic vehicular bridges in Michigan identified about 23 similar, National Register-eligible, deck-arch (concrete-arch) bridges surviving in Michigan. The Bridge was initially determined eligible for listing on the National Register of Historic Places in 1985 as part of an MDOT historic bridge survey due to its length and the relative rarity of the bridge type across the state.

The Bridge was built in 1919 as a replacement for another structure at the same location, making it the fourth to be constructed at the site. This crossing of the St. Joseph River, along with the Broadway Street Bridge one block south, opened up the west side of the River to development. The “new” Bridge replaced a Bow-string Truss Bridge erected in

1868 and at least two previous wood bridges. An undated postcard shows the original decorative balustrade railing (see Figure 3 in Attachment A).

There are two National Register-eligible homes located at 70 North St. Joseph Avenue and 74 North St. Joseph Avenue nearby the southwest quadrant of the Bridge. The National Register-listed Niles Downtown Historic District is located to the east of the Bridge.

b. Recreational

Riverfront Park encompasses over 25 acres of property, located on the east side of the St. Joseph River from the Amtrak bridge south to south of French's boat ramp. The park is owned, maintained and operated by the City of Niles and has received Section 6(f) Land and Water Conservation Fund monies for property improvements. Riverfront Park has numerous entry points and is divided into 5 units according to the City of Niles Community Recreation Plan. The Main Street/M-139 Bridge acts as the dividing point between the North Central and Central Park Units.

Currently, Riverfront Park offers a variety of functions including the Riverfront Park Trail, picnic tables, benches, grills, playscape and skate park. The Park also includes a pavilion, boat dock/fishing pier, public parking lots, public art, boat ramp and restrooms. The Park is open to pedestrians year round. A map showing all City of Niles parks can be found in Attachment B.

4. IMPACTS TO THE PROGRAMMATIC SECTION 4(f) FACILITIES

a. Historic

The Bridge meets the NRHP Criterion C and the proposed replacement has been determined as having an "adverse effect" (see Attachment C) by the Michigan State Historic Preservation Office (SHPO). Consultation has been ongoing and a Memorandum of Agreement (MOA) has been developed. The MOA can be found in Attachment D of this Environmental Assessment.

The proposed replacement will have "no adverse effect" on the historic properties at 70 North St. Joseph Avenue, 74 North St. Joseph Avenue and the Niles Downtown Historic District. Based on the no adverse effect determination and no right-of-way acquisition from these historic properties, there is no Section 4(f) impact at these properties.

b. Recreational

The proposed project will not permanently impact Riverfront Park. The proposed project will temporary impact to the Riverfront Park Trail, located under the current Bridge. Approximately 185 foot long segment of the Trail and a portion of the adjacent retaining wall will be necessary to allow for reconstruction of the bridge abutment. The trail will be reconstructed to meet current MDOT design standards. For example, the horizontal clear width and vertical clearance will be increased.

The Trail will be detoured during construction and will be restored under the new Bridge when construction is complete.

Additionally, the Riverfront Park boat launch will be temporarily restricted. The boat launch will be utilized during construction to erect and launch the construction barges.

5. AVOIDANCE ALTERNATIVES

Alternative 1—No Build

This alternative would do nothing to the existing Bridge. Due to the scour critical rating of the Bridge, this is not a feasible and prudent alternative. Without addressing the scour vulnerability, the Bridge could collapse and cause injury or loss of life. Normal maintenance cannot cope with the situation. Because of these scour critical rating the bridge poses serious and unacceptable safety hazards to the traveling public.

Alternative 2—Build on New Location without using the Old Bridge

This alternative would build another bridge and leave the existing Bridge in its current location. Preserving the Bridge in place is not feasible and prudent because the scour critical rating cannot be corrected without removing the bridge, meaning the Bridge is beyond rehabilitation. As mentioned earlier, the Bridge is founded upon spread footings, which are footings without piling. MDOT investigated three primary scour countermeasures to assist in protecting the structure from scour. First, MDOT calculated the size and amount of necessary riprap based on the hydraulic analysis. MDOT cannot place riprap because the construction of the riprap section would require channel excavation that would undermine the spread footings. Furthermore, riprap could not be placed on the bottom without excavation because it would cause a flow impediment and violate Michigan's floodplain statute. Cofferdams can not be driven at the piers because they have the potential to destabilize the spread footing substrate. In addition, this riprap countermeasure, if placed as designed, would not alter the scour critical rating, as riprap is not considered as permanent mitigation against scour.

Second, MDOT reviewed the placement of articulating block. Articulating block is a system that is placed either at or below the stream bed to protect the structure from scour. This system would still require a riprap toe to be embedded at the edge of the block mat. The toe would require a deep excavation for the large riprap which could destabilize the spread footing substrate. Additionally, the normal depth in the channel would make the installation of the blocks very difficult since there is no way to isolate the flow from the construction. Blocks must be laid on geotextile fabric on a flat surface so the channel bottom would need to be "smoothed." In addition, this articulating block countermeasure, if placed as designed, would not alter the scour critical rating, as articulating block is not considered as permanent mitigation against scour.

Third, MDOT investigated the possibility of adding piling to the existing pier spread footings. Existing piers can at times be stabilized or further supported by driving micro-

piles through holes cored in the footings. This option is not possible because the piles and equipment used to drive the piling require substantial vertical clearance. Earth-filled arch bridges have very little vertical clearance near the piers due to the arch geometry. Piles would have to be driven with equipment above the structure. The roadway and all earth over the arches would be removed and then holes would be cored through the concrete arch barrel to allow each pile to be driven. Each hole core in the arch would sever critical reinforcing steel in the arch. Many piles are required and each hole cored weakens the structural integrity of the arch. Due to the number of holes needed, the remaining structural integrity of the structure would be very inadequate. Micro-piles are also not an option due to the geometry of the footings. To place and anchor piles, the top of the footing surface needs to have adequate area that is flat. This structure's footing has a stepped top surface making it infeasible to core holes. In addition, the concrete footings are not steel reinforced, which would mean any added piles would need to be very tightly spaced. Increasing the number of piles, however, would simply further undermine the structural integrity of the Bridge.

There are no other known reasonable means to permanently stabilize the existing piers from scour.

Alternative 3—Rehabilitate the Bridge

This alternative would rehabilitate the Bridge without affecting its historic integrity. Unfortunately, rehabilitation is not an option given the scour critical rating of the Bridge. As noted previously in the discussion of Alternative 2, MDOT investigated scour countermeasures. The original construction of the Bridge does not allow scour countermeasures to be installed, and thus any rehabilitation effort would not result in a safe and structurally sound bridge. Therefore rehabilitation of the Bridge is not feasible or prudent.

6. MEASURES TO MINIMIZE HARM

a. Historic

Proposed mitigation measures appear in the Memorandum of Agreement (MOA) between FHWA, the SHPO, and MDOT found in Attachment D, including:

- (A) Full Recordation of the Bridge prior to demolition with photographic documentation of the structure and site, history and description of the structure, and historic documentation.
- (B) Design of the new bridge by MDOT consulting with the SHPO, nearby property owners, the City of Niles, and the general public. MDOT will assess community preferences for the aesthetics of the replacement bridge by combining engineering requirements and local input gathered thus far.
- (C) National Register nominations offered to the owners of the two historic properties located near the southwest quadrant of the Bridge.
- (D) Interpretation of the Bridge through an interpretive sign and salvage of the existing Bridge plaque.

b. Recreational

Several steps will be taken to limit temporary impacts to Riverfront Park. The Riverfront Park Trail will be signed and detoured during construction. While the Bridge is under construction, the MDOT property surrounding the Bridge removal and replacement will be fenced and pedestrian access will be prohibited. Riverfront Park Trail pedestrian access will be restored beneath the bridge as soon as safety allows. The new Main Street/M-139 Bridge over the St. Joseph River will include an aesthetic treatment, under the bridge, adjacent to the trail. Additionally, the turf surrounding the Riverfront Park trail will be restored to its original condition, or better, when construction is complete.

The Riverfront Park boat launch access will be temporarily restricted during construction to assemble and launch the construction barges. The public will be notified prior to the contractor accessing the property.

Lastly, the contractor will be prohibited from storing equipment or parking vehicles on public recreational property.

7. COORDINATION

MDOT's coordination regarding the historic resources associated with the proposed project has been ongoing. The effects of the Bridge replacement and the proposed measures to minimize harm were reviewed by and developed in consultation with the SHPO and a consulting party (see Attachment E). MDOT reached out to local public agencies, citizens and other stakeholders concerning the project through a public meeting introducing the project on May 6, 2010. A second public meeting, held on January 26, 2011, focused on mitigation for the adverse effect under Section 106 and the unveiling of the preferred alternatives. The comments from both meetings are attached in Attachment F.

Coordination with the owner of the 4(f)/6(f) property is required as part of the review. To comply with this requirement, MDOT coordinated with the City of Niles and received approval for the temporary impacts to Riverfront Park. Additionally, MDOT coordinated with the Michigan Department of Natural Resources in regard to the temporary 6(f) impacts and received approval. No land conversion is needed for this project. See coordination letters in Attachment G.

8. CONCLUSION

Based upon the above considerations, there is no feasible and prudent alternative to the use of the Main Street/M-139 Bridge. The proposed action includes all possible planning to minimize harm to these properties resulting from such use.

Attachment A

Photographs



Figure 1— M-139/US-12BR/Main Street Bridge in Niles looking southwest.



Figure 2—M-139/Main Street Bridge in Niles looking northeast.



Figure 3—Undated postcard of the bow-string Main Street Bridge constructed in 1868, demolished in 1918.

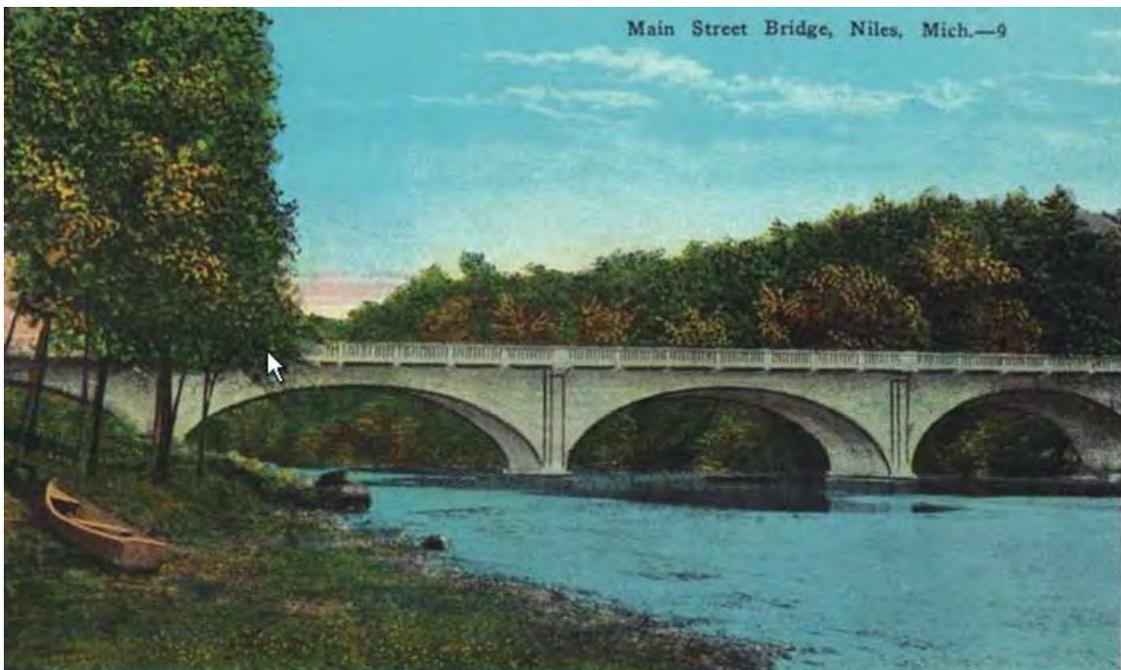
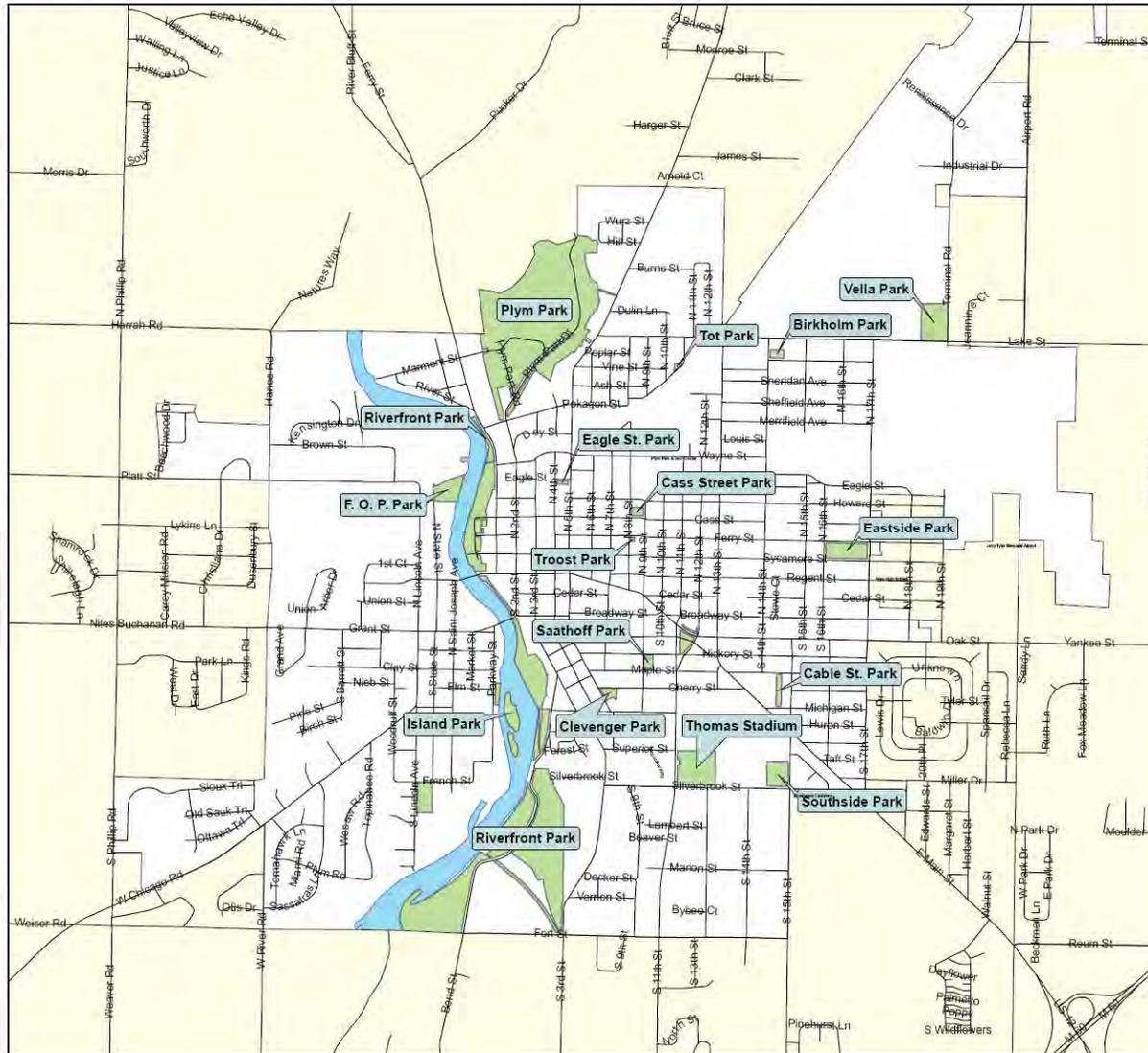


Figure 4—Undated postcard of the existing Main Street Bridge.

Attachment B

Map of City of Niles Parks



City of Niles, Michigan - Parks



Map Created March 2008 by:
Southwest Michigan Planning Commission
 Tel: 269-925-1137 Fax: 269-925-0288
 Email: swmpc@swmpc.org
 Website: www.swmpc.org

Attachment C

Adverse Effect Letter



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
EXECUTIVE DIRECTOR

August 15, 2011

SIGRID BERGLAND
MICHIGAN DEPARTMENT OF TRANSPORTATION
425 WEST OTTAWA
PO BOX 30050
LANSING MI 48909

RE: ER-890457 Replacement of M-139 / US-12BR / Main Street Bridge over St. Joseph River,
Niles, Berrien County (FHWA)

Dear Ms. Bergland:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, the State Historic Preservation Officer (SHPO) concurs with the determination that the proposed undertaking will have an **adverse effect** on the US-12 (Main St.) / St. Joseph River Bridge, which appears to meet the criteria for listing in the National Register of Historic Places.

This undertaking meets the criteria of adverse effect because: *the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR § 800.5(a)(1)]* Specifically, the undertaking will result in:

- Physical destruction of or damage to all or part of the property.

The finding of adverse effect will prompt the FHWA, hereinafter referred to as "Agency", to consult further to resolve the adverse effect pursuant to 36 CFR § 800.6 by proceeding with the following steps:

- (1) Per 36 CFR § 800.6(a), the Agency shall continue consultation with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Agency shall submit a case study outlining these efforts for review by the SHPO.
- (2) In accordance with 36 CFR § 800.6(a)(4), the Agency shall make information regarding this finding available to the public, providing the public with an opportunity to express their views on resolving adverse effects of the undertaking. Pursuant to 36 CFR § 800.11(e), copies or summaries of any views provided by consulting parties and the public shall be made available to the SHPO as part of the case study outlined in (1).
- (3) The Agency shall immediately notify the Advisory Council on Historic Preservation (Advisory Council), Old Post Office Building, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, D.C. 20004, of the adverse effect finding per 36 CFR § 800.6 (a)(1). The notification to the Advisory Council



should be similar to the project information submitted to this office and should include the following documentation as outlined in 36 CFR § 800.11(e).

- A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps and drawings, as necessary.
- A description of the steps taken to identify historic properties.
- A description of the affected historic properties, including information on the characteristics that qualify them for inclusion in the National Register of Historic Places.
- A description of the undertaking's effects on historic properties.
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects.
- Copies or summaries of any views provided by consulting parties and the public.

(4) The Agency shall invite the Advisory Council to participate in consultation if the undertaking will affect a National Historic Landmark, if a Programmatic Agreement will be developed as a result of the finding of adverse effect, or if the Agency wants the Advisory Council to participate in consultation. The Advisory Council will advise of its decision to participate in consultation within fifteen (15) days of receipt of this notification or other request. If the Advisory Council chooses not to participate in consultation, the Agency shall resolve the adverse effect without Advisory Council participation and pursuant to 36 CFR § 800.6(b)(1).

(5) If the Agency, the SHPO and, if applicable, the Advisory Council agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(c).

(6) If the Agency and the SHPO fail to agree on the terms of the MOA, the Agency shall request the Advisory Council to join the consultation. If the Advisory Council decides to join the consultation, the Agency shall proceed in accordance with 36 CFR § 800.6(b)(2). If the Advisory Council decides not to join the consultation, the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR § 800.7.

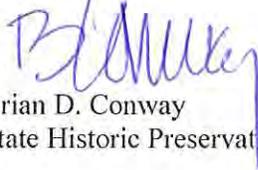
The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

Please note that the Section 106 process will not conclude according to 36 CFR § 800.6 "Resolution of Adverse Effects" until the consultation process is complete, an MOA is developed, executed and implemented, and, if applicable, the formal comments of the Advisory Council have been received.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Deputy State Historic Preservation Officer, at (517) 335-2720 or by email at FaesM@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Conway", with a long vertical line extending downwards from the end of the signature.

Brian D. Conway
State Historic Preservation Officer

BDC:DLA:ROC:bgg

Enclosure(s)

copy: Advisory Council on Historic Preservation
Dave Williams, FHWA

Attachment D

Memorandum of Agreement

**MEMORANDUM OF AGREEMENT BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION AND
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE REPLACEMENT OF THE M-139/MAIN STREET BRIDGE
CITY OF NILES,
BERRIEN 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 proposed replacement of the historic M-139 (formerly US-12BR)/Main Street Bridge (Bridge) which is eligible for listing in the National Register of Historic Places (NRHP) in the City of Niles, Berrien County, Michigan; and

WHEREAS, the FHWA has determined that the undertaking will pose an adverse effect upon the Bridge which is located in the City of Niles, Berrien County, Michigan; and

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

WHEREAS, FHWA has invited the Advisory Council on Historic Preservation (Council) to participate in the development of this Memorandum of Agreement (MOA) and the Council has declined to participate per 36 CFR 800.6(a)(1); and

WHEREAS, the Michigan Department of Transportation (MDOT) has participated in the consultation and is an invited signatory in this MOA; and

WHEREAS, the mitigation items in this MOA were developed with appropriate public involvement to comply with both Section 106 and the National Environmental Policy Act at 23 CFR 771, including consultation with all federally- and state-recognized Michigan Indian Tribes and consulting party Nathan Holth of HistoricBridges.org who requested consulting party status; and

NOW, THEREFORE, the FHWA and the SHPO agree that the Project shall be implemented with the following stipulations to take minimize the adverse effect of this undertaking on the historic property.

I. STIPULATIONS

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

A. Recordation

MDOT will prepare photographic documentation and a historical overview of the Bridge according to the SHPO *Documentation Guidelines* attached and incorporated into this MOA 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 any further demolition and/or construction activities.

B. Design

MDOT shall ensure that the replacement bridge is designed in consultation with the SHPO, nearby property owners, the City of Niles, and the general public. MDOT will hold at least one meeting early in the design process to assess community preferences for the aesthetics of the replacement bridge based on engineering requirements and local input to date. MDOT will solicit input by offering SHPO-approved aesthetic options. The meeting will be advertised by a news release to local newspapers and a mass mailing to the list of interested parties generated through prior public meetings. The meeting will be open to the general public.

C. Interpretation

1. MDOT will provide an interpretive sign, located near the replacement bridge, to explain the history of crossings at the St. Joseph River. This sign will be designed and placed with local input and the content approved by a qualified MDOT Historian.
2. MDOT will salvage the Bridge plaque. Based on local input and the new bridge aesthetics chosen at the public meeting referenced in Section I, Paragraph B, the plaque will either be donated to a local institution or reused on the new bridge with associated interpretation.

D. National Register Nominations

If owner permission is forthcoming, MDOT will provide National Register nominations for the two National Register-eligible homes located at 70 North St. Joseph Avenue and 74 North St. Joseph Avenue nearby the southwest quadrant of the Bridge.

E. Unanticipated Archaeological Resources

If archaeological deposits are encountered during construction, MDOT shall implement the MDOT Inadvertent Finds Protocol/Procedure attached and incorporated into this MOA as **Attachment B**.

II. GENERAL CONSIDERATIONS

A. Dispute Resolution

Should the parties to this MOA object within thirty (30) days to any actions proposed in this MOA after its execution, 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 relevant documentation to the Council. Within forty-five (45) days after receipt of all pertinent documentation, the Council will either:

1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
2. 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.

B. Termination for Lack of Progress

1. If the FHWA determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the FHWA or the SHPO may propose to the other parties to this MOA that it be terminated.
2. The party proposing to terminate this MOA shall notify all parties to this MOA in writing explaining the reasons for termination and affording at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.
3. Should such consultation fail, the FHWA or the SHPO may terminate the MOA by so notifying all parties in writing.
4. Should this MOA be terminated, the FHWA shall either:
 - a) Consult in accordance with 36 CFR 800.6 to develop a new MOA;
or
 - b) Request the comments of the Council pursuant to 36 CFR 800.7.

C. Termination for Inability to Implement Terms

1. Any party to this MOA may propose to the other parties that it be amended. In the event that an amendment is proposed, the parties will consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment.
2. If the terms of this MOA have not been implemented within seven (7) years of its execution, this MOA shall be considered null and void. In such event, MDOT shall so notify the parties to this MOA, and if it chooses to continue with the undertaking, shall re-initiate review of the undertaking in accordance with 36 CFR 800.

D. Monitoring

1. Any Signatory to this MOA may request in writing, at any time, a review of the implementation of the terms of this MOA. Such review shall take place through a meeting or a conference telephone call within two weeks of the request unless extended for good cause at a time acceptable to all parties to this MOA.
2. The SHPO may, at its discretion and upon reasonable notice, monitor activities carried out pursuant to this MOA.

E. Work Plan

No formal Work Plan exists for the MOA. The MOA is necessary to complete the environmental clearance, an Environmental Assessment for the M-139 Bridge Replacement. The mitigation elements of the MOA will not be initiated until the environmental clearance is finished. When construction design is begun, the elements of the MOA will be started and completed concurrently with the design and construction of the road project.

F. Budget

No formal Budget exists for the MOA. The MOA is necessary to complete the environmental clearance for the M-139 Bridge Replacement Project. Mitigation elements of the MOA will be initiated as soon as the environmental clearance is finished. The elements of the MOA will be started and completed concurrently with the design and construction of the road project. The elements of the MOA will be paid for as part of the M-139 Project as mitigation, and the M-139 Project will not be allowed to utilize federal funds unless the elements of the MOA are completed (per federal law). At this point it is impossible to assign any cost to each MOA element because the final design of the bridge and three other mitigation commitments require coordination with the general public and

nearby property owners. No coordination can begin until the environmental clearance is finished.

G. Schedule

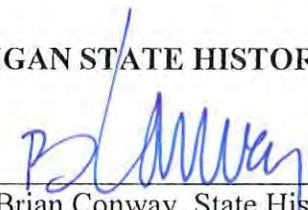
The elements of the MOA are directly tied to the M-139 Project, both for funding and the overall schedule once design is initiated.

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

FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 4/3/12
Russell Jorgenson, Division Administrator

MICHIGAN STATE HISTORIC PRESERVATION OFFICE

By:  Date: 3/27/12
Brian Conway, State Historic Preservation Officer

Invited Signatory:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By:  Date: 3/29/12
David Wresinski, Director, Bureau of Transportation Planning

FORM APPROVED
1-31-12
RZ
ASSISTANT
ATTORNEY

Attachment A

MICHIGAN STATE HISTORIC PRESERVATION OFFICE DOCUMENTATION GUIDELINES

The following guidelines provide instruction for producing permanent documentation of historic properties. Following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this and other National Register Bulletins may be found on the web at <http://www.cr.nps.gov/nr/publications/bulletins.htm>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at <http://www.cr.nps.gov/nr/listing.htm>). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, publisher, date of publication, volume and page number) should be listed in a bibliography.

III. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it can not be reproduced by microfilming or photocopying. Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex of buildings, floor plans of interior spaces. - Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11 inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

IV. PHOTOGRAPHS - GENERAL INSTRUCTIONS

Submit clear and descriptive black and white photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The

Attachment A

Michigan Historical Center
State Historic Preservation Office

Documentation Guidelines
Page 2

number of photographs needed will vary according to the project and the nature of the resource. The attached article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* (Vernacular Architecture Forum News, no date) provides helpful information for photographing buildings and structures. This article is available on the web at <http://www.vernaculararchitecture.org/IFeatures/photography/article.htm>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

The number of photographic views required depends on the size and complexity of the resource. Submit as many photographs as needed to depict the current condition and significant aspects of the resource. When available, prints of historic photographs may supplement documentation.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;
- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any aboveground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC REQUIREMENTS

Photographs must be:

- at least 5 x 7 inches, preferably 8 x 10 inches, unmounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs;
- submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

Attachment A

Michigan Historical Center
State Historic Preservation Office

Documentation Guidelines
Page 3

ENVELOPE LABELING INSTRUCTIONS

Neatly print the following information on the upper right corner of the envelope in soft lead pencil:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

NEGATIVE SUBMISSION INSTRUCTIONS

The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.

1. Name of the resource;
2. Name of the photographer;
3. Date of photograph;
4. Negative numbers

V. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and, significance of a particular resource.

If you have any questions, please contact the Environmental Review Coordinator at 517-335-2721.

State Historic Preservation Office
Michigan Historical Center
717 W. Allegan
Lansing, MI 48918-1800

(8/00)

Attachment E

Section 106 Consulting Party Letter



Nathan Holth
12534 Houghton Drive
DeWitt, MI 48820

269-290-2593
nathan@historicbridges.org

February 8, 2011

Sigrid JJ Bergland
Historian
Environmental Section
Project Planning Division
Michigan Department of Transportation
425 W. Ottawa Street
P.O. Box 30050

Subject: Main Street Bridge over St. Joseph River in Niles, Berrien County

Dear Ms. Bergland:

My intent is for this letter to be entered into the public record as my comments and suggestions regarding possible solutions to mitigate the adverse effect of the proposed project to demolish and replace the historic Main Street Bridge over St. Joseph River in Niles. I sincerely hope you will consider my thoughts. I also would be happy to discuss my comments further in more detail.

While it bears acknowledgement that I am a private citizen not affiliated with any organization or agency, and neither an engineer or certified bridge inspector, I do want to comment that I have visited and closely looked at over 2100 old and historic bridges in North America, and I have worked with, watched, and learned from many professionals in the historic bridge world including engineers, craftsmen/fabricators, and historians. I have become familiar with a rather wide variety of aspects of historic bridges and their preservation as I have worked to develop one of the largest historic bridge websites on the internet, www.historicbridges.org. I consider myself a bridge historian, but unlike the historian stereotype, am not unaware of or blind to other bridge issues such as bridge condition, traffic needs, AASHTO guidelines, engineering/inspection concerns, etc. At the same time, I do not claim to know everything, so please forgive any errors or oversights in my comments. As a person who has been involved with historic bridges for eight years, I realize I have a bias toward preserving historic bridges. At the same time, I do not intend to be someone who blindly demands preservation and suggests preservation solutions that are not grounded in reality.

In considering what forms of mitigation might be appropriate for the historic Main Street Bridge in Niles, I first considered the outcome of Section 106 in regards to the Southbound M-3 "Gratiot Avenue" Bridge in Macomb County which was recently finalized. Because the structures are similar, I felt the M-3 Bridge would offer some insight into how MDOT has approached mitigation in the past and thus offer a groundwork for my comments. Here, mitigation included recordation of the bridge according to state SHPO standards, assessing community and SHPO input on the aesthetics of the replacement bridge, and salvage and donation of the original bridge plaque.

I strongly believe that the best form of mitigation for demolition of a historic bridge includes preservation of original bridge material and recordation, preferably a combination of those two. I also believe that

embellishments and aesthetic treatments placed upon a replacement bridge do nothing to mitigate adverse effect.

If during project development and public involvement it is found that the community wishes that the replacement bridge differ from the standard plan bridge that MDOT would normally prescribe for a crossing without a historic bridge, perhaps in the form of adding “aesthetic treatments” that cover up the mundane appearance of modern bridge construction, I certainly encourage MDOT to work with the community and make those changes to the bridge plans if deemed appropriate, perhaps as part of a context sensitive planning effort. However, I strongly believe that any such alterations to a replacement bridge should **not** be included or used meet the requirement to mitigate the adverse effect of demolishing the historic bridge, since these changes fail to make any connection whatsoever to the factors that gave the historic bridge its significance. As such, I strongly believe that any Memorandum of Agreement for the Main Street Bridge in Niles should not include any mention of aesthetics for the replacement bridge.

Making a modern bridge look attractive using generic aesthetic treatments designed by MDOT or a consulting engineer does nothing to mitigate the adverse effect caused by the demolition of a historic bridge. Although historic bridges often have much more architectural detailing and beauty than a modern bridge, the historic significance of a National Register eligible or listed bridge is typically derived from more than simply the beauty of the structure. Primary factors, such as engineering significance (Criterion C), or association with important events (Criterion A) give the bridge its actual historic value. The 1985 survey of the Main Street Bridge in Niles did not mention the aesthetics of the bridge as an area of significance, and instead pointed to the length of the bridge as an area of significance, as well as the structure type, earth filled concrete arch. This is Criterion C significance, engineering significance. This only further demonstrates that aesthetic treatments on a replacement bridge will fail to mitigate the adverse effect. Mitigation needs to address the loss of the significant engineering and construction aspects of this bridge. This being the case, approaches to mitigation such as recordation and preservation of original bridge material much more effectively meets the spirit and intent of Section 106 mitigation.

Having now described in detail what I feel mitigation should not include, what next follows are my specific recommendations for the Main Street Bridge crossing St. Joseph River in the City of Niles. If I were to have the responsibility of writing up the mitigation for the bridge, what follows is an outline of the instructions I would give.

First, a detailed recordation of the bridge should take place. I am not sure what the SHPO guidelines are that the M-3 MOA referred to, however I would instead suggest that the process followed by the Historic American Engineering Record should serve as a guide, and recordation should be submitted to Historic American Engineering Record if possible, as well as local libraries and/or archives. I would also be interested in offering the recordation online in digital format at HistoricBridges.org, and the recordation should be offered to any other interested parties. It is my understanding that original plan sheets survive for this bridge. Professional digital scans of these plan sheets should be included in the recordation. When a historic bridge is demolished, original bridge plan sheets are an extremely important document, since they provide a way for future researchers to understand the construction of the bridge, and even provide a way for future generations to reconstruct the bridge in some manner. The recordation should include a detailed historical narrative that describes the bridge’s history. Producing this narrative should include having a researcher investigate any possible sources of information on the bridge, such as local archives, city/county/township files, State of Michigan/ MDOT archives, etc. The narrative should be as complete as possible, including why the bridge was built, the events leading up to the completion of the bridge, and any history, events, and changes to the bridge during the its service life. The narrative should describe the bridge in detail and describe its historic significance. Finally, the narrative should discuss any contextual background, such as a brief history of important people or firms involved with the bridge’s construction, and a history of the location in which the bridge was built. The narrative should be in the format of an academic paper, including full citation and bibliography. The recordation should be completed by including

a set of archival quality overview and detail photographs of the bridge. Again, the Historic American Engineering Record standards should be followed.

Second, salvage and permanent public display of a small portion of the original bridge should occur, including the bridge plaque. Interpretive signage that briefly describes the historic bridge, its fate, and the materials salvaged should be provided to help visitors understand the purpose of the display. Preferably, this display would be an outdoor display located near to the location of the historic bridge. This is difficult with a concrete bridge, but with some creativity a way to utilize some of the concrete and reinforcing rods from this bridge should be possible, perhaps with consultation with a landscape architect or artist. Given the number of colleges and universities in this Michiana area, perhaps a contest could even be organized among these institutions as well as other artists and architects of the local community to design a sculpture and/or display using these materials. Then, members of the community could vote on their favorite proposed design. Some of the concrete from the original arches could be saw-cut from the bridge during demolition, which would provide better formed pieces than if rubber were salvaged after demolition. If possible, the display should also use some bare reinforcing rods recovered from the bridge during demolition. Again, the help of a landscape architect or artist would be useful. A rough suggestion might be to take a piece of concrete from the arch bridge and securely install the plaque into it, and perhaps place an artistic sculpture made of the reinforcing rods behind this. Perhaps this sculpture could depict a small outline of the bridge's arched spans.

I sincerely hope my suggestions for mitigation will be seriously considered. Realizing that it would be rather selfish to suppose that my suggestions will be implemented exactly as outlined here, I wanted to make one final comment. Regardless of what final outcome is chosen for mitigation, it is imperative that the original bridge plaque on the bridge be salvaged, and either placed into a safe, archival storage environment or more preferably placed in permanent public view. However, if this plaque for some reason is to be placed on the new bridge as MDOT has done in the past, a supplemental plaque should be created and placed above the historic plaque that reads simply "Previous Bridge" or the like. Simply placing the plaque on the new bridge with no indication of the plaque's origin or meaning could be misleading or confusing to researchers in future decades, in the event that the replacement bridge is lucky enough to enjoy a service life anywhere near as long as the historic bridge.

I would be happy to discuss this further if there are further questions or interest.

Sincerely,

A handwritten signature in cursive script that reads "Nathan Holth".

Nathan Holth

Author/Webmaster, HistoricBridges.org

Attachment F

Public Meeting Comments

Main Street Bridge / M-139 (US-12 BR) over St. Joseph River

Public Information Meeting #1 Comment Form

Name Jan Penonette
Address 609 Riverview Dr City Niles
State MI Zip 49120 E-mail or Phone Number purple lady man@yahoo.com

Please share your comments on the bridge study.

I am one to save history, but with the current
state of deterioration, I feel that it is time to
replace this bridge with more efficient
construction that will last longer and be
safer.

Please place this form in any of the comment boxes located near the exit.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number 517-373-9255

Main Street Bridge / M-139 (US-12 BR) over St. Joseph River

Public Information Meeting #1 Comment Form

Name Nancy Clough
Daughter of M. Clough

Address 2 Merrimont St. City Tulsa

State MI Zip 49120 E-mail or Phone Number NCLOUGH@SBCGLOBAL.NET

Please share your comments on the bridge study.

The St. Joe river floods (several times a year) and the dams are managed by AEP (licensed by Ford County). Will the new Bridge structure withstand the ~~pressure~~ pressure of continued flooding each year? The river can rise 4 feet in 24 hours + flood properties of River Front park & residential properties.

Please place this form in any of the comment boxes located near the exit.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number 517-373-9255

Main Street Bridge / M-139 (US-12 BR) over St. Joseph River

Public Information Meeting #1 Comment Form

Name Lisa Orlesco / Niles DDA Main St Program Mgr
Address 210 E. Main City Niles
State MI Zip 49120 E-mail or Phone Number nilesmainstreet@nilesmainstreet.org
261.687.4332

Please share your comments on the bridge study.

- Thanks for starting this educational process so early
to get everyone started
- if possible, have the new bridge designed to
allow for Flowers on the bridge
- wider sidewalks & Bike path are two suggestions
I've been given

Please place this form in any of the comment boxes located near the exit.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number 517-373-9255

Main Street Bridge (M-139) over St. Joseph River

Public Information Meeting #2 Preferred Alternative & Historic Considerations Comment Form

Name Larry Lamb
Address 12 N 15th City Niles
State MI Zip 49120 E-mail or Phone Number LLAMB@NILESMI.ORG

Please share your comments on the bridge study.

The city of Niles has worked hard to promote the walking, biking, etc on our trail on the east side of the river. Could we consider combining both the north and south side walks together on the south side to create a walking path over the bridge. This would allow for bikes, wheel chairs, and PEDI to all cross without a problem. By using the south side it would all but eliminate vehical/peo issues as natural forces would take a vehicle to the north. Finally it would create a space for our downtown not often found on urban bridges

Please place this form in any of the comment boxes located around the room.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number: 517-373-9255
E-mail: ParsonsB@michigan.gov

WilburSmith
ASSOCIATES



Main Street Bridge (M-139) over St. Joseph River

Public Information Meeting #2 Preferred Alternative & Historic Considerations Comment Form

Name Kelly Getman-Dissette, Niles Dial-A-Ride
Address 623 N. Second St. City Niles
State MI Zip 49120 E-mail or Phone Number kgetman-dissette@nilesmi.org

Please share your comments on the bridge study.

I would suggest considering additional width on the southern sidewalk. While 6' would certainly meet ADA requirements, an additional 2' would make a big difference in pedestrian safety. Given the number of people with disabilities in the community who are regularly out in their ^{large} motorized wheelchairs, in addition to cyclists and people pushing strollers, having the extra width on the sidewalk would be safer for all bridge users.

Please place this form in any of the comment boxes located around the room.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number: 517-373-9255
E-mail: ParsonsB@michigan.gov

Main Street Bridge (M-139) over St. Joseph River

Public Information Meeting #2 Preferred Alternative & Historic Considerations Comment Form

Name Anna Rahtz, Southwest MI Planning Commission
Address _____ City _____
State _____ Zip _____ E-mail or Phone Number rahtza@swmpc.org

Please share your comments on the bridge study.

I'll be good to see more 3-dimensional drawings to understand how the bridge will look.

I like the non-motorized aspects, and I would just encourage talking to pedestrians in the area to find out if they think any safety improvements (i.e., improved crossings or additional signals) are needed. I also don't see from the drawings how wide the lanes are, but bike lanes or sharrow's would be great if feasible.

When advertising the charrette, I wouldn't use the word charrette b/c most people don't know what that is - call it a design workshop!

Please place this form in any of the comment boxes located around the room.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number: 517-373-9255
E-mail: ParsonsB@michigan.gov

WilburSmith
ASSOCIATES



Main Street Bridge (M-139) over St. Joseph River

Public Information Meeting #2 Preferred Alternative & Historic Considerations Comment Form

Name Anita Corp
Address 510 W. Main City NILES
State MI Zip 49120 E-mail or Phone Number 684-4385

Please share your comments on the bridge study.

GLAD TO HEAR THAT THE
SIDEWALK WILL BE WIDER. I WANT
TO WORK DOWNTOWN AND IT IS
NOT WIDE ENOUGH TO PASS ANOTHER
PERSON WITHOUT TURNING SIDEWAYS
OR STEPPING INTO THE STREET, OR
STOPPING. THANK YOU

Please place this form in any of the comment boxes located around the room.

Comments may also be mailed, faxed, or e-mailed to:
Bob Parsons, Public Involvement and Hearings Officer
Michigan Department of Transportation
425 W. Ottawa St. P.O. Box 30050, Lansing, MI 48909
Fax Number: 517-373-9255
E-mail: ParsonsB@michigan.gov

Attachment G

City of Niles and
Department of Natural Resources
Coordination Letters



CITY OF NILES

January 24, 2012

Ms. Ann M. Lawrie
Bureau of Transportation Planning
Michigan Department of Transportation
425 W. Ottawa Street
P.O. BOX 30050
Lansing, Michigan 48909

Dear Ms. Lawrie:

The City of Niles supports the efforts of MDOT to remove and replace the Main Street Bridge over the St. Joseph River.

As city administrator, I have corresponded with you regarding the proposed construction to remove the current bridge and replace it with a new one here in the City of Niles in Berrien County. The proposed work will involve the temporary use of portions of the Riverfront Trail and applicable boat docks in Riverfront Park, which has been determined to qualify as Section 4(f) property. I agree this project will have no significant impact to the resource and the amount and location of the land to be used does not impair the use of the remaining Section 4(f) property for its intended purpose.

I understand and agree that as a result of this project, that the proposed work will not result in any adverse change to the current activities, features, or attributes which are important to the purposes or functions that qualify the Riverfront Park for protection under Section 4(f), and that it will include only a minor amount of the Riverfront Park property. I have also reviewed and agree to the assessment of the impacts of the proposed project as well as the proposed mitigation for this project in Riverfront Park.

I appreciate the coordination efforts made on behalf of your department. If I can be of further assistance, please feel free to contact me at the address and phone number (ext. 206) shown below.

Sincerely,

Richard A. Huff
Niles City Administrator

/db

MEMBER MICHIGAN MUNICIPAL LEAGUE

P.O. Box 487

Phone (269) 683-4700

508 East Main Street

www.ci.niles.mi.us

Niles, Michigan 49120

Fax (269) 684-3930



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

February 15, 2012

Ms. Ann M. Lawrie
Bureau of Transportation Planning
Michigan Department of Transportation
425 W. Ottawa Street
P.O. BOX 30050
Lansing, Michigan 48909

Dear Ms. Lawrie:

The Michigan Department of Natural Resources (MDNR) supports the efforts of the Michigan Department of Transportation to improve Main Street (M139) in the City of Niles.

The MDNR has spoken with you regarding the proposed construction project involving the removal and replacement of the bridge over the St. Joseph River in the City of Niles, Berrien County. The proposed work will involve the temporary use of Riverfront Park Trail and the city-owned boat launch, which has been determined to qualify as Section 4(f) property. The MDNR agrees this project will have no significant impact to the resource and the amount of the land to be used does not impair the use of the remaining Section 4(f) property for its intended purpose.

The MDNR has reviewed and agrees to the assessment of the impacts of the proposed project as well as the proposed mitigation for this project on Riverfront Park Trail; therefore, the MDNR does not oppose the temporary use of the trail or the boat launch site during this project.

The MDNR appreciates the coordination efforts made on behalf of your department. If you have any questions or need further assistance, please feel free to contact Ms. Jule Stafford, Grant Coordinator, Grants Management, at 517-335-3036, or email staffordj@michigan.gov, or you may contact me.

Sincerely,

Steven J. DeBrabander, Manager
Grants Management
517-241-3687
debrabanders@michigan.gov

SJD:lh
cc: Ms. Jule Stafford, DNR

APPENDIX E

**Environmental
Risk Management**



PM
ENVIRONMENTAL, INC.

ISO 9001 Registered

**Preliminary Site Investigation (PSI) at
Bridge Structure B02-11021 over the St. Joseph
River Along US-12 Business Route in Niles,
Berrien County, Michigan
PM Environmental, Inc. Project No. 03-3210-0
MDOT Job No. 104152
Control Section B02-11021**

Michigan

Alabama

Florida

Tennessee

North Carolina

800.485.0090
www.pmenv.com

EXECUTIVE SUMMARY

PM Environmental, Inc. (PME) has completed the Preliminary Site Investigation (PSI) of Bridge Structure B02 of Control Section 11021 over the St. Joseph River Along US-12 Business Route in Niles, Berrien County, Michigan (hereafter referred to as the “subject property”).

PME understands that Michigan Department of Transportation (MDOT) intends to replace Bridge Structure B02-11021. The new structure will be wider to meet current standards. Other improvements include approach work, possible intersection improvements, guardrail, sidewalk and bike path. MDOT desires to know whether contamination exists and if so, the media contaminated, nature of contamination, and what Due Care obligations exist on the subject property. The intention of the PSI is to determine if known or potential sites of environmental contamination exist that could affect the project’s design, cost or schedule.

PME reviewed information provided by MDOT, including the Project Area Contamination Survey (PACS) and visited the subject site on August 11, 2010, to visually observe and evaluate site conditions.

According to the MDOT PACS, both the Michigan Department of Natural Resources and Environment (MDNRE) Remediation and Redevelopment Divisions (RRD) Leaking Underground Storage Tank (LUST) and Part 201 databases were reviewed and no known potential contamination sites were identified within the proposed project limits. However, according to MDNRE, the St. Joseph River in this area has the potential for polychlorinated biphenyl (PCB) and mercury contamination. Also, the MDNRE noted arsenic in creek sediments upstream of the project area near the Pucker Street Dam in the late 1990s (Dowagiac River Watershed Management Plan 2002).

On September 8 and 9, 2010, PME completed the field portion of the investigation that consisted of advancing four (4) soil borings, (SB-1 through SB-4) and collecting 16 sediment samples from locations adjacent to Bridge Structure B02-11021. Refer to Figure 2 for a site diagram depicting the existing bridge structure over the St. Joseph River, sediment sample and soil boring locations.

Concentrations of PCBs were not detected above the laboratory method detection limits (MDLs) in the soil samples collected at the subject property.

Concentrations of arsenic, barium, cadmium, chromium, copper, lead, silver and zinc were detected in the soil samples above the laboratory MDLs; however did not exceed statewide default background levels and/or the most restrictive MDNRE Part 201 Generic Cleanup Criteria (GCC).

A concentration of selenium was detected in the soil sample collected from SB-3 between 9.0 and 10.0 feet bgs that exceeded the GSIP GCC; however, based upon the soil sample collected at a shallower depth (0.0-1.0 feet below ground surface (bgs)) in the same boring and concentrations of selenium not being detected above the statewide default background levels in all other soil samples, it appears that this isolated concentration of selenium is a results of natural occurring metals in soil.

*Preliminary Site Investigation (PSI) at Bridge Structure B02-11021 Over the St. Joseph River
Along US-12 Business Route in Niles, Berrien County Michigan
PM Environmental, Inc. Project No. 03-3210-0; October 12, 2010
MDOT Job No. 104152; Control Section B02-11021*

the original contracted client notifies PME of the same and PME is authorized to disclose the information and to discuss the project with others. Except as otherwise agreed with the client, PME further states that it disclaims any duty of any kind or nature to any person or entity other than the client in preparing this report.

PME does not assume liability for any losses or damages that the client or third party incur due to the results or conclusions provided in this assessment.

LIMITATIONS

This Preliminary Site Investigation (PSI) is a site-specific assessment that is related to the environmental conditions of the subject property only.

PM Environmental, Inc. (PME) performed its services in conformance with the care and skill ordinarily used by other reputable environmental consulting firms practicing under similar conditions, at the same time, and in the same or similar locality. In preparing the assessment report, PME may have relied on information obtained from or provided by others. PME makes no representation or warranty regarding the accuracy or completeness of this information gathered through outside sources or subcontracted services. No single page of this report should be relied upon alone, rather only the report in its entirety. No warranty, guarantee, or certification of any kind, expressed or implied, at common law or created by statute, is extended, made, or intended by rendering these environmental consulting services or by furnishing this written report. Environmental conditions and regulations are subject to constant change and reinterpretation. One should not assume that any on-site conditions and/or regulatory statutes or rules will remain constant in the future, after PME has completed the scope of work for this project. Furthermore, because of the facts stated in this report are subject to professional interpretation, differing conclusions could be reached by other professionals.

Contaminants may be hidden in subsurface material, covered by pavement, vegetation, or other substances. Additionally, contamination may not be present in predictable locations. The most that PME can do is prepare a logical assessment program to reduce the client's risk of discovering unknown contamination. This risk may be reduced by more extensive exploration on the site. Even with additional exploration, it is not possible to completely eliminate the risk of discovering contamination on-site. It cannot be assumed that samples collected and conditions observed are representative of an area that has not been sampled and/or tested. Tests and other data collected for the report were obtained only for the sole purposes stated in this report, and they should not be used for purposes or reasons other than those intended.

Some environmental assessments are undertaken to satisfy due diligence, all appropriate inquiry, or other regulatory requirements provided in federal, state, or local law. The level of investigation necessary to demonstrate due diligence or all appropriate inquiry has not been legislatively defined. Although PME strives to investigate a site in accordance with the scope of work, it cannot warrant that the work undertaken for this report will satisfy due diligence, all appropriate inquiry, or any other similar standard under any federal, state, or local law.

Due to changing environmental regulatory conditions and potential on-site or off-site activities occurring after this assessment, the client may not presume the continuing applicability to the site of the conclusions in this assessment for more than 180 days after the report's issuance date.

Any reports, field data, field notes, laboratory testing, calculations, estimates or other documents prepared by or relied upon by PME are the property of PME. If any of these documents are released or obtained by a party other than the client, PME may not discuss the project with that party unless

PM ENVIRONMENTAL, INC., PROJECT NUMBER 03-3210-0
PRELIMINARY SITE INVESTIGATION

Location:

*Bridge Structure B02-11021
Over The St. Joseph River
Along US-12 Business Route
Niles, Berrien County, Michigan*

Prepared For:

*MDOT Construction and Technology
Mr. Steven B. Adams
Michigan Department of Transportation
Construction and Technology Division
Secondary Governmental Complex
P.O. Box 30049
Lansing, Michigan 48909*

**PRELIMINARY SITE INVESTIGATION
OF BRIDGE STRUCTURE B02-11021 OVER
THE ST. JOSEPH RIVER ALONG US-12
BUSINESS ROUTE IN NILES, BERRIEN
COUNTY, MICHIGAN**

October 12, 2010

Prepared by:

PM Environmental, Inc.

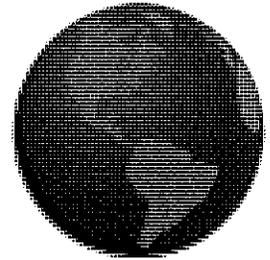
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Fax: 616.285.8026

October 12, 2010

Mr. Steven B. Adams
Michigan Department of Transportation
Construction and Technology Division
Secondary Governmental Complex
P.O. Box 30049
Lansing, Michigan 48909



PM

ENVIRONMENTAL, INC.

ISO 9001 Registered

**RE: Preliminary Site Investigation (PSI) at Bridge Structure B02-11021 over the St. Joseph River Along US-12 Business Route in Niles, Berrien County, Michigan
PM Environmental, Inc. Project No. 03-3210-0
MDOT Job No. 104152
Control Section B02-11021**

Dear Mr. Adams:

PM Environmental, Inc. (PME) has completed the Preliminary Site Investigation (PSI) at Bridge Structure B02-11021 over the St. Joseph River along US-12 Business Route in Niles, Berrien County, Michigan (MDOT Job No.104152). The attached report is a summary of the field investigative techniques and results of the PSI.

If you have any question or concerns, please feel free to contact our office at 517-321-3331. We look forward to providing you with qualified and professional environmental consulting services in the future.

Sincerely,
PM Environmental, Inc.

Brian Chmielewski
Project Geologist

Peter S. Bosanic, P.E.
Principal and Team Leader

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*Preliminary Site Investigation (PSI) at Bridge Structure B02-11021 Over the St. Joseph River
Along US-12 Business Route in Niles, Berrien County Michigan
PM Environmental, Inc. Project No. 03-3210-0; October 12, 2010
MDOT Job No. 104152; Control Section B02-11021*

Concentrations of mercury were detected in the soil samples collected from SB-1 through SB-4 at depth ranging from 0.0 to 10.0 feet bgs above the MDNRE Part 201 Groundwater Surface Water Interface Protection (GSIP) GCC. Care should be taken to ensure that stockpiled soil originating in the area of the abutments be returned to the area in which it was removed. If excess soil is generated and can't be returned to the location where it originated, the soil should be trucked offsite and disposed of at a Type II sanitary landfill.

Concentrations of total PCBs, arsenic, barium, cadmium, chromium, copper, mercury, selenium and zinc were not detected in the sediment samples exceeding the laboratory MDLs or the Type A Statewide Default Background Action Levels.

Concentrations of lead and zinc were detected in the sediment samples above the Type A Statewide Default Background Action Levels. Lead was detected in the sediment samples above the Type A Statewide Default Background Action Levels in the sediment samples collected from the north and south side of Pier 3 and the south side of the east and west abutments. Zinc was detected in the sediment samples above the Type A Statewide Default Background Action Levels in the sediment samples collected from the south side of Pier 3 and the south side of the west abutment.

The sediment samples that identified concentrations of lead and/or zinc above the Type A Statewide Default Background Action Levels were submitted for further analysis using Synthetic Precipitation Leaching Procedure (SPLP) methods. The SPLP concentrations of zinc were not identified above the Type B Drinking Water Value. Concentrations of lead were detected exceeding the Type B Drinking Water Value in the sediment samples collected north and south of Pier 3 at depths between 0.5 and 1.5 to 2.0 to 3.0 feet bgs. Additionally, lead was detected in the sediment sample collected south of the east abutment between 0.0 and 1.0 feet bgs above the Type B Drinking Water Value. If impacted sediments are dredged or excavated in the vicinity of Pier 3 or the East Abutment, they should be disposed of at a licensed Type II Landfill in accordance with the MDEQ-LWMD memo for sediment testing for dredging projects dated January 30, 2002, late updated April 15, 2005memo.

The summary presented above is general in nature and should not be considered apart from the entire text of the report, which contains the qualifications, considerations and subject property details mentioned herein. Details of findings and conclusions are elaborated upon in this report. This report has been reviewed for its completeness and accuracy. Please feel free to contact our office at (800) 485-0090 to discuss this report.

REPORT PREPARED BY:
PM Environmental, Inc.



Brian Chmielewski
Project Geologist

REPORT REVIEWED BY:
PM Environmental, Inc.



Peter S. Bosanic, P.E.
Principal and Team Leader

APPENDIX F

M-139 UTILITY CONFLICTS

CONTROL SECTION: 11021
 JOB NUMBER: 104152

5/11/2011



Utility Owner	Utility	Station	Rt./Lt.	Comments	Resolution	Contact Info		
City of Niles	Electric	51+58	18' Lt	Power Pole in proposed curb and buried cable close to back of curb	Move pole	J.W. Rossow	322 E Main St Niles, MI 49120	1-269-683-4700
	Electric	52+83	30' Rt	Electric under proposed radius				
	Electric	53+50 to 57+20	Lt and Rt	Light poles and lines running full length of barriers	Lines and lights will be removed and replaced			
	Electric	57+42	Lt and Rt	Line feeds the existing bridge lighting and may be in the way of proposed retaining walls on the east side				
	Electric	58+22	27' Rt	Street lighting may have to be adjusted for new sidewalk elevation	Relocate by others			
	Electric	59+21	27' Rt	Street lighting may have to be adjusted for new sidewalk elevation	Relocate by others			
	Electric	59+22	32' Lt	Street lighting may have to be adjusted for new sidewalk elevation	Relocate by others			
	Water	57+47	29' Rt	Water line may be in the way of proposed retaining wall and abutment footings. Location shown in 1995 rehab plans				
	Water	58+35	27' Rt	Hydrant may be in the way of proposed curb	Move Hydrant			
	Sanitary	53+16 to 53+87	Lt and Rt	12" Sanitary Sewer line under proposed abutment	Remove or fill sewer line			
	Sanitary	53+85	6' Lt	6" Sanitary Sewer bulkhead beneath proposed abutment A	Remove sewer line			
Sanitary	57+75	38' Lt	Proposed retaining wall will run over sanitary sewer	Remove sewer line				
MDOT	Storm	53+50	5' Rt	12" Storm under roadway	Remove sewer line	Joseph Ray	322 E Main St Niles, MI 49120	1-269-683-4700
	Storm	57+00	25' Lt	24" Storm sewer parallel to abutment and under proposed bike path	Adjust MH			
	Storm	57+14	40' Lt	18" Storm Sewer under proposed retaining wall	New larger pipe and drainage structure			
	Storm	57+60	33' Lt	Proposed retaining wall will run over storm sewer	New larger pipe and drainage structure			
Comcast	Cable TV	51+58	18' Lt	Connected to Power Pole in proposed curb	Move with pole	Jay Costello	4045 W Edison Lake Parkway Mishawaka, IN 46545	1-574-252-2561
AT&T	Telephone	51+58	18' Lt	100 pair telephone pedestal in proposed curb	Move pedestal	Joan Aalfs	1435 Milton St Benton Harbor, MI 49022	1-269-926-0233
SEMCO Energy	Gas	52+83	25' Rt	2" M.P. under proposed radius		Bill Coquillard	1000 Bell Rd Niles, MI 49120	1-269-683-6810
Berrien County Drain Commissioner	Storm			Storm sewer discharges and permits required during construction		Roger Zilke	701 Main Street, St. Joseph, MI 49085	1-269-983-7111 x8261
Bertrand Township	Water, Sanitary			No Facilites based on response to utility request		John Mefford	3835 Buffalo road, Buchanan, MI 49107	1-269-695-5001
Indiana Michigan and Power	Electric			No Facilites based on response to utility request		Kurt Schneider	2425 Meadowbrook Rd, Benton Harbor, MI 49022	1-269-926-0683
AAT Communications Corporation	Telephone			No Facilites based on response to utility request		Joy Tiemeyer	7402 Westshire Drive, Suite 120, Lansing, MI 48917	1-517-622-8448