

Federal Highway Administration
Finding Of No Significant Impact
For
The Brent Bridge Replacement/Rehabilitation Project
KYTC Project Item No. 6-17
ODOT PID 75119
Kenton County, Kentucky and Hamilton County, Ohio

Issued Pursuant 42 U.S.C. 4332 (2)(c), 23 U.S.C. 128(a), 23 U.S.C. 138, and 49 U.S.C. 303

(This action complies with Executive Order 11990, Protection of Wetlands; the Farmland Protection Act of 1981; and the National Historic Preservation Act)

Proposed Project

The Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT) plan to improve a 7.8-mile segment of Interstate-75 (I-75) within the Commonwealth of Kentucky (state line mile 186.7) and the State of Ohio (state line mile 2.7). The southern limit of the project is 5,000 feet south of the midpoint of the Dixie Highway Interchange on I-71/I-75 in Fort Wright, south of Covington, Kentucky. The northern limit of the project is 1,500 feet north of the midpoint of the Western Hills Viaduct Interchange on I-75 in Cincinnati, Ohio. The eastern and western limits of the study area generally follow the existing alignment of I-75.

I-75 within the Greater Cincinnati/Northern Kentucky region is a major thoroughfare for local and regional mobility. Locally, it connects to I-71, I-74 and US Route 50. The Brent Spence Bridge provides an interstate connection over the Ohio River and carries both I-71 and I-75 traffic. The bridge also facilitates local travel by providing access to downtown Cincinnati, Hamilton County, Ohio and Covington, Kenton County, Kentucky. Safety, congestion and geometric problems exist on the structure and its approaches. The Brent Spence Bridge, which opened to traffic in 1963, was designed to carry 80,000 vehicles per day. Currently, approximately 160,000 vehicles per day use the Brent Spence Bridge and traffic volumes are projected to increase to approximately 233,000 vehicles per day in 2035.

The I-75 corridor within the Greater Cincinnati/Northern Kentucky region is experiencing problems, which threaten the overall efficiency and flexibility of this vital trade corridor. These problems include, but are not limited to, growing demand and congestion, land use pressures, environmental concerns, inadequate safety margins, and maintaining linkage in key mobility, trade, and national defense highways.

The purpose of the project is to improve the operational characteristics within the I-75 corridor for both local and through traffic. In the Greater Cincinnati/Northern Kentucky region, the I-75 corridor suffers from congestion and safety related issues as a result of inadequate capacity to accommodate current traffic demand. The objectives of this project are to:

- improve traffic flow and level of service,
- improve safety,
- correct geometric deficiencies, and
- maintain connections to key regional and national transportation corridors.

The I-75 corridor is a major north-south transportation corridor and is one of the busiest freight movement (trucking) routes and as such is important link for the local, regional and national economies. The project is included in a conforming Transportation Plan in accordance with the

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU).

Alternatives Considered

The planning phase was completed with The *Conceptual Alternatives Study* (April 2009), which recommended two feasible alternatives for evaluation in the NEPA phase of project development. Public involvement was conducted throughout the development and evaluation of feasible alternatives, as well as coordination with the applicable resource agencies, as contained in the EA. Alternative E and I are fully described in the EA. Based upon the ability to meet purpose and need, operational performance, public comments, and minimize impacts, EA Alternative I was identified as the Preferred Alternative.

During development of the Preferred Alternative, a study to evaluate the new Ohio River Bridge type was conducted. The study generated the *Bridge Type Selection Report* (March 2011). From this study, six bridge type alternatives were posted on the project website to solicit public comments. Additionally, a press release was issued to notify the public of the opportunity to provide comments on the alternatives. A one-week comment period followed. Comments were received via email, faxes, phone calls, and postings to the project website. The public comments received were analyzed and used to quantify trends for the public's preferences and to reduce the number of types from six to three. The final three bridge types were shown at the Public Hearings on the EA and are listed here:

- Alternative 1, Arch Bridge: simply supported arch with inclined arch ribs,
- Alternative 3, Cable-stayed Bridge: two towers, three vertical legs/tower,
- Alternative 6, Cable-stayed Bridge: one tower, two vertical legs/tower.

Public Involvement and Comments

During development, there have been numerous opportunities for the public to provide input into the decision-making process. Coordination with Federal, State, and local agencies was also conducted. Since the project's inception, KYTC and ODOT have held numerous stakeholder meetings, consulting party meetings, public meetings, briefings, a formal public hearing, and meetings with individual groups, organizations, and elected officials. Per Title VI of the Civil Rights Act of 1964 which states "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," all efforts were made to be inclusive of all respective groups during the Planning, Project Development and Public Involvement processes.

The EA was approved for public availability on March 7, 2012. The Notice of Public Hearing was advertised on March 21, 2012 and April 16, 2012 in the Cincinnati Enquirer. One public hearing was held on April 24, 2012 at Longworth Hall (700 West Pete Rose Way, Cincinnati, Ohio 45203). A second hearing was held on April 25, 2012 at the Northern Kentucky Convention Center (One West RiverCenter Boulevard Covington, Kentucky 41011). Both hearings were held from 5:00 pm to 8:00 pm and had a presentation by the project team at 5:30 pm followed by a public comment period. Written comments on the EA were due by May 25, 2012. Comments received have been documented and addressed in the Public Involvement Summary.

The majority of comments were in relation to the local access to the City of Covington. The most comments received specifically referred to access at 5th and 12th streets in Covington. Also, several comments provided suggested modifications to Alternative I as proposed by the

City of Covington. Based on evaluation of comments received and coordination with the Cities of Cincinnati and Covington, Alternative I was refined.

Selected Alternative

The selected alternative is a revised version of EA Alternative I. Based upon public comments and coordination between the ODOT, KYTC and Cities of Cincinnati and Covington following the public hearing process, EA Alternative I was refined to include the following items:

- In Kentucky, the C-D roadway northbound and Jillians Way will be modified to include a new KY 5th Street exit ramp. The C-D roadway will be widened to accommodate the new exit ramp and a section of Jillians Way will be reduced in width due to the changes in traffic volumes. The proposed section of Jillians between KY 9th and KY 5th streets will be removed to accommodate the new exit ramp from the C-D Roadway.
- In Ohio, the exit ramp from the C-D roadway southbound will connect to the OH 3rd Street intersection at the north end of the Clay Wade Bailey Bridge.

Selected Ohio River Bridge

Based on the comparative analysis completed during the Bridge Type process with respect to construction cost; constructability/construction time; maintenance and durability; major rehabilitation feasibility; maintenance of traffic; and aesthetics and the public comments received as part of the public hearing process, two bridge alternatives can be considered as part of the Selected Alternative:

- Alternative 1, Arch Bridge: simply supported arch with inclined arch ribs
- Alternative 3, Cable-stayed Bridge: two towers, vertical legs/tower

Regardless of the bridge type that is ultimately selected for construction, the following requirements must be adhered to:

1. The highest point of the bridge shall be at least 300' +/- above the Normal Pool Elevation of the Ohio River (EL. 456.36').
2. The highest point of the bridge shall be less than 420' +/- above the Normal Pool Elevation of the Ohio River (EL. 456.36').
3. The Minimum Provided Underclearance shall be no lower than that provided by the existing Brent Spence Bridge.
4. The bridge mainspan shall provide sufficient length to insure that substructure units are outside of the main span piers of the existing Brent Spence Bridge.
5. If a double deck design is provided, a twenty-five foot (25') minimum vertical clearance shall be provided above the bottom deck roadway surface.

The alternative in the EA identified as the Selected Alternative I satisfies the purpose and need of the project and is the Selected Alternative for the project. The Interchange Modification Study (IMS) is being amended to include these refinements. Construction of the Selected Alternative will impact the following:

- 32.06 total acres of new right-of-way including 54 displacements - 40 residential and 14 commercial. Alternative I in the EA required a total of 31.31 acres with the same displacements.
- Approximately 3,340 linear feet of intermittent streams, 1.38 acres of wetlands, and habitat for the Indiana bat and running buffalo clover. No change from EA impacts.
- One hazardous material site recommended for a Phase I Environmental Site Assessment (ESA) and 11 hazardous material sites recommended for Phase II ESA investigations. No change from EA impacts.
- Two National Register of Historic Places (NRHP) listed properties: Lewisburg Historic District in Kentucky and Longworth Hall in Ohio. No change from EA impacts.

- Four Section 4(f) resources (parks and historic properties): Goebel Park, and Lewisburg Historic District in Kentucky and Queensgate Playground and Ball Fields and Longworth Hall in Ohio. A total of 2.59 acres of take from Goebel Park to accommodate local access will be required and has been agreed to by the owner, City of Covington. The EA had identified 1.9 acres of right of way take from Goebel Park.
- The 2.59 acres of right-of-way take from Goebel Park is also subject to Section 6(f) requirements. The EA had identified 1.9 acres of right-of-way take for this resource under Alternative I.

Cost

An FHWA Cost Estimate Workshop for the project was held between February 27 and March 1, 2012. The total project cost (engineering, right-of-way, utilities, and construction) based on information presented at the workshop varies between \$2.472 billion and \$2.884 billion in year of expenditure dollars. However, based on the workshop's analysis of risks associated with the project, there is a 70 percent confidence level that the total cost will require a budget of \$2.765 billion. This would include \$1.277 billion for Ohio and \$1.495 billion for Kentucky.

Schedule

The schedules for the next phases of project development by KYTC and ODOT are listed:

	DESIGN		RIGHT OF WAY & UTILITIES		CONSTRUCTION	
	Begin	End				
KYTC 6-17 Preliminary study #	6/1/05	9/30/12	N/A	N/A	N/A	N/A
6-17: New River Crossing	1/1/13	1/1/15	N/A	N/A	Begin 6/1/16	End 1/1/20
6-17: I-71/75 & Corridor Improvements	1/1/13	1/1/15	Begin 1/1/14	End 1/1/17	Begin 7/1/15	End 11/1/22

	DESIGN		RIGHT OF WAY & UTILITIES		CONSTRUCTION	
	Begin	End				
PID 75119 HAM-71/75-0.00/0.22 Preliminary study #	6/1/05	9/30/12	N/A	N/A	N/A	N/A
PID 89077 HAM-71-0.00	1/1/13	1/1/15	N/A	N/A	Begin 6/1/16	End 1/1/20
PID 89068 HAM-75-0.22	1/1/13	1/1/17	Begin 1/1/13	End 1/1/17	Begin 1/1/15	End 11/1/22

Environmental Commitments

Construction of the Selected Alternative will require the implementation of a variety of environmental commitments (See pages 200-206 of the EA.)

- The acquisition of property for right-of-way will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Construction of the project will not commence until the necessary permits have been completed—for Water Quality Certification through the Ohio Environmental Protection Agency (OEPA) and Kentucky Division of Water, United States Army Corp of Engineers

Section 404, and US Coast Guard (USCG) Section 9—on any segments impacting these resources to ensure compliance with the Clean Water Act of 1972.

- An effect determination on the Indiana bat and mussel species within the Ohio River will be made on the Selected Alternative following field reviews and coordination with resource agencies to satisfy the requirements of the Endangered Species Act. Additionally, best management practices will be used during placement of bridge piers to minimize impacts to aquatic life. In addition, in stream work within the Ohio River will be restricted between March 15 and June 30.
- Coordination with the Kentucky Department of Fish and Wildlife Resources will occur in the spring prior to the rehabilitation of the existing Brent Spence Bridge or the demolition of the bridge approaches to address nesting of peregrine falcons per the Migratory Bird Treaty Act of 1899.
- Phase I ESA will be conducted for the Harrison Terminal site at 1220 Harrison Avenue in Cincinnati. Based on known information about the following sites, if dewatering is necessary for construction purposes plan notes for petroleum contaminated soil (PCS) and contaminated groundwater will be developed and placed into plans: 351 John Street, 514 West Third Street, and 302-304 Central Avenue. Phase II ESAs will be conducted as identified in the EA as required by Comprehensive, Environmental Response, Compensation and Liability Act (1980) as amended by the Superfund Amendments and Reauthorization Act (1986).
- Coordination will be undertaken with the Kentucky Heritage Council (KHC) to address properties that were inaccessible for Phase I survey or required highly invasive activity, such as deep testing, as specified in the Section 106 Memorandum of Agreement for Kentucky.
- Mitigation measures documented in the Section 4(f) de minimis finding for Goebel Park and the MOAs for Lewisburg Historic District, Longworth Hall and Queensgate Playground and Ball Fields will be followed in accordance with applicable sections of 36 CFR 800 (Section 106) and 23 CFR 774 (Section 4(f)).
- The 4(f) de minimis determination for impacts to Goebel Park requires the use of an estimated 2.59 acres of flood-prone park property from the southwest corner of Goebel Park which be replaced with an estimated 2.38 acres of currently state-owned property that is at higher elevation and adjacent to the northwest corner of Goebel Park; the taking of a approximately 360 feet of walking trail will be mitigated by reconstructing the walking trail within the park and on locations to be determined in coordination with the City during the project's final design phase; and the taking of the basketball court and associated resources will be mitigated with funding of approximately \$77,600 of project funds for the replacement and enhancement of the basketball courts or for other outdoor recreation facilities within the park.
- FHWA and KYTC will ensure the Kentucky Department for Local Government will complete 6(f) conversion, with approval by National Park Service, before property transfers or construction activities commence in Goebel Park. Additional coordination may be necessary through final design and right of way acquisition.
- FHWA and KYTC acknowledge the City of Covington's sentiments that the proximity of the existing expressway alignment has impacted the operations of the pool and pool area at Goebel Park through noise and dust. They recognize the project's selected alternative may potentially further affect operations as a result of any increases in noise or dust. While these affects are not considered to substantially impair the functions of the pool, FHWA and KYTC will coordinate with the City of Covington during Phase II Design of the project to design roadway and bridge elements to reasonably minimize these potential impacts.

- The location and the designs of noise walls and other noise mitigation will be identified during the final design in accordance with the respective State's approved noise mitigation policies.
- The Project Advisory Committee and Project Aesthetic Committee will continue to meet and provide input during the final design and construction phases as discussed in Section 5.2 of the EA.
- Coordination with utilities will continue through the design and construction phases.
- ODOT and the Metropolitan Sewer District of Greater Cincinnati (MSD) have been acting cooperatively on water quality issues within the Mill Creek and Ohio River watersheds. ODOT will continue with its efforts of separating the highway drainage from the combined sewer systems as part of the project. Where separation is not feasible, adequate detention will be provided. Additionally, ODOT will include storm water Best Management Practices (BMPs) during construction and in the corridor's final design. The type and location of BMPs will be determined during the design process. ODOT will participate with MSD efforts to bring applicable agencies together to discuss, investigate, and evaluate mutually beneficial arrangements.
- KYTC and Kentucky Sanitation District #1 (SD1) will act cooperatively on water quality issues within the Ohio River watershed. KYTC will strive to separate the highway drainage from the combined sewer systems as part of the project. Where separation is not feasible, adequate detention per KYTC standards will be provided. Additionally, KYTC will include storm water Best Management Practices (BMPs) during construction and in the corridor's final design. The type and location of BMPs will be determined during the design process. KYTC will participate with SD1 efforts to bring applicable agencies together to discuss, investigate, and evaluate mutually beneficial arrangements.
- During construction, access to neighborhoods and community facilities will be maintained to the extent practical through controlled construction scheduling and/or provisions of alternate routes of entry. A Maintenance of Traffic (MOT) plan will be developed and implemented to maintain traffic operations throughout the corridor and minimize disruption to the surrounding communities. The MOT plan will be coordinated with the Regional Incident Management Task Force.
- FHWA and KYTC acknowledge the City of Covington's sentiments that the proximity of the existing expressway alignment has impacted the operations of the pool and pool area at Goebel Park through noise and dust. They recognize the project's selected alternative may potentially further affect operations as a result of any increases in noise or dust. While these affects are not considered to substantially impair the functions of the pool, FHWA and KYTC will coordinate with the City of Covington during Phase II Design of the project to design roadway and bridge elements to reasonably minimize these potential impacts.
- The project sponsor committed to USEPA that a commitment will be added to the contract documents to ensure that the contractor(s) shall comply with all applicable EPA diesel emission requirements including newer heavy duty requirements (Tier III) of the August 9, 2011 standards.
- The KYTC and Kentucky Office of Local Programs will complete the required 6(f) conversion as mitigation with approval by National Park Service, before construction activities commence in Goebel Park.
 - The use of an estimated 2.59 acres of flood-prone park property from the southwest corner of Goebel Park will be replaced with an estimated 2.38 acres of currently state-owned property that is at a higher elevation and adjacent to the northwest corner of Goebel Park;

- o The taking of a approximately 360 feet of walking trail will be mitigated by reconstructing the walking trail within the park on location to be determined in coordination with the City during the project's final design phase; and
- o The taking of the basketball court and associated resources will be mitigated with mitigation funding of approximately \$77,600 of project funds for the replacement and enhancement of the basketball courts or for other outdoor recreation facilities within the park.
- o FHWA will ensure the Kentucky Office of Local Programs will complete 6(f) conversion, with approval by US NPS, before property conversions or construction activities commence in the park.

Finding of No Significant Impact

The Federal Highway Administration (FHWA) has determined that Alternative I will have no significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) approved by FHWA on March 7, 2012 along with subsequent comments and responses on the EA and supporting technical studies. This documentation has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental effects, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA and this FONSI determination.



Laura S. Leffler, Ohio Division Administrator

8/9/2012

Date