

RECORD OF DECISION

New US 31 Hamilton County

**Interstate 465 to State Route 38
Hamilton County, Indiana**

January 2009

**U.S. Department of Transportation
Federal Highway Administration**

1.0 Decision

1.1 Summary of Decision

This Record of Decision (ROD) approves the Major Moves Alternative (modified) as described in the New US 31 Hamilton County Final Environmental Impact Statement, as the Selected Alternative (see Appendix A). This alternative is an upgrade of existing US 31 to an access-controlled, six-lane freeway in Hamilton County, Indiana between I-465 North Leg and State Road (SR) 38, with the southern terminus of the project extending to 96th Street. The Selected Alternative is 13.1 miles long. Transportation improvements to US 31 from I-465 to SR 38 are needed for traffic capacity and safety needs. US 31 is designated as a “Statewide Mobility Corridor” and as an important “Commerce Corridor” by the State of Indiana. It is also part of the National Highway System (NHS). Improvements to the US 31 corridor between I-465 and SR 38 have been identified in the Indianapolis Metropolitan Planning Organization (MPO) 2030 Regional Transportation Plan.

Public and agency comments were received as part of this process. Following issuance of the Draft Environmental Impact Statement in May 2003, a formal Public Hearing on the Draft Environmental Impact Statement (DEIS) was held on June 30, 2003. The public hearing focused on the results of the DEIS and generally favored upgrade of the existing US 31 Corridor (Alternatives F-1 to F-6; environmentally preferable alternative with least damage to the biological and physical environment). The other alternatives (Alternatives G1 – G6) included a new terrain bypass of the City of Westfield to the east which involved increased impacts to both the human and natural environment. Public and agency comments subsequently supported the selection of Alternative F4 as the single Preferred Alternative. In response to public comments on the DEIS, modifications were made to the F4 Preferred Alternative that resulted in an alternative that came to be known as the Major Moves Alternative.

The Supplemental Draft Environmental Impact Statement was prepared in 2008 to address local concerns and changes in the study area conditions, and a public hearing was held to receive public and agency comment on June 26, 2008. The final Preferred Alternative, the Major Moves alternative (as modified in response to agency and public comment) was subsequently identified in the Final Environmental Impact Statement approved November 25, 2008 (see Figure 1-1 and Appendix A). The Selected Alternative closely resembled the Major Moves Alternative presented in the Supplemental DEIS with a few exceptions. Changes made to the Preferred Alternative arose primarily from public comment related to interchange design and associated effects on local transportation or infrastructure.

This ROD is issued in compliance with Council on Environmental Quality (CEQ) regulations and serves as documentation of Federal Highway Administration (FHWA) compliance with federal statutes, regulations and requirements. Contained in this document are descriptions of all alternatives studied; how various environmental, economic and social factors were considered in the decision; mitigation commitments; a

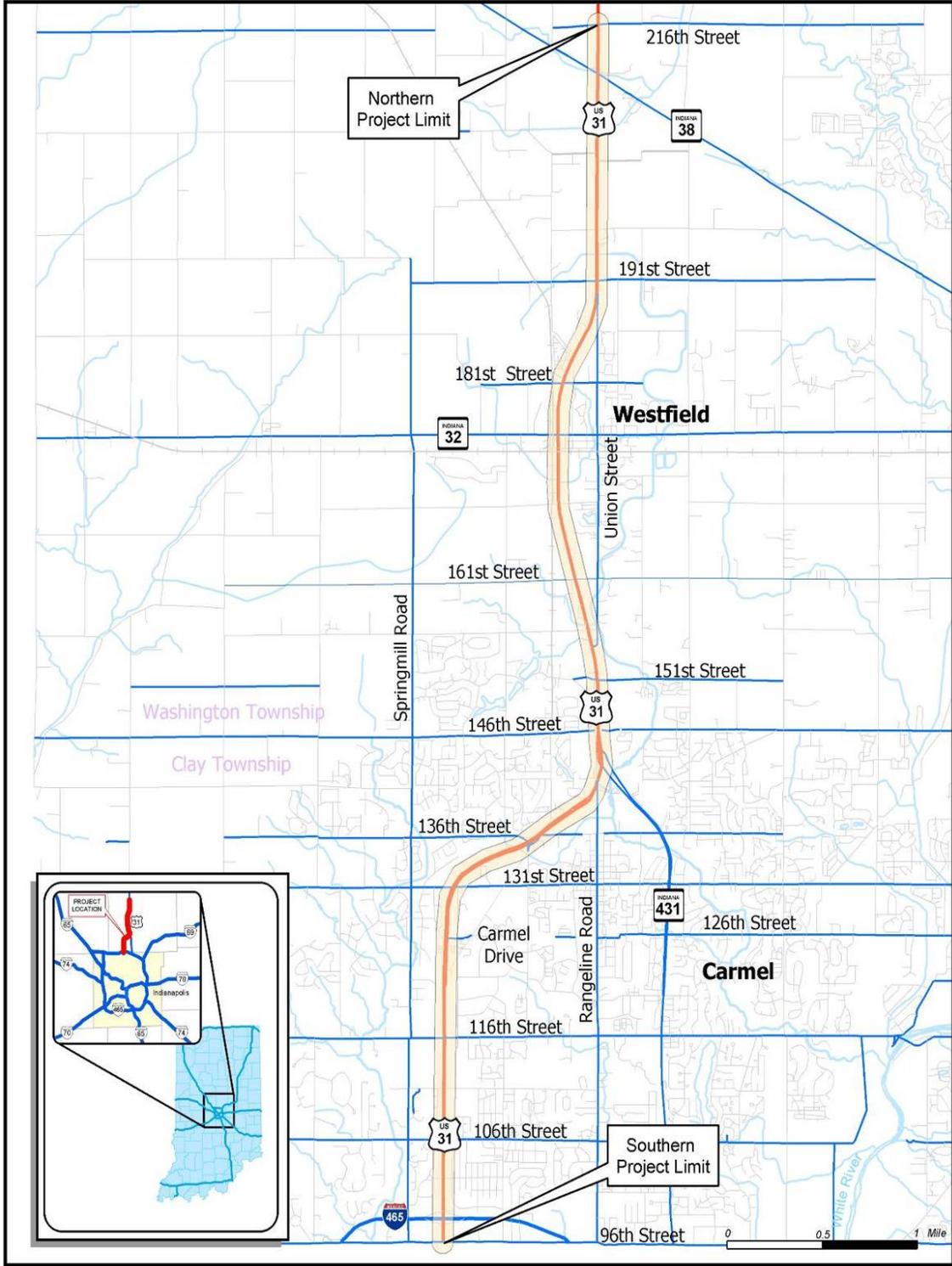


Figure 1-1
Project Location
Hamilton County, Indiana

summary of the monitoring and enforcement program; and responses to substantive comments received on the FEIS.

1.2 Project Description

The New US 31 Hamilton County Project is located in Hamilton County, Indiana between I-465 (north leg) and SR 38, a distance of approximately 13.1 miles. The project traverses the City of Carmel, Clay Township, the City of Westfield, and Washington Township. The proposed action is an upgrade of the existing US 31 corridor to an access-controlled, six lane freeway in Hamilton County, Indiana between I-465 North Leg and State Road (SR) 38, with the southern terminus of the project extending to 96th Street. Traffic patterns and volumes on US 31 along with land use and roadway characteristics change significantly beyond these termini. As such, this segment of US 31 has “independent utility”. All traffic volumes, including traffic turning to and from US 31 at 96th Street and all other crossroads, are found in Appendix K-5 of the FEIS. Due to the potential for construction and easement impacts, the area of study extended beyond the termini south, approximately one-quarter mile, to 96th Street and north, approximately one-half mile, to 216th Street.

The Final Environmental Impact Statement (FEIS) for the New US 31 Hamilton County Project was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; Indiana Department of Transportation (INDOT) *Procedural Manual for Preparing Environmental Studies (December 2004)*; the Federal Highway Administration’s (FHWA) *Indiana’s Streamlined EIS Procedures (July 2001)*; INDOT *Public Involvement Procedures (Draft May 2007)*; FHWA (Indiana) *Section 106 Procedures (March 2002)*; INDOT *Traffic Noise Policy (February 2007)*; and, the FHWA Technical Advisory T 6640.8A - *Guidance for Preparing and Processing*

In making its decision, FHWA fully considered the information contained in the Draft, Supplemental Draft and Final Environmental Impact Statements and comments received on the Draft, Supplemental Draft and Final Environmental Impact Statements from the public, state and federal resource agencies, and local officials. Public comments from both the hearings and the other comment venues were focused on a variety of key issues. Most comments focused on bicycle/pedestrian access, the Pennsylvania Street slip ramp, mass transit accommodations, the timing and purchase procedures for land acquisition, and design alternatives for various interchanges, particularly as designs relate to movement of local traffic and compatibility with local thoroughfare plans. Selection of the Preferred Alternative took into account public comments and made the requested design adjustments when possible. The strong local desire for roundabout interchanges was considered and roundabouts were selected where practicable. In addition to comments from the public, formal responses to the SDEIS were received from the Indiana Department of Natural Resources, US EPA Region 5 and the US Department of Interior.

In conclusion the FHWA determined that the Selected Alternative (freeway upgrade along existing US 31 Corridor) addressed the Purpose and Need for the project by reducing congestion and improving safety. Safety performance of the Selected

Alternative is improved over the projected future no-build condition. The Selected Alternative is the environmentally preferable alternative (per 40 CFR 1505.2(b)) and incorporates all practicable means to avoid and minimize environmental impacts and fits best with regional and local planning.

1.3 Purpose and Need

Project Need Statement

Transportation improvements to US 31 between I-465 and SR 38 are needed for the following reasons:

Traffic Congestion and Capacity Needs

- For the base year 2007, 7 out of 15 (47 percent) intersections operate at LOS E or F during the AM and/or PM peak hours. LOS D is minimally acceptable based on INDOT's current standards.
- By the year 2035, all 15 (100 percent) intersections are projected to operate at LOS E or F during the AM and/or PM peak hours.

Safety

- Six of the ten roadway segments on US 31 have crash rates greater than the statewide average for similar facilities.
- Seven of the ten roadway segments on US 31 have injury crash rates greater than the statewide average for similar facilities.

Project Purpose Statement

Based on the transportation needs identified, the purpose of the New US 31 Project is to:

- Reduce congestion for the US 31 corridor by improving to LOS D or better;
- Improve the level of safety for motorists using the US 31 corridor; and
- Provide for the reliable and efficient movement of commerce and regional travel.

Consistency with Metropolitan and Statewide Long Range Transportation Plans

US 31 has been designated as a Statewide Mobility Corridor by INDOT's 2007-2030 Long Range Transportation Plan, is part of the National Highway System (NHS), and represents the only continuous transportation link between Indianapolis and north-central Indiana (i.e., South Bend). As such, the objectives of the US 31 corridor are to provide safe, free flowing, high-speed connections with characteristics consistent with Statewide Mobility Corridor designation. The Selected Alternative is included in the fiscally constrained conforming Indianapolis MPO 2030 Regional Transportation Plan.

Evaluation Criteria for Meeting Purpose and Need

The criteria established to evaluate each project alternative's ability to meet the purpose and need of the project include the following:

- Improve congestion to LOS D or better
- Reduce crash rates

- Provide a facility with characteristics consistent with the criteria in INDOT's Long Range Transportation Plan for Statewide Mobility Corridor¹

2.0 Alternatives Considered

The development of alternatives for the US 31 Hamilton County project began with a broad examination of potential solutions to the transportation needs of the region. The current transportation system, existing and projected traffic conditions, safety, and the overall mobility needs of the State and metropolitan area were evaluated in determining the purpose and need for the project. The State's designation of US 31 as a Statewide Mobility Corridor assisted in defining the role and priority of the corridor within the region and State.

The alternatives developed for the US 31 Improvement Project were evaluated using a two-phase screening process to determine if they should be carried forward for evaluation in the original DEIS. The first phase of the preliminary screening process analyzed the alternatives with respect to the project's purpose and need. The second phase of the screening process analyzed the environmental impacts of the alternatives that were advanced from Phase 1.

To satisfy the purpose and need for this project, an alternative would have to improve levels of service to a minimally acceptable level (LOS D) and improve safety. Additional consideration was given to consistency with State and regional plans.

A wide range of potential solutions for addressing the project's needs were evaluated in the DEIS. The alternatives included: a No-Action Alternative, a Travel Demand Management (TDM) Alternative, a Transportation System Management (TSM) Alternative, a Mass Transit Alternative, and a series of highway alternatives including an expressway alternative (widening US 31 to three lanes in each direction with partial access control), and nine freeway alternatives (with full access control). The nine freeway alternatives ranged from upgrading US 31 and SR 431 to urban freeway standards on the existing alignment to providing a new freeway facility on a completely new alignment.

Travel Demand Management (TDM) Alternatives. These alternatives consist of programs or policies focused on either reducing the number of vehicles on the roadway or distributing trips to less congested periods of the day. The goal of TDM is to relieve peak hour traffic congestion using such methods as vanpooling/carpooling; non-motorized facility enhancements; or Employer-Based Trip Reduction Programs.

Transportation System Management (TSM) Alternatives. TSM alternatives are low-cost strategies of reducing traffic congestion and improving traffic flow. These alternatives consist of techniques or applications focused on improving the existing transportation network's ability to handle traffic volumes by making it more efficient

¹ Consistency with criteria for Statewide Mobility Corridors was not a requirement to satisfy the project's purpose and need.

including reversible lanes; signal coordination and timing; intersection improvements; and expanded ITS applications. It was concluded that the TSM alternatives (signal coordination and timing, intersection improvements, expanded ITS application) would not address the purpose and need of this project as “stand alone” alternatives because they would not substantially reduce congestion or improve safety.

Mass Transit Alternatives. Transit service in the Indianapolis region consists of a bus-only transit system operated by IndyGo. In areas such as the US 31 corridor, where trips are dispersed, transit service is not typically considered a viable option, as dispersed ridership results in insufficient revenue to cover a reasonable portion of operating costs. The existing infrastructure and development patterns in the US 31 corridor are not well suited for transit service. It was concluded that the Mass Transit Alternative would not address the purpose and need of this project as a “stand alone” alternative because it would not substantially reduce congestion or improve safety.

Transportation Management (TM) Alternative. A Transportation Management alternative was developed as a combination of the Travel Demand Management (TDM), Transportation System Management (TSM), and Mass Transit alternatives previously described. It was concluded that the TM Alternative would not address the purpose and need of this project because it would not substantially reduce congestion or improve safety. Therefore, the TM Alternative along with the TDM, TSM and transit alternatives were not carried forward for detailed study in the DEIS.

Highway Alternatives. Highway alternatives considered, as shown in Figure 2-1, include widening US 31 to three through lanes in each direction (retaining partial access control) and freeway alternatives that ranged from improving US 31 and SR 431 to urban freeway standards on existing alignment to providing a new freeway facility on a completely new alignment (with full access control). For all freeway alternatives, a full access-controlled facility was assumed within a total right-of-way of 270 feet. Alternatives were developed assuming the same typical section and a standard interchange footprint to allow for a balanced and relative comparison of potential impacts. Alternatives advanced for evaluation in the DEIS were refined to minimize impacts to the extent practicable.

Initially, a number of the highway alternatives were not found to meet the project’s purpose and need, including A; B; C; D; and I and were thus dismissed. The remaining alternatives were evaluated for potential environmental impacts according to the criteria described for the Phase 2 evaluation. Based on this second evaluation, two additional highway alternatives were dismissed from further study given the expected magnitude of impacts. The alternatives subsequently not carried forward for further study were Alternatives E and H.

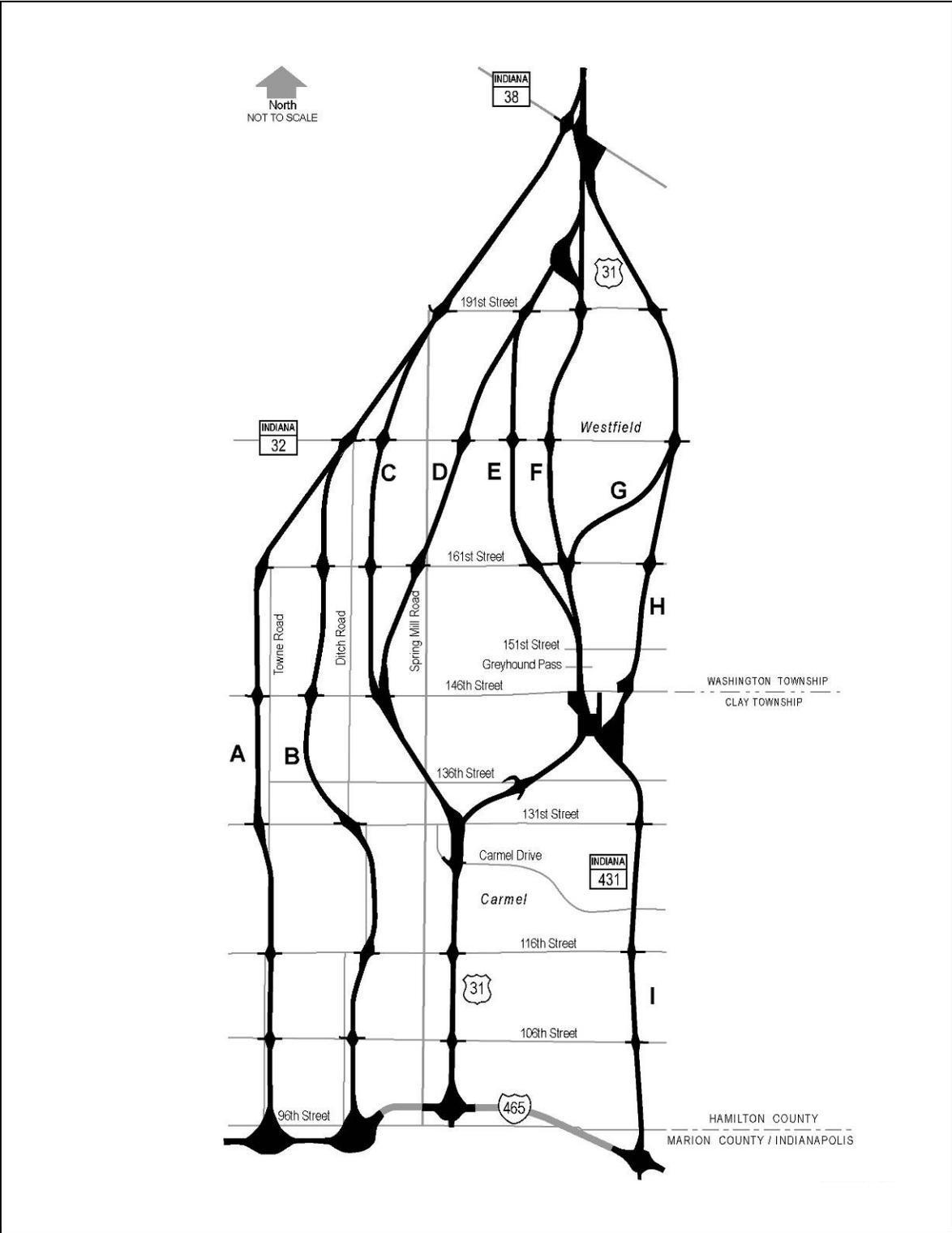


Figure 2-1
Preliminary Highway Alternatives
Hamilton County, Indiana

2.1 Alternatives Evaluated in the DEIS

The following alternatives were carried forward in the DEIS:

No-Action Alternative. The No-Action Alternative assumes that all of the projects in the current Indianapolis MPO Long Range Transportation Plan would be implemented with the exception of improvements to US 31. This alternative would not meet purpose and need for the project but serves as a baseline when comparing the effectiveness and potential impacts of the other alternatives.

Alternative F (F1 through F6). Alternatives F1 through F6 are alternatives which will upgrade existing US 31 to a freeway from 96th Street to 216th Street, a distance of 13.1 miles. The existing four-lane roadway would be reconstructed as a six-lane freeway with a 55 foot median (dimension includes inside shoulders), 10 new interchanges, and full access control. Variations 1-6 involved different interchange configurations/locations. The proposed facility would require existing intersections and access points to be converted to interchanges, grade separations (overpass or underpass), or cul-de-sacs/lane closures.

Alternative G (G1 through G6). Alternatives G1 through G6 follow the same alignment as Alternatives F1 through F6 until 156th Street, where the proposed alignment departs from existing US 31 and turns to the east to form a bypass on new alignment around the City of Westfield. Alternatives G1 through G6 would consist of a six-lane freeway, 55 foot depressed median (dimension includes inside shoulder), 10 new interchanges, and full access control. Alternatives G1 through G6 have a total length of 14.1 miles, 7.0 miles of which would involve alignment on new right-of-way.

Alternatives F1 through F6 were identified in the DEIS as the preferred group of alternatives. Following the 45-day comment period for the DEIS, Alternative F4 was identified as the single Preferred Alternative. In response to comments received from the public, several modifications were made to the design of the F4 Alternative in 2004. Subsequently, design plans of the modified 146th Street interchange were posted on the project website for public review and comment.

2.2 Alternatives Evaluated in the SDEIS

A Supplemental DEIS was prepared in 2008 due to the lapse in time since publication of the DEIS (2003) combined with changes in both natural features and land use conditions within the corridor. Several modifications were made to the F4 Alternative (2004) to accommodate current traffic volume and forecasts, thus resulting in a new alternative, the Major Moves Alternative. This alternative was developed, evaluated and compared to the F4 Alternative creating the basis for the impact analyses documented in the Supplemental DEIS (SDEIS). The Supplemental DEIS addressed the potential impacts of Alignment F4 (as originally presented in 2003 and updated to 2008) and a new Build Alternative – the Major Moves Alternative – a revised version of Alternative F4. The SDEIS alternatives and subsequent modifications all involve upgrade of the existing US 31 Corridor to a 6-lane freeway, but vary in interchange and local access design features.

Identified as the Preferred Alternative, the Major Moves Alternative included several necessary changes to meet the project's Purpose and Need, as well as function as an efficient Statewide Mobility Corridor and fit into local transportation plans.

Design modifications incorporated into the SDEIS for the Major Moves Alternative included the following:

- Added a 'Michigan left'¹ at 96th Street
- Added an 111th Street overpass
- Added a 'slip ramp'² at Old Meridian Street
- Added a 131st Street roundabout interchange design
- Added a 136th Street roundabout interchange design
- Shifted the alignment/skew of 136th Street south of its existing alignment
- Modified the 146th Street diamond interchange to a split diamond, collector-distributor interchange with 151st Street
- Added an overpass bridge at Greyhound Pass
- Added a southbound entrance ramp at 151st Street (to US 31 southbound) and a northbound entrance ramp at 146th Street (to US 31 northbound)
- Added a 169th Street underpass

In addition to the No-Action Alternative the following alternatives were assessed in the SDEIS:

- Transportation Management Alternative
- F4 Alternative
- Major Moves Alternative

The No-Action Alternative was re-evaluated with the inclusion of all projects in the current Indianapolis MPO Long Range Transportation Plan which would be implemented with the exception of improvements to US 31. This alternative did not meet the project's purpose and need but it was included to serve as a baseline in comparing the effectiveness and potential impacts of the other alternatives.

The Transportation Management alternative included several components previously evaluated in the DEIS including the Travel Demand Management (TDM); Transportation System Management (TSM); and Mass Transit. The TDM alternative included changes

¹ 'Michigan Left': An additional signalized intersection has been designed west of the 96th/Meridian intersection to allow for the southbound-to-eastbound left turn movement to be facilitated via a u-turn movement. The additional intersection allows for acceptable traffic flow and operations along the 96th Street corridor, specifically at the 96th Street/Meridian intersection.

² 'Slip Ramp': A northbound exit ramp which will allow for traffic to exit from the US 31 mainline onto Old Meridian Street

to several components including vanpooling/carpooling; non-motorized facility enhancements and Employer-Based Trip Reduction Programs. The Mass Transit alternative included consideration of several transit changes in the US 31 corridor including two Express Bus routes added to IndyGo's service line since the DEIS – one originating in the Town of Fishers and the most recent originating in the City of Carmel. A third route from the south side is planned for 2009 pending the development of local arrangements. In the SDEIS it was concluded that the Transportation Management alternative components did not address the purpose and need of this project because they would not substantially reduce congestion or improve safety.

2.3 Selected Alternative

Upon receipt and in consideration of comments received on the SDEIS Major Moves Alternative, a Preferred Alternative was developed for the FEIS. This upgrade of the existing US 31 Corridor to a 6-lane freeway closely resembles the Preferred Alternative presented in the SDEIS (the Major Moves Alternative), with a few exceptions which are detailed in the FEIS. Changes made to the Preferred Alternative arose primarily from public comment related to interchange design and associated effects on local transportation or infrastructure. A summary of design modifications incorporated into the FEIS for the Preferred Alternative included:

- I-465 Interchange – incorporated a modified version of the DEIS configuration eliminating the Pennsylvania exit ramp and its associated right-of-way
- 106th Street Interchange – modified the diamond interchange design to include a collector-distributor system between I-465 and 106th Street
- 116th Street Interchange – replaced the Single Point Urban Interchange option with a diamond interchange
- 131st Street Interchange – slight design modifications
- 136th Street Interchange – removed the bypass lane from Smokey Row Road to the northbound US 31 entrance ramp
- 146th – 151st Street Interchange – modified as follows:
 - added a ramp to Rangeline/Clay Terrace
 - added a roundabout at the intersection of the southbound ramp to Rangeline Road/Clay Terrace
 - added one-way collector roads on both sides of US 31 between 146th Street and 151st Street
 - removed the Greyhound Pass bridge
 - added a slip off-ramp from: northbound US 31 onto the northbound collector road between 146th Street and 151st Street; and, from 151st Street onto the southbound US 31 mainline
 - shifted the 151st Street alignment north
- 191st Street Interchange – shifted 191st Street to the north.

In consideration of public and agency comments the Preferred Alternative was determined to be the Selected Alternative; it includes an upgrade of existing US 31 from 96th Street to 216th Street, a distance of 13.1 miles. The existing four-lane roadway would be reconstructed as a fully access controlled, six-lane freeway with a 55-foot median, nine new interchanges, and a redesigned interchange at I-465. Design elements of the Selected Alternative are described in the FEIS (see Appendix A). Two substantive changes have been implemented since issuance of the FEIS. The first change in the Preferred Alternative since issuance of the FEIS is the change in configuration of the 161st Street interchange to a roundabout interchange from a diamond interchange (see Appendix A, Sheet 7). The City of Westfield previously requested this revision (see Appendix E).

A second change in the Preferred Alternative since issuance of the FEIS is in the design of the I-465/US 31 interchange. During the analysis of traffic movements and ramp alignments for the I-465/US 31 Interchange Justification (IJ) Concept Approval, opportunities were identified to improve the efficiency of traffic operations and to reduce construction costs. Revisions to the I-465/US 31 interchange have simplified ramp movements and reduced the number of grade separations. No changes to environmental impacts documented in the FEIS would occur, while notable cost savings would be achieved. The interchange will operate at acceptable levels of service (LOS) and safety enhancements result from the reduction in the number of required motorist decision points. The proposed refinements are a hybrid of the larger, preferred design in the FEIS and the smaller, alternate interchange layout contained in Appendix N of the FEIS. Appendix A of this document shows the selected layout proposed for the I-465/US 31 interchange. Refinements to the revised interchange include the following:

- The structure costs were reduced by approximately 30%. The number of bridges has been reduced by one while the two signature flyover bridges have been reduced to one-lane each (from two lanes each).
- Collector / Distributor (C/D) lanes were eliminated with the use of simple braided ramps. Consequently, pavement areas and the number of grade separations have been reduced yielding an overall reduction in construction costs.
- LOS remains the same with the revised interchange (an average of LOS C for merge / diverge points), however, the number of merge / diverge locations has been reduced by two each. Although new weaving areas have been introduced, other weaving areas have been removed, with the overall LOS for specific weave locations operating at acceptable levels of service in the revised interchange.
- The revised interchange configuration results in the potential for safer operations due to fewer required motorist decision points. The removal of two merge/diverge points reduces the number of conflict zones, thus allowing for easier motorist negotiation of the ramp configuration.
- A series of curves has been added to US 31 southbound, south of 106th Street as a traffic calming/safety measure. They will provide driver awareness of the ending of the freeway and encourage the feeling of 'exiting' the freeway while

approaching the first traffic signal. The addition of this safety enhancement is not possible in the FEIS layout without increasing the footprint.

- The revised layout has comparable right-of-way requirements to the FEIS footprint, although the revised footprint has slight reductions (approximately 5 acres) in the northeast and northwest quadrants. No increase to environmental impacts will occur as a result of the revised interchange.
- The overall design concept provides simpler traffic movements for the traveling public. Complex braided movements in the FEIS have been redesigned as simpler movements, along with requiring far less signage.

In summary, the revised hybrid layout of the I-465/US 31 interchange incorporated into the Selected Alternative is a safer, more operationally efficient interchange with reduced costs of pavement, structures, signing and more than likely right-of-way with no additional impacts to the environment.

The proposed US 31 profile is either at or below the existing roadway elevation in areas between interchanges and at locations where cross roads will pass over US 31. Table 2-1 summarizes the 'over' or 'under' nature of all cross streets and associated shifts in vertical elevation. The profile grade of mainline US 31 will remain at grade for ease of construction and cost containment where at all possible throughout the project limits. At specific interchanges or local road crossings, the US 31 mainline profile may be raised or lowered to better accommodate existing conditions with respect to items such as cross streets, detention ponds, parks, buildings, and right of way impacts.

One revision has been made in Table 2-1 (Table 2.6-1 of the FEIS) for the interchange type recommendation at 161st Street. Previously, a diamond interchange design was recommended, although an alternate (roundabout) design concept was described in Section 2.6.2 of the FEIS. The alignment for the roundabout alternate is confined to the study limits previously documented in the FEIS at this interchange location, and future traffic operations at the roundabouts have been analyzed and determined to be consistent with INDOT and FHWA requirements. The roundabout design was conditioned on the relocation of a proposed regional multi-use trail crossing US 31 at 161st Street. On December 11, 2008 the City Council of Westfield adopted and passed Resolution 08-59 to amend the *Westfield-Washington Thoroughfare Plan/Pedestrian and Bicycle Circulation and Trail Plan*. This resolution establishes the Monon-Midland Trace Trail Loop connections to the south under US 31 at Cool Creek Trail along the Anna Kendall Creek Trail, and to the north over US 31 at the 181st Street (Hoover Street) overpass. These connections of the multi-use trail allow for the project to eliminate the US 31 crossing proposed at 161st Street. With approval of this amendment the safety concerns for bicyclists have been reconciled and, for this reason, the roundabout interchange design at 161st Street is incorporated into the Selected Alternative. A copy of Resolution 08-59 is provided in Appendix B.

**Table 2-1
Vertical Profile Summary for the Selected Alternative**

Location	Elevation	Relative Elevation of US 31	Access & Type
I-465 / 106 th Street	Under	Same as existing at I-465 Raised US 31 at 106 th St	Interchange – System
111 th Street	Under	Same as existing	No access
116 th Street	Under	Raised US 31	Interchange – Tight diamond
126 th Street	Over	Slightly Lowered US 31	No access
131 st Street	Over	Slightly Lowered US 31	Interchange – Roundabout
136 th Street	Under	Raised US 31	Interchange – Roundabout
Monon Trail	Under	Slightly Lowered US 31	No access
Rangeline Road	Under	Raised US 31	No access
146 th Street	Over	Lowered US 31	Interchange – Split diamond
151 st Street	Over	Lowered US 31	Interchange – Split diamond
161 st Street	Over	Same as existing	Interchange – Roundabout ¹
169 th Street	Under	Raised US 31	No access
SR 32	Over	Same as existing	Interchange – Diamond
181 st Street	Over	Same as existing	No access
191 st Street	Over	Same as existing	Interchange – Diamond
SR 38	Under	Raised US 31	Interchange – Partial folded diamond

¹ Table 2.6-1 of the FEIS identified this interchange as a diamond. See Section 2.3 of this document for an explanation of the revision.

INDOT and FHWA determination of the Major Moves Alternative (modified) as the Selected Alternative was based on the public and agency comments received, in consideration of the responsiveness of the Selected Alternative to the project’s statement of Purpose and Need, and the findings of the transportation, social, ecological and land use impact analyses. A summary of written, oral and web-based comments received at the public hearings held on June 30, 2003 and June 26, 2008 is included in the FEIS.

It was thus determined that the Selected Alternative best satisfies the project’s purpose and need by:

- Reducing congestion for the US 31 corridor by improving to LOS D or better (in particular, projected ramp intersection operations);

- Improving the level of safety for motorists using the US 31 corridor by reducing crash rates, and
- Providing a facility for the reliable and efficient movement of commerce and regional travel.

Environmental impacts resulting from the Alternative F4 and the Major Moves Alternative were presented in the SDEIS. The difference in right-of-way between the alternatives (54.6 acres greater with the Selected Alternative) can be generally attributed to design modifications that have occurred along the corridor in response to public or agency comment, including the addition of the 111th Street overpass, the 169th Street overpass and the Old Meridian Street slip ramp. Few changes have occurred since the SDEIS was distributed. However, any substantive revisions in the design of the Selected Alternative, and the corresponding documentation of impacts were documented in the FEIS and the resulting summary of impacts is shown in Table 2-2.

Measures have been taken to avoid or minimize those impacts determined to be unavoidable. Specific mitigation measures are described in the following section with respect to each of the resources analyzed in the SDEIS and FEIS, and will be implemented as a conditional part of future phases of design and construction.

3.0 Section 4(f) Resources

The US Department of Transportation Act of 1966 (23 USC 138 and 19 USC 303), Section 4(f), states that the Secretary of Transportation may not approve the use of land from a publicly owned park, recreation area, wildlife and waterfowl refuge, or any historic sites unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use.

Section 4(f) resources were reviewed pursuant to 23 CFR 771.135 (a), Section 4(f) of the US Department of Transportation Act of 1966 (49 USC 303) and Section 138 of the Federal-Aid Highway Act of 1968. It was determined and documented in the FEIS that the following three Section 4(f) resources will be affected by the project:

- MacGregor Park
- Monon Greenway
- T.J. Lindley Farm

The Hunt House was originally determined to be eligible for inclusion in the National Register of Historic Places (NRHP), as documented in the DEIS. Since the DEIS and as documented in the SDEIS, the Indiana State Historic Preservation Office (SHPO) reevaluated the eligibility of the Hunt House and determined that the Hunt House is no longer eligible for listing on the NRHP. See Appendix C for the amended Memorandum

**Table 2-2
Potential Impacts of the Selected Alternative**

Category	Unit	Selected Alternative
Land Use	Agricultural Acres	81.0
	Commercial Acres	90.4
	Industrial Acres	15.6
	Institutional Acres	27.4
	Mixed Urban Acres	45.7
	Residential Acres	34.8
	Forestland Acres	30.9
	Herbaceous Acres	7.3
	Scrub-Shrub Acres	17.3
	TOTAL Acres	350.4
Relocations	Single Residence Number	63
	Multiple Residence Number	2
	TOTAL Number	65
	Commercial Number	33
	Office Number	13
	Public Facilities Number	0
	Industrial Number	3
	TOTAL Number	49
	Churches Number	2
School Properties	Number	2
	Acres	7.29
Cemeteries	Number	0
Section 4(f) Properties	Number	1 net benefit/2 <i>de minimis</i>
	Acres	0.0
Emergency Facilities	Number	0
Hazardous Materials Sites	Number	34
Noise Receptors	Number	28*
Major Utilities	Number	14
	Geodetic Monuments Number	5
	TOTAL Number	19
Wellhead Protection Zones	Number	4
Wetlands	Forested Acres	2.00
	Scrub Shrub Acres	0.47
	Emergent Acres	4.30
	TOTAL Acres	6.77
Open Water	(ponds, lakes) Acres	3.55
Streams/Ditches	crossings	31
	linear feet	8,313

**Table 2-2 (continued)
Potential Impacts of the Selected Alternative**

Category	Unit	Selected Alternative	
Floodplains	Floodways	Number	4
		Acres	23.28
	100-yr Floodplains	Number	16
		Acres	45.33
Soils	Prime farmland	Acres	68.61
Archaeological	sites	Number	10
		Acres	4.3
		High probability	Acres
Historic	Section 106	Number	1
Planned Future Development		Acres	12

* Using Traffic Noise Model (TNM)

of Agreement (MOA) removing Hunt House as an eligible property. Other Section 4(f) resources present in the area but not used by the project include the Westfield-Washington Township public school recreation facilities, the South Union Trail, and the Westfield Historic District.

3.1 Public Parks and Recreation Areas

The Selected Alternatives will not require right-of-way from any public park, recreation area, or wildlife or waterfowl refuge; however, it does require relocating the proposed entrance to the future MacGregor Park.

MacGregor Park. MacGregor Park is a planned future park. The existing access from US 31 was originally the driveway for the landowner who occupied the property previously. The existing drive is not adequate for proper ingress/egress to and from a park. Furthermore, the drive’s direct access to US 31 created an unsafe situation adjacent to the intersection in the corridor (SR 38). A Categorical Exclusion (CE) for the MacGregor Park Primary Access Road from SR 38 was approved as a stand-alone project to enhance safe access to MacGregor Park. FHWA approved the “*de minimis*” finding for the MacGregor Park Primary Access Road from SR 38 on April 9, 2008 (see Appendix C). The new access to MacGregor Park will be completed and opened to traffic prior to removal of the existing access road to MacGregor Park from US 31. This improvement will provide safer access to the future Park.

3.2 Trails

Monon Greenway. The portion of the Monon Greenway that is located within Clay Township is owned by the City of Carmel. The trail crosses the existing US 31 facility north of 136th Street. The portion of the trail that falls within the existing US 31 right-of-way is owned by the State of Indiana. At this location, the Selected Alternative includes

replacement of the existing twin bridges with new twin structures. These new structures will allow for the continued use and operation of the Monon Greenway.

During construction, the Selected Alternative will employ the following mitigation measures to minimize temporary impacts to the trail:

- Construction of the US 31 bridge over the Monon Greenway Trail will be phased to maintain pedestrian and bicycle traffic through the work area. This phasing may include temporary shifting of the trail while construction activities are underway on one side of the trail or the other.
- Any necessary construction activities that would result in complete closure of the trail will occur during non-use times, utilizing night construction commencing one hour after dusk and ending before dawn. The trail is closed during this time frame; therefore, temporary impacts would not adversely impact the activities, features, or attributes of the trail.

No permanent use will be required from the Monon Greenway Trail as a result of the Selected Alternative.

Impacts to the trail as a result of this project will not adversely affect the activity, features, and attributes that qualify the Monon Greenway Trail for protection under section 4(f). Therefore, FHWA approved the “*de minimis*” finding for the Monon Greenway Trail in a memorandum dated November 18, 2008 (see Appendix C).

3.3 Eligible Historic Properties

T.J. Lindley Farm. During re-evaluation, it was revealed that the removal of the existing access to the Lindley Farm constitutes a Section 4(f) use. New, safer access to the parcel will be provided from SR 38 to the existing property line. Furthermore, the property owner will be compensated so they can connect their existing driveway to the new frontage road to the north of their property. A retaining wall will be constructed along the west side of the southbound ramp from SR 38 to US 31, thereby avoiding direct impacts to the historic property. A “*net benefit*” is achieved when the transportation use, the measures to minimize harm, and the mitigation incorporated into the project result in an overall enhancement of the Section 4(f) property when compared to both the future No-Action or avoidance alternatives and the present condition of the Section 4(f) property. The new access to the property from SR 38 will be much safer than the existing access directly onto US 31, and therefore will result in a net benefit to the historic property.

3.4 Mitigation and Measures to Minimize Harm to Historic Section 4(f) Resources

A Memorandum of Agreement was prepared in response to a finding of adverse effect under Section 106. The MOA was amended to reflect the change in status of the Hunt House and to document SHPO concurrence in the application of the Net Benefit Section 4(f) for T.J. Lindley Farm. Commitments regarding the Lindley Farm have not changed since the DEIS. A copy of the amended MOA is included in Appendix C.

4.0 Measures to Minimize Harm

Following is a summary of the mitigation measures associated with the Selected Alternative for the New US 31 Hamilton County Project.

4.1 Traffic and Transportation

A Transportation Management Plan (TMP) Team will be assembled to develop a traffic maintenance strategy for construction of the project. The Team will include representatives from the City of Carmel, the City of Westfield, Hamilton County, and the City of Indianapolis. The TMP Team will meet during the design phase to address the proposed traffic maintenance plan, alternative traffic control applications, the effect traffic will have on other facilities, and local concerns.

Pedestrian access will be provided at all over/underpasses and interchanges. Bicycle access will be coordinated with respective local plans during the final design phase of the project. Details regarding sidewalks and shared use paths will be developed in consultation with the Pedestrian/Trails Subcommittee.

4.2 Relocation Assistance

Mitigation measures for displaced housing include relocating residents into available and comparable housing within their township or school district, depending on availability of housing in each location. Relocation assistance and benefits will be made available by INDOT to all individuals displaced by the New US 31 Hamilton County Project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1987: United States Code Title 42, Articles 4601 through 4655 (42 USC 4601-4655), Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs: Code of Federal Regulations, Title 49, Subtitle A, Part 24 (49 CFR 24), Title VI of the Civil Rights Act of 1964, and Indiana State Relocation Assistance: Indiana Code Title 8 Article 23 Chapter 17 (IC 8-23-17). The Selected Alternative will potentially displace 63 single residence dwellings, two multiple residence dwelling, 33 retail buildings, 13 office buildings, three industrial facilities, and two churches.

As per 49 CFR Part 24 Section 204 and IC 8-23-17 Section 28, no individual will be physically displaced until it is determined that adequate replacement housing is available. If, under normal circumstances, adequate housing could not be located in a timely manner, "Replacement Housing of Last Resort" (49 CFR 24 § 404) will be provided. Last resort housing includes, but is not limited to, rental assistance, additions to existing replacement dwellings, construction of new dwellings, and dwelling relocation.

Adequate replacement housing exists for all proposed displacements except for those in the under \$50,000 range. These displacements represent the mobile home units displaced

by the Selected Alternative located in North Glenn Village. However, residential displacements within North Glenn Village may be mitigated on site.

4.3 Major Utilities/Geodetic Control Monuments

The Selected Alternative will require the relocation of both public and private above and below ground utilities. Relocation of utilities will be coordinated with all appropriate custodial authorities. The Selected Alternative will also impact geodetic control monuments S79 (reset 1965), 201, U42, H32, and G32. According to the National Oceanic and Atmospheric Administration (NOAA), notification is required (no less than 90 days prior) for any activities that will disturb or destroy these monuments in order to plan for their relocation.

4.4 Historic and Archaeological Resources

Historic Resources. As documented in the SDEIS, the DHPA determined that the Hunt House is no longer eligible for listing on the NRHP due to its current condition. Therefore, the Memorandum of Agreement (MOA) was amended to include only mitigation measures for impacts to Lindley Farm. The Net Benefit Section 4(f) commits to providing a safer access to Lindley Farm from SR 38 than its existing access from US 31. The mitigation measures associated with the Lindley Farm have not changed since the publication of the DEIS and SDEIS. A copy of the MOA is included in Appendix C.

Archaeological Resources. In the event that any culturally significant objects such as funerary or human remains should be inadvertently discovered, the Delaware Tribe of Oklahoma requested that construction be halted immediately and that the tribe be contacted as soon as possible. In addition, the Miami Nation requests that if remains which fall under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction activities, the Indiana Historical Society, IDNR and all related parties are to be immediately contacted and consulted.

INDOT and FHWA will follow the provisions of the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation," IC 14-21-1, 312 IAC 21, and 312 IAC 22. In the event of an unanticipated discovery of a previously unidentified historic property or human remains INDOT and FHWA will ensure that work cease in the area and consult with the SHPO and other consulting parties as necessary. If human remains are discovered, the appropriate County Coroner and law enforcement notice to the officials will be notified immediately, and the discovery of any human remains dating on or before December 31, 1939 must be also reported to the IDNR within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. If a Native American Indian burial ground is discovered, the IDNR shall immediately provide notice to the Indiana Native American Indian Affairs Commission per IC 14-21-1-25.5.

4.5 Air Quality

The Selected Alternative is included in the fiscally constrained conforming Indianapolis MPO 2030 Regional Transportation Plan and the FEIS demonstrates the Selected Alternative complies with all related Clean Air Act requirements.

During construction, the contractor must comply with all federal, state, and local laws and regulations governing the control of air pollution. Adequate dust-control measures must be maintained so as not to cause detriment to the safety, health, welfare, or comfort of any person or cause damage to any property or business.

All bituminous and Portland cement concrete proportioning plants and crushers must meet the requirements of IDEM. For any portable bituminous or concrete plant or crusher, the contractor must apply for a permit-to-install from the Permit Section, Air Quality Division, of IDEM. Dust collectors must also be provided on all bituminous plants. Dry, fine aggregate material removed from the dryer exhaust by the dust collector must be returned to the dryer discharge unless otherwise directed by the project engineer.

4.6 Noise

The project area was assessed for noise impacts, and according to the INDOT Noise Policy's reasonableness and feasibility evaluation it was concluded there is no need for noise abatement for this project.

4.7 Terrestrial Habitat

No trees suitable for Indiana bat roosting (greater than 3 inches diameter breast height, living or dead, with loose hanging bark) will be cut from April 1 through September 30.

Consideration will be given to mitigating the loss of upland forestlands (30.4 acres) at a one to one ratio as opportunities within the existing or proposed right-of-way become available.

4.8 Streams

Stream crossings should be planned to minimize channel impacts and avoid channel realignments. When stream impacts are unavoidable, the stream resources will be mitigated according to IDNR, IDEM and the ACOE. If necessary for mitigation purposes, stream creation is an acceptable alternative. In developing plans for stream creation, careful attention should be given to the appropriate creation of stream morphology, in-stream habitat, and riparian zones.

During the project's design phase specific consideration to stream mitigation will include a number of factors including: the placement of in-stream habitat features, pool/riffle sequencing, seed mix and plant material selection, and concurrence of the regulating agencies on successful stream characteristics.

Additionally, a monitoring plan will be developed following initial documentation of the created channel's dimensions, pattern, and profile along with the establishment of permanent cross-sections selected to represent approximately 50 percent pools and 50 percent riffle areas. Monitoring is performed each year for a five-year period.

4.9 Floodplains

Mitigation for the 3.2 acres of non-wetland riparian habitat described in the FEIS will be provided, consistent with the area impacted, the number and size of trees removed, and the type and quantity of overall habitat impacted, as identified by the Indiana Department of Natural Resources (IDNR). A native forest mitigation plan will be prepared consistent with legal requirements and permit conditions.

According to the USFWS and the USEPA, mitigation for upland (non-wetland) forest loss within the Cool Creek floodplain should be addressed by reforestation within the same floodplain. Likewise, the USEPA requested mitigation of all upland forest loss throughout the project. As described in the FEIS, and as per the Indiana Flood Control Act, mitigation for 3.2 acres of impacts to non-wetland riparian forest will be required for this project. These impacts are mitigated at a one-to-one ratio, requiring 3.2 acres of mitigation. INDOT will investigate the opportunity to plant trees on upland sites within the existing right-of-way or those sites to be acquired for this project.

A hydraulic analysis will be completed as part of the design phase as well. This will include the identification of new floodplain/floodway limits, the need for a Letter of Map Revision (LOMR) or a statement providing quantified justification that the existing limits will be unaffected by construction.

Both wetland mitigation sites as described in the following section include stream features and could accommodate riparian mitigation. The Ron Taylor Potential Mitigation Site includes over 2,000 linear feet of unbuffered or poorly-buffered riparian corridor along Finley Creek. Over 15 acres of non-wetland riparian corridor restoration is available at this site.

4.10 Wetlands

Wetland mitigation for the Selected Alternative will require the creation of forested wetlands (PFO), scrub-shrub wetlands (PSS), and emergent wetlands (PEM), according to the mitigation ratios as shown in the FEIS. Impacts that will require mitigation included: 0.60 acre of jurisdictional forested wetlands and 1.4 acres of isolated forested wetlands; 0.37 acre of jurisdictional scrub-shrub wetlands and 0.11 acre of isolated scrub-shrub wetlands; and 1.4 acres of jurisdictional emergent wetlands and 2.9 acres of isolated emergent wetlands will be required for wetland impacts. The total acreage required for mitigation purposes is 15.83 acres.

Potential wetland mitigation sites for the Selected Alternative are located in the same 8-digit watershed as The New US 31 Hamilton County Project. These sites occur in the

Loamy, High Lime Till Plains ecoregion, an ecoregion historically characterized by beech forests, oak-sugar maple forests, and elm-ash forests growing on nearly level terrain. These off-corridor wetland mitigation sites have been identified with the assistance of the Hamilton County District Conservationist, Natural Resource Conservation Service (NRCS). These are sites on private property where owners have expressed to the NRCS an interest in wetland mitigation:

- The DeHart Farms Goose Creek Potential Mitigation site is located in Johnson County, Indiana and is located along a portion of Goose Creek.
- Another site is the Ron Taylor Potential Mitigation site located in Boone County, Indiana, located along a portion of Finley Creek.

Additionally, an independent consultant has property in both Boone and Johnson counties that are available as mitigation sites.

4.11 Visual Impacts and Aesthetics

The New US 31 Hamilton County Project will incorporate cost-effective, context sensitive solutions for the purpose of mitigating adverse aesthetic impacts. Specific mitigation measures and aesthetic design features will be refined during the design phase and coordinated with local communities. These communities will be afforded the opportunity to comment on enhanced design amenities and/or architectural elements. The potential for partial depression of the freeway will also be further analyzed in the design phase of this project.

Additional landscape planting within the right-of-way using grasses, sedges, wildflowers, shrubs and trees native to central Indiana will be considered where practical and consistent with community interests, especially in areas where vegetation is limited. In areas where trees are being removed for additional right-of-way, irregular feather cut lines with selective tree removal will be undertaken.

4.12 Construction

Construction Noise. One method of controlling construction noise is to establish a maximum level of noise that construction operators can generate. Contract specifications will establish construction noise limits for sensitive areas. INDOT standard specifications and mitigation procedures will be employed to assist in minimizing the temporary impacts of construction noise.

Erosion Control. INDOT will provide erosion control measures consistent with INDOT specifications, the project's erosion control plan and applicable permit conditions.

Stream Crossings. Stream crossings will be addressed by INDOT consistent with design recommendations and specifications during the project's design phase and applicable permit conditions.

4.13 Wellhead Protection Areas

As per guidelines set forth in the Wellhead Protection Management Plans for Westfield (PWSID# IN5229021) and Western Hamilton County (PWSID# IN5229009), any new development or upgrade of existing facilities within a Wellhead Protection Zone (WPZ) will require coordination with the Westfield Utilities Department. The Selected Alternative will traverse four WPZs, and INDOT will investigate containment alternatives in the WPZs during the design phase. INDOT will further coordinate with the City of Westfield regarding Ordinance 05-31 (amending Ordinance #62-12-95) which regulates land use in WPZs. The diversion and/or containment of storm water runoff and potential roadway spills within the WPZs will be considered in the design phase and coordinated with local authorities.

5.0 Monitoring and Reporting

Monitoring and enforcement of the project commitments and impact minimization/mitigation measures will be accomplished through standard procedures to assure compliance. Specifically, individuals responsible for preparing the construction plans and those overseeing and monitoring their work will be provided a copy of this Record of Decision, the SDEIS and FEIS and the most current Commitments Summary Form (Appendix D) to assure that required environmental avoidance and mitigation measures are included in the plans and specifications prepared for the project.

The project engineers overseeing the construction of the project will also receive a copy of these documents and will be responsible for assuring that all commitments are met. A copy of the most current Commitments Summary Form will be included in the construction contract documents, will follow the project and will be monitored to assure that the commitments are implemented.

The following federal permit relating to terrestrial and aquatic resources may be required for the proposed project:

<u>Agency</u>	<u>Permit</u>
United States Army Corps of Engineers (USACE)	Section 404 Permit for the Discharge of dredged or Fill Material into “waters of the US” (e.g., streams and wetlands)

The following permits from the State of Indiana relating to terrestrial and aquatic resources may be required for the proposed project:

<u>Agency</u>	<u>Permit</u>
Indiana Department of Environmental Management (IDEM)	Section 401 Water Quality Certification

IDEM

Isolated Wetland Individual Permit

Indiana Department of Natural Resources (IDNR)

Construction in a Floodway

The following agencies regulate a “permit by rule.” Though no actual permit is issued, correspondence is required with these agencies prior to construction activities.

Agency

Permit By Rule

IDEM (facilitated by SWCD)

Storm Water runoff Associated with Construction Activity (Rule 5)

Hamilton County Drainage Board

Regulated Drains: Crossing Permit (Hamilton County Code 36-9-27-17)

Westfield Utilities Department

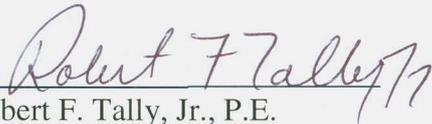
Wellhead Protection Zone

6.0 Comments on Final EIS

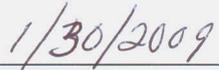
The Notice of Availability of the FEIS was published in the *Federal Register* on December 12, 2008. The wait period following the notice ended January 12, 2009. Few comments were received on the Final EIS, or that were not submitted or addressed in the Supplemental Draft EIS. One letter was received from the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology suggesting language regarding the unanticipated discovery of unidentified historic property or human remains. This language has been incorporated into the Measures to Minimize Harm (see Section 4.4) and in the Commitments Summary Form (Appendix D). A second letter was received from the City of Westfield recommending consideration of certain interchange/overpass options and trails. A third letter was received from the U.S. Environmental Protection Agency noting that their comments have been addressed and that EPA has no objections to the project. Copies of this correspondence and a response to the City of Westfield are provided in Appendix E.

7.0 Approval

Based on the analysis and evaluation contained in the Final Environmental Impact Statement, after careful consideration of all the identified social, economic and environmental factors and input received from other agencies, organizations and the public; and the factors and mitigation measures outlined in this document, it is the decision of the FHWA to approve the Major Moves Alternative (modified) as the Selected Alternative.



Robert F. Tally, Jr., P.E.
Indiana Division Administrator



Date