

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

Road No./County:	Tipton Street (Park Street) / La Porte County
Designation Number(s):	1801912 (Lead, Road), 1900835 (Bridge) and 2002545 (Bridge)
Project Description/Termini:	Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad beginning at State Street and ending approximately 60 feet north of Furnace Street; realignment of Washington Street (Brighton Street) between Adams Street and Pulaski Street; reconstruction of Furnace Street beginning at Clear Lake Boulevard and ending approximately 100 feet east of Tipton Street (Park Street); pavement widening and overlay along Clear Lake Boulevard beginning approximately 160 feet southwest of Detroit Street and ending approximately 50 feet north of Furnace Street

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

Approval

_____	_____
INDOT DE Signature and Date	INDOT ESD Signature and Date

FHWA Signature and Date	

Release for Public Involvement

N/A	01/28/2022	
_____	_____	
INDOT DE Initials and Date	INDOT ESD Initials and Date	

Certification of Public Involvement

INDOT Consultant Services Signature and Date

INDOT DE/ESD Reviewer Signature and Date: _____

Name and Organization of CE/EA Preparer: _____

Ryan L. Scott / Butler, Fairman, & Seufert, Inc.

Indiana Department of Transportation

County La Porte

Route Tipton Street (Park Street)

Des. No. 1801912 & 1900835
& 2002545

Part I – Public Involvement

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Does the project have a historic bridge processed under the Historic Bridges PA*?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If No, then: Opportunity for a Public Hearing Required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Notice of Entry letters were mailed to potentially affected property owners near the project area on May 20, 2019 and October 7, 2020, notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. A sample copy of the Notice of Entry letters are included in Appendix G, pages 1-4.

To meet the public involvement requirements of Section 106, a legal notice of FHWA's finding of "No Adverse Effect" was published in the *La Porte County Herald Dispatch* on August 27, 2021 offering the public an opportunity to submit comments pursuant to 36 CFR 800.2(d), 800.3(e) and 800.6(a)(4). The public comment period closed 30 days later on September 26, 2021. The text of the public notice and the affidavit of publication are included in Appendix D, pages 78-79. No comments or responses were received.

A public information meeting was held at the LaPorte Civic Auditorium on August 24, 2021 for the proposed project. Notice of this meeting was sent to all adjoining property owners on August 9, 2021 (see Appendix G, page 5). The purpose of the meeting was to inform the public of the current project plans and gather their input and feedback. Approximately 20 people attended the open house which included property owners, business owners, and local government members, members of INDOT, and the project design team. After the formal presentation of the proposed project, the public was given the opportunity to provide feedback and ask the design team questions. Public comment forms were also provided to those in attendance for submittal to the design team after the meeting. Overall, positive feedback received from the public included improved traveling conditions that would result from the proposed roadway grade separation over the railroad. Public concerns associated with the project include snow removal across the new bridge, high water levels associated with Clear Lake, impacts to property values, noise impacts, truck loading for commercial properties and commercial property parking loss. Property owners who are likely to be relocated by the project indicated that they are receptive to the idea of relocation. A copy of the presentation and related materials from the public information meeting are included in Appendix G, pages 5 to 24.

The project will meet the minimum requirements described in the current *Indiana Department of Transportation (INDOT) Public Involvement Manual* which requires the project sponsor to offer the public an opportunity to submit comments and/or request a public hearing. Therefore, a legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled.

Public Controversy on Environmental Grounds

Discuss public controversy concerning community and/or natural resource impacts, including what is being done during the project to minimize impacts.

At this time, there is no substantial public controversy concerning impacts to the community or to natural resources.

This is page 2 of 31 Project name: Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad Date: January 28, 2022

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

Sponsor of the Project: INDOT INDOT District: La Porte

Local Name of the Facility: Tipton Street (Park Street)

Funding Source (mark all that apply): Federal State Local Other*

*If other is selected, please identify the funding source: _____

PURPOSE AND NEED:

The need should describe the specific transportation problem or deficiency that the project will address. The purpose should describe the goal or objective of the project. The solution to the traffic problem should NOT be discussed in this section.

Need:

The need for this project is due to the high volume of train traffic on the Norfolk Southern Railroad. When trains are stopped on the tracks, there is only one elevated crossing available for motorists and emergency services in the City of LaPorte (SR 39/Indiana Avenue). According to the Federal Railroad Administration (FRA), the number of trains per day was obtained from data found on the FRA Highway Rail Crossing Inventory data (<http://fragis.fra.dot.gov/GISFRASafety/>). For this rail line, as of 2017, an average of 45 trains utilize this line every day between 6 a.m. and 6 p.m. With the average delay per train being approximately 10 minutes, through traffic at the above railroad crossings are delayed approximately 31.25% of the day. Over the last 33 years, there have been 11 crashes at the Tipton Street (Park Street) crossing involving train collisions, resulting in five (5) fatalities. In addition, no designated pedestrian crosswalks exist on either side of Tipton Street (Park Street) across the railroad tracks.

Purpose:

The purpose of this project is to eliminate delays for motorists and emergency services at the Tipton Street (Park Street) crossing of Norfolk Southern Railroad due to train traffic, eliminate the potential for train-vehicle collisions at this crossing, and improve pedestrian accessibility and safety through the area.

PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: La Porte Municipality: City of LaPorte

Limits of Proposed Work: Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad beginning at State Street and ending approximately 60 feet north of Furnace Street; realignment of Washington Street (Brighton Street) between Adams Street and Pulaski Street; reconstruction of Furnace Street beginning at Clear Lake Boulevard and ending approximately 100 feet east of Park Street; pavement replacement and resurfacing along Clear Lake Boulevard beginning approximately 160 feet west of Detroit Street and ending approximately 50 feet east of Furnace Street

Total Work Length: 0.208 Mile(s) Total Work Area: 7.88 Acre(s)

Is an Interstate Access Document (IAD)¹ required?
If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?

Yes¹	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: _____	

¹If an IAD is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IAD.

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Describe location of project including township, range, city, county, roads, etc. Existing conditions should include current conditions, current deficiencies, roadway description, surrounding features, etc. Preferred alternative should include the scope of work, anticipated impacts, and how the project will meet the Purpose and Need. Logical termini and independent utility also need discussed.

Location

The proposed undertaking is located on Tipton Street (Park Street) between State Street and approximately 65 feet north of Furnace Street, the City of La Porte, La Porte County. Work will also take place in the following locations:

- Washington Street (Brighton Street) between Adams Street and Pulaski Street;
- Furnace Street between Clear Lake Boulevard and approximately 100 feet east of Tipton Street (Park Street);
- Clear Lake Boulevard from approximately 160 feet southwest of Detroit Street to 50 feet north of Furnace Street

The project is also located in Sections 35 and 36, Township 37 North, Range 3 West on the United States Geological Survey (USGS) LaPorte East, Indiana quadrangle. See location maps in Appendix B, pages 1-3.

Existing Conditions

Tipton Street (Park Street):

Tipton Street (Park Street) is a two-lane Minor Arterial that runs in a northwest/southeast direction south of the Norfolk Southern Railroad and runs in a northeast/southwest direction south of the railroad. South of the railroad the roadway is called Tipton Street, and north of the railroad the roadway is called Park Street. The typical cross section of Tipton Street (Park Street), south of the railroad, consists of two (2) 17-foot-wide through lanes, one in each direction, bordered by 9-foot-wide parking lanes, concrete curb and gutter, and variable 3 to 5-foot-wide concrete sidewalks. The typical cross section of Tipton Street (Park Street), north of the railroad, consists of two (2) 15-foot-wide through lanes, one in each direction, bordered by 12-foot-wide grass buffer strips and 3- to 5-foot-wide concrete sidewalks.

Washington Street (Brighton Street):

Washington Street (Brighton Street) is a two-lane Minor Arterial that runs northeast/southwest. The typical cross section of Washington Street (Brighton Street) consists of two (2) 14-foot-wide travel lanes, one in each direction, bordered by variable 10- to 12-foot-wide grass buffer strips and variable 3- to 5-foot-wide concrete sidewalks.

Furnace Street:

Furnace Street is a two-lane Local Road that runs in an east/west direction. The typical cross section of Furnace Street, east of Tipton Street (Park Street), consists of two (2) 14 foot-wide through lanes, one in each direction, bordered by concrete curb and gutter, and a 4-foot-wide concrete sidewalk separated by a 5-foot-wide grass buffer strip on the north side of the roadway. The typical cross section of Furnace Street, west of Tipton Street (Park Street), consists of two (2) 9 foot-wide through lanes, one in each direction, with no shoulders, curb and gutter or sidewalks present.

Clear Lake Boulevard:

Clear Lake Boulevard, south/west of Linwood Avenue, is a two-lane Local Road that runs northeast/southwest and consists of two (2) 12-foot-wide through lanes bordered to the south/east by curb and gutter. The roadway is bordered to the north/west by a 3-foot-wide raised concrete median separating the roadway from Clear Lake Trail.

Clear Lake Boulevard, north/east of Linwood Avenue, is a one-lane Local Road that runs northeast/southwest and consists of one (1) 9- to 11-foot-wide through lane (northbound only) with no shoulders. Clear Lake Trail parallels the north/west side of the roadway and is separated from Clear Lake Boulevard by 4-foot-wide grass median.

Land use in the area is mixed residential, commercial, and light industrial (see Appendix B, page 3). The Norfolk Southern Railroad runs in a northeast/southwest direction and intersects Tipton Street and Pulaski Street at-grade, which results in train traffic delays that have negative impacts on motorists' delay times and emergency response times in this part of the City of LaPorte.

Preferred Alternative

Please refer to plan sheets in Appendix B, pages 14 -30.

Tipton Street (Park Street):

The project will install a new single-span steel plate girder bridge, approximately 130-foot long, to carry Tipton Street (Park Street) over the Norfolk Southern Railroad tracks. The bridge will have a minimum vertical clearance of 23 feet. The project will also

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install a new three-sided reinforced concrete bridge, approximately 42-foot-long, to carry Tipton Street (Park Street) over Washington Street (Brighton Street). The bridge will have a minimum vertical clearance of 10 feet. Both bridges will have an out-to-out width of approximately 41.7 feet to carry two (2) 12-foot-wide lanes of traffic (one in each direction), bordered by variable 2- to 6-foot-wide shoulders, and a raised concrete sidewalk (east side only) 6.6 feet in width. A dedicated left-turn lane, 10 feet in width, will be added for northbound motorists on Tipton Street (Park Street) to turn west onto Furnace Street. Mechanically Stabilized Earth (MSE) walls will be utilized on both sides of Tipton Street (Park Street) south of the railroad crossing, and 3:1 earthen side slopes will be utilized on both sides of Tipton Street (Park Street) north of the railroad crossing.

Washington Street (Brighton Street):

Washington Street (Brighton Street) will be realigned a maximum of 170 feet to the northwest between Adams Street and Pulaski Street to minimize the distance over which Tipton Street (Park Street) will be elevated for the project. The intersection of Brighton Street and Pulaski Street will be relocated approximately 50 feet to the north, and an access drive off the south side of Brighton Street, immediately west of the proposed Pulaski Street intersection, will be constructed to provide continued access to residents in that area. The typical cross section of Washington Street (Brighton Street) will consist of two (2) 12-foot-wide through lanes bordered by 2-foot-wide paved shoulders and curb and gutter. Storm water collected along the relocated section of Washington Street (Brighton Street), and Tipton Street (Park Street) south of the railroad crossing, will be directed towards two (2) detention areas, which will be constructed in the immediate northeast and northwest quadrants of the existing Tipton Street (Park Street) / Washington Street (Brighton Street) intersection. The existing, 5-foot-wide concrete sidewalk along the south side of Washington Street (Brighton Street) will be reconstructed to maintain pedestrian accessibility in this area.

Furnace Street:

Furnace Street, between Clear Lake Boulevard and approximately 100 feet east of Tipton Street (Park Street), will be reconstructed on the existing alignment, including full-depth pavement replacement. The typical cross section of Furnace Street will consist of two (2) 12-foot-wide through lanes bordered on both sides by concrete curb and gutter, and a 6-foot-wide concrete sidewalk on the north side of the roadway.

Clear Lake Boulevard:

Clear Lake Boulevard, from approximately 160 feet southwest of Detroit Street to 50 feet north of Furnace Street, will include pavement widening and Hot Mix Asphalt (HMA) overlay of existing pavement. The typical cross section of Clear Lake Boulevard will consist of two (2) 12-foot-wide through lanes bordered to the south/east by concrete curb and gutter.

Detroit Street and Pulaski Street:

The existing at-grade crossings of Detroit Street and Pulaski Street at Norfolk Southern Railroad will be permanently closed. Signs and/or barricades will be installed on both sides of the railroad tracks at these locations to alert motorists.

Existing sidewalks and curb ramps will be replaced with Americans with Disabilities Act (ADA)-compliant facilities. There will be new permanent lighting installed along Tipton Street (Park Street), including on the new bridge structures. The total length of the project is approximately 0.21 mile.

The maintenance of traffic (MOT) plan will include three (3) phases of roadway closures and associated detours. When Tipton Street (Park Street) is closed, traffic will utilize a detour to the east of the work area along State Street, Pulaski Street, and Bach Street. When Washington Street (Brighton Street) is closed, traffic will utilize a detour to the south of the work area along Adams Street, State Street and Pulaski Street. When Clear Lake Boulevard is closed, traffic will utilize a detour to the south of the work area along Detroit Street, State Street, Pulaski Street, and West Street. See Appendix B, page 29 for the MOT plan.

The preferred alternative meets the purpose and need for the project by eliminating vehicular and emergency service delays along Tipton Street (Park Street) resulting from train traffic, eliminating potential vehicle/train collisions at the existing at-grade crossing, and improving pedestrian accessibility in the area.

The termini are considered logical because they are the minimum distances of approach work required to meet the criteria included in the INDOT Design Manual for changes in horizontal and vertical roadway alignments. This project has independent utility by meeting the purpose and need without relying on other projects to eliminate vehicular and emergency service delays at this at-grade crossing of Norfolk Southern Railroad.

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OTHER ALTERNATIVES CONSIDERED:

Provide a header for each alternative. Describe all discarded alternatives, including the No Build Alternative. Explain why each discarded alternative was not selected. Make sure to state how each alternative meets or does not meet the Purpose and Need and why.

No Build Alternative

This alternate proposes that no work take place while leaving all elements of the at grade railroad crossings in place. No funds would be expended. This alternative would result in no improvements to the surrounding area as delays to motorists and first responders would continue especially when trains slow or stop at this location. The safety of the public would not be addressed as there is a history of crashes including some injuries and fatalities. This alternative does not meet the purpose and need of the project and, therefore, has been dismissed from further consideration.

New Frontage Road Alternative

This alternate proposes to construct two (2) new bridges to create grade separations along Tipton Street (Park Street) at Washington Street (Brighton Street) and Norfolk Southern Railroad, like the Preferred Alternative; however, this alternate proposes to extend the bridge over Norfolk Southern Railroad further north to allow for a new frontage road to be constructed that parallels the north side of Norfolk Southern Railroad and connects Furnace Street to Linwood Avenue. A new access ramp would be constructed off southbound Tipton Street (Park Street) to connect to the frontage road. This alternative would meet the purpose and need but would result in increased environmental and right-of-way (ROW) impacts when compared to the other build alternatives. Therefore, this alternate is not considered to be the preferred alternative.

Washington Street (Brighton Street) Cul-de-sacs Alternative

This alternate proposes to construct one (1) new bridge to create a grade separation along Tipton Street (Park Street) at Norfolk Southern Railroad. This alternate also proposes to construct cul-de-sacs on either side of Tipton Street (Park Street) at Washington Street (Brighton Street) to eliminate the existing intersection. This alternative would meet the purpose and need and have similar environmental and ROW impacts when compared to the preferred alternative. However, the removal of this intersection will result in the likely increase of traffic volumes and delays on SR 2, south of the project area, which already experiences heavy traffic flow and delays. Therefore, this alternate is not considered to be the preferred alternative.

The No Build Alternative is not feasible, prudent or practicable because (Mark all that apply):

- It would not correct existing capacity deficiencies;
- It would not correct existing safety hazards;
- It would not correct the existing roadway geometric deficiencies;
- It would not correct existing deteriorated conditions and maintenance problems; or
- It would result in serious impacts to the motoring public and general welfare of the economy.
- Other (Describe): It would not address train delays experienced by emergency responders and the motoring public, nor would it improve pedestrian accessibility and safety in the area.

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ROADWAY CHARACTER: Tipton Street (Park Street)

Name of Roadway Tipton Street (Park Street)
 Functional Classification: Minor Arterial
 Current ADT: 3,010 VPD (2019) Design Year ADT: 11,272 VPD (2039)
 Design Hour Volume (DHV): 5 Truck Percentage (%) 5.2%
 Designed Speed (mph): 25 Legal Speed (mph): 25

Existing		Proposed	
Number of Lanes:	4 @ 10 feet	2 @ 12 feet	
Type of Lanes:	2 through lanes, 2 parking	Through	
Pavement Width:	40 ft.	28	ft.
Shoulder Width:	N/A ft.	4	ft.
Median Width:	N/A ft.	N/A	ft.
Sidewalk Width:	5 ft.	5	ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

ROADWAY CHARACTER: Washington Street (Brighton Street)

Name of Roadway Washington Street (Brighton Street)
 Functional Classification: Minor Arterial
 Current ADT: 1620 VPD (2019) Design Year ADT: 1620 VPD (2039)
 Design Hour Volume (DHV): 162 Truck Percentage (%) 5.0%
 Designed Speed (mph): 30 Legal Speed (mph): 30

Existing		Proposed	
Number of Lanes:	2 @ 11 feet	2 @ 12 feet	
Type of Lanes:	Through	Through	
Pavement Width:	28 ft.	24	ft.
Shoulder Width:	3 ft.	N/A	ft.
Median Width:	N/A ft.	N/A	ft.
Sidewalk Width:	5 ft.	N/A	ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

ROADWAY CHARACTER: Furnace Street

Name of Roadway Furnace Street
 Functional Classification: Local Road
 Current ADT: 200 VPD (2019) Design Year ADT: 300 VPD (2039)
 Design Hour Volume (DHV): 8 Truck Percentage (%) 5.0%
 Designed Speed (mph): 25 Legal Speed (mph): 30

Existing		Proposed	
Number of Lanes:	2 @ 8.5 feet	2 @ 12 feet	
Type of Lanes:	2 through	Through	
Pavement Width:	17 ft.	24	ft.
Shoulder Width:	N/A ft.	N/A	ft.
Median Width:	N/A ft.	N/A	ft.
Sidewalk Width:	N/A ft.	6	ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

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ROADWAY CHARACTER: Clear Lake Boulevard

Name of Roadway Clear Lake Boulevard
 Functional Classification: Local Road
 Current ADT: 40 VPD (2019) Design Year ADT: 360 VPD (2039)
 Design Hour Volume (DHV): 2 Truck Percentage (%) 2%
 Designed Speed (mph): 25 Legal Speed (mph): 25

	Existing	Proposed
Number of Lanes:	W. of Detroit Street: 2 @ 12 feet E. of Detroit Street: 1 @ 11 feet (NB)	Two (2) @ 12 feet
Type of Lanes:	Through	Through
Pavement Width:	11 - 24 ft.	24 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	N/A ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

BRIDGES AND/OR SMALL STRUCTURE(S): Bridge over Norfolk Southern Railroad

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): 506 (new bridge) Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	Continuous Composite Steel Plate Girder
Number of Spans:	N/A	1 @ 130 feet
Weight Restrictions:	N/A ton	HS 25 ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	32 ft.
Outside to Outside Width:	N/A ft.	41.7 ft.
Shoulder Width:	N/A ft.	6 (west side only) ft.

Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

The project involves the construction of a new bridge over Norfolk Southern Railroad, as described in the Preferred Alternative section of this document.

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BRIDGES AND/OR SMALL STRUCTURE(S): Bridge over Washington Street (Brighton Street)

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): 504 (new bridge) Sufficiency Rating: N/A
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	N/A		Precast Reinforced Concrete, Three-Sided	
Number of Spans:	N/A		1 @ 115 feet	
Weight Restrictions:	N/A	ton	HS 25	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	32	ft.
Outside to Outside Width:	N/A	ft.	41.7	ft.
Shoulder Width:	N/A	ft.	6 (west side only)	ft.

Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

The project involves the construction of a new bridge over Washington Street (Brighton Street), as described in the Preferred Alternative section of this document.

BRIDGES AND/OR SMALL STRUCTURE(S): Bridge over Washington Street (Brighton Street)

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): N/A (small structures) Sufficiency Rating: N/A (small structures)
(Rating, Source of Information)

	Existing		Proposed	
Bridge/Structure Type:	Corrugated metal pipes		Concrete pipes	
Number of Spans:	N/A		N/A	
Weight Restrictions:	N/A	ton	N/A	ton
Height Restrictions:	N/A	ft.	N/A	ft.
Curb to Curb Width:	N/A	ft.	N/A	ft.
Outside to Outside Width:	N/A	ft.	N/A	ft.
Shoulder Width:	N/A	ft.	N/A	ft.

Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

Three (3) new concrete stormwater outlet pipes, approximately 24 inches in diameter and 75 feet in length, will be installed under Clear Lake Boulevard at the following locations: 75 feet southwest of Furnace Street, 200 feet northeast of Linwood Avenue, and 50 feet northeast of Detroit Street. Additionally, the project proposes to remove three (3) existing metal stormwater pipes under Clear Lake Boulevard, ranging from 15- to 24-inches in diameter, at the following locations: 75 feet southwest of Furnace Street, 50 feet northeast of Detroit Street, and 50 feet southwest of Detroit Street. One existing storm water pipe, located under Clear Lake Boulevard approximately 30 feet northeast of Linwood Avenue, will remain in place. Approximately 0.01 acre of impact to Clear Lake, and approximately 0.03 acre of impact to wetlands adjacent to Clear Lake, are anticipated related to stormwater pipe installation.

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MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

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

Discuss closures and/or facilities (if any) that will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources and wetlands. Any local concerns about access and traffic flow should be detailed as well.

The preferred MOT plan will include three (3) phases of roadway closures and associated detours. When Tipton Street (Park Street) is closed, traffic will utilize a detour to the east of the work area along State Street, Pulaski Street, and Bach Street. When Washington Street (Brighton Street) is closed, traffic will utilize a detour to the south of the work area along Adams Street, State Street and Pulaski Street. When Clear Lake Boulevard is closed, traffic will utilize a detour to the south of the work area along Detroit Street, State Street, Pulaski Street, and West Street. See MOT plans in Appendix B, page 29. The project will require temporary closure of pedestrian access along Tipton Street (Park Street) between State Street and Furnace Street, and Washington Street (Brighton Street) between Adams Street and Pulaski Street. Signage to indicate sidewalk closures and pedestrian detour routes will be utilized during construction (see pedestrian MOT plan in Appendix B, pages 30 and 31). Access to residential and commercial properties will be maintained throughout the project.

A review of the City of LaPorte website (<https://www.cityoflaporte.com/Calendar.aspx>) indicated that there are no listed local events or festivals that would be impacted by project construction activities.

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

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 1,153,400.00 (FY 2023) Right-of-Way: \$ 800,000.00 (FY 2023) Construction: \$ 7,226,000.00 (FY 2023)

Anticipated Start Date of Construction: Summer 2023

RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	0.369	0.009
Commercial	2.798	0.301
Agricultural	0.000	0.000
Forest	0.000	0.000
Wetlands	0.000	0.000
Other:	0.000	0.000
Other:	0.000	0.000
TOTAL	3.167	0.310

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Describe both Permanent and Temporary right-of-way and describe their current use. Typical and Maximum right-of-way widths (existing and proposed) should also be discussed. Any advance acquisition, reacquisition or easements, either known or suspected, and their impacts on the environmental analysis should be discussed.

The project requires approximately 3.167 acres of permanent ROW acquisition, consisting of both commercial (2.798 acres) and residential (0.369 acre) properties. The project also requires approximately 0.310 acre of temporary ROW acquisition, consisting of both commercial (0.301 acre) and residential (0.009 acre) properties.

Roadway Name	Existing Typical ROW Width	Existing Maximum ROW Width	Proposed Typical ROW Width	Proposed Maximum ROW Width
Tipton Street / Park Street	66 feet	66 feet	150 feet	175 feet
Furnace Street	50 feet	50 feet	80 feet	80 feet
Clear Lake Boulevard	46 feet	56 feet	75 feet	100 feet
Washington Street / Brighton Street	60 feet	60 feet	110 feet	175 feet

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

Part III – Identification and Evaluation of Impacts of the Proposed Action

SECTION A - EARLY COORDINATION:

List the date(s) coordination was sent and all resource agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received.

Early coordination letters were sent on May 20, 2021 (Appendix C, pages 1 – 5). An early coordination letter was also sent on January 6, 2022 to LaPorte Parks and Recreation Department (Appendix C, pages 58-59).

Agency	Date Sent	Date Response Received	Appendix
US Fish & Wildlife Services	May 20, 2021	June 3, 2021	Appendix C, page 21
Federal Highway Administration	May 20, 2021	No response	-----
National Park Service	May 20, 2021	No response	-----
INDOT Environmental La Porte District	May 20, 2021	No response	-----
Natural Resources Conservation Service	May 20, 2021	June 10, 2021	Appendix C, page 11
Indiana Department of Natural Resources	May 20, 2021	June 16, 2021	Appendix C, pages 12 - 13
INDOT Office of Aviation	May 20, 2021	May 20, 2021	Appendix C, page 9
Department of the Army, Detroit District, Corps of Engineers	May 20, 2021	No response	-----
U.S. Department of Housing & Urban Development	May 20, 2021	No response	-----

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Agency	Date Sent	Date Response Received	Appendix
La Porte County Surveyor	May 20, 2021	No response	----
INDOT Utilities & Railroads	May 20, 2021	No response	----
La Porte County Board of Commissioners	May 20, 2021	No response	----
La Porte County Council	May 20, 2021	No response	----
La Porte County Highway Superintendent	May 20, 2021	No response	----
La Porte County Planning Commission	May 20, 2021	No response	----
La Porte County Sheriff	May 20, 2021	No response	----
La Porte County MS4 Coordinator	May 20, 2021	May 24, 2021	Appendix C, page 10
La Porte County Storm Water Compliance	May 20, 2021	No response	----
La Porte County Parks	May 20, 2021	No response	----
Mayor of LaPorte	May 20, 2021	No response	----
City of LaPorte Police Chief	May 20, 2021	No response	----
Water Department, City of LaPorte	May 20, 2021	No response	----
City of LaPorte, Wastewater Department	May 20, 2021	No response	----
City of LaPorte Plan Commission	May 20, 2021	No response	----
City of LaPorte Council	May 20, 2021	No response	----
City of LaPorte Park Board	May 20, 2021	No response	----
Greater Harvest Full Gospel Church	May 20, 2021	No response	----
IDEM Office of Land Quality	May 20, 2021	No response	----
IDEM Construction Letter	May 20, 2021	Generated Letter	Appendix C, pages 14 - 20
IDEM Wellhead Proximity Determinator	May 20, 2021	Website Application	----
Indiana Geological and Water Survey	May 20, 2021	Generated Report	Appendix C, pages 6 - 8
Crossroads Christian Center	May 20, 2021	No response	----
Sacred Heart Catholic Church	May 20, 2021	No response	----
State Street Community Church	May 20, 2021	No response	----
Mother Mary Adoration Grotto	May 20, 2021	No response	----
NIPSCO Electric	May 20, 2021	June 17, 2021	Appendix C, page 57
LaPorte Parks and Recreation Dept.	January 6, 2022	January 27, 2022	Appendix C, pages 58 - 59

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

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SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

- Federal Wild and Scenic Rivers
- State Natural, Scenic or Recreational Rivers
- Nationwide Rivers Inventory (NRI) listed
- Outstanding Rivers List for Indiana
- Navigable Waterways

Presence

Impacts

Yes	No

Total stream(s) in project area: 0.0 Linear feet Total impacted stream(s): 0.0 Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e. location, flow direction, likely Water of the US, appendix reference)
N/A	N/A	N/A	N/A	N/A

Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal or state lists for Indiana. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix E), there are no streams, rivers, watercourse, or other jurisdictional features within the 0.5 mile search radius. This number was confirmed by the site visits on February 25, 2020 and September 10, 2021 by Butler, Fairman and Seufert, Inc. (BF&S). No streams, rivers, watercourses, or other jurisdictional features are present within or adjacent to the project area; therefore, no impacts are expected.

Open Water Feature(s)

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

Presence

X

Impacts

Yes	No
X	

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Describe all open water feature(s) identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix E), there is one (1) open water feature within the 0.5 mile search radius. This number was confirmed by the site visits on February 25, 2020 and September 10, 2021 by BF&S. There is one (1) lake present within or adjacent to the project area. Clear Lake is located within the project area along the west side of Clear Lake Boulevard. Approximately 0.01 acre of impact to Clear Lake is anticipated related to stormwater pipe installation. An IDNR Lake Preservation permit and Section 401/404 Regional General Permit will be required. No mitigation is anticipated.

A *Waters of the U.S. Determination / Wetland Delineation Report* was approved by INDOT Ecology and Waterway Permitting Office on January 18, 2022. Please refer to Appendix F, pages 3 – 37 for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that Clear Lake is a likely Water of the U.S. The USACE makes all final determinations regarding jurisdiction.

The La Porte County MS4 Coordinator responded on May 24, 2021 requesting to see plans showing best management practices (BMPs) and/or the Stormwater Pollution Prevention Plan (SWPPP) for lake protections (Appendix C, page 10). Once available, erosion control plans will be sent to the MS4 Coordinator for review and comment. The designer will continue to coordinate with the MS4 Coordinator as the project design progresses.

	<u>Presence</u>	<u>Impacts</u>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>
Wetlands		
Total wetland area: <u>0.24</u> Acre(s)	Total wetland area impacted: <u>0.03</u> Acre(s)	
(If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)		

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e. location, likely Water of the US, appendix reference)
1	PEM	0.24	0.03	This wetland is located between Clear Lake and Clear Lake Boulevard on the west side of the overall project area; this wetland is a likely Water of the U.S.; Appendix F, pages 3 - 37

Wetlands (Mark all that apply)	<u>Documentation</u>	<u>ESD Approval Dates</u>
Wetland Determination	<input type="checkbox"/>	<input type="checkbox"/>
Wetland Delineation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
USACE Isolated Waters Determination	<input type="checkbox"/>	<input type="checkbox"/>

Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

Substantial adverse impacts to adjacent homes, business or other improved properties;	<input type="checkbox"/>
Substantially increased project costs;	<input type="checkbox"/>
Unique engineering, traffic, maintenance, or safety problems;	<input checked="" type="checkbox"/>
Substantial adverse social, economic, or environmental impacts, or	<input type="checkbox"/>
The project not meeting the identified needs.	<input type="checkbox"/>

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Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area, and the RFI report (Appendix E), there are thirteen (13) wetlands within the 0.5 mile search radius. This number was confirmed by the site visits on February 25, 2020 and September 10, 2021 by BF&S. There is one (1) wetland present within or adjacent to the project area. A relatively narrow, gently sloping, continuous vegetated terrace was observed to occur along the eastern edge of Clear Lake for the entirety of the project's study area. The wetland is over average quality given its function as a buffer to Clear Lake and vegetation diversity. Three (3) small areas of the wetland will be impacted by stormwater pipe installation (Appendix B, pages 25 - 27). A total of approximately 0.03 acre of wetland impacts are anticipated to result from the project. A Section 401/404 Regional General Permit will be required. No mitigation is anticipated. The delineated wetland was observed to extend along the edge of Clear Lake both north and south of the project's study area. Avoidance of impacts to the wetland would not be practical as it would require unique engineering effort to divert stormwater pipe installation to outlet to a non-wetland area.

A *Waters of the U.S. Determination / Wetland Delineation Report* was approved by INDOT Ecology and Waterway Permitting Office on January 18, 2022. Please refer to Appendix F, pages 3 – 37 for the *Waters of the U.S. Determination / Wetland Delineation Report*. It was determined that Clear Lake is a likely Water of the U.S. The USACE makes all final determinations regarding jurisdiction.

IDNR responded on June 16, 2021, recommending that the IDEM 401 and USACE 404 programs be contacted, as well as not to excavate or place fill in any riparian wetland (Appendix C, pages 12-13). The USFWS responded on June 3, 2021 indicating that, since there is no federal funding or federal permits associated with the project, coordination with USFWS is not necessary (Appendix C, page 21). The project has clearance Section 7 of the Endangered Species Act (see the Protected Species section of this document) and qualifies for the USFWS Interim Policy. All applicable recommendations are included in the Environmental Commitments section of this CE document.

	Presence	Impacts	
Terrestrial Habitat	<input checked="" type="checkbox"/>	Yes	No
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total terrestrial habitat in project area: 1.9 Acre(s) Total tree clearing: 0.30 Acre(s)

Describe types of terrestrial habitat (i.e. forested, grassland, farmland, lawn, etc.) adjacent or within the project area. Include whether or not impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, site visits on February 25, 2020 and September 10, 2021 by BF&S, and the aerial map of the project area (Appendix B, page 3), there is mainly urban grassland habitats within the project area with sparse trees intermixed. An Ecological Evaluation was completed on February 25, 2020 by BF&S that documented the project terrain, terrestrial wildlife, local species information, and soil information for the project area (Appendix F, pages 1-2). The dominant vegetation within the project area includes black locust (*Robinia pseudoacacia*), white ash (*Fraxinus americana*), eastern cottonwood (*Populus deltoides*), and sugar maple (*Acer saccharum*) in the overstory with various mowed grasses in the herbaceous layer, including Kentucky bluegrass (*Poa pratensis*). A total of approximately 0.30 acre of unavoidable tree clearing impacts are anticipated. Approximately 1.6 acre of permanent impacts to mowed grass habitats are anticipated to complete the project. Mitigation for impacts to these habitats is not anticipated.

IDNR responded on June 16, 2021 with standard recommendations to minimize tree and shrub impacts and revegetate disturbed areas, as well as the recommendation to plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height (Appendix C, page 12-13). The USFWS responded on June 3, 2021 indicating that, since there is no federal funding or federal permits associated with the project, coordination with USFWS is not necessary (Appendix C, page 21). The project has clearance Section 7 of the Endangered Species Act (see the Protected Species section of this document) and qualifies for the USFWS Interim Policy.

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

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Protected Species

Federally Listed Bats

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

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determination Received for Listed Bats from USFWS: NE NLAA LAA

Other Species not included in IPaC

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Migratory Birds

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discuss IDNR coordination and species identified. Describe USFWS Section 7 consultation and determination received for Indiana bat and northern long-eared bat impacts. Discuss if other federally listed species were identified. If so, include consultation that has occurred and the determination that was received. Discuss if migratory birds have been observed and any impacts.

Based on a desktop review and the RFI report (Appendix E), completed by BF&S on July 15, 2021, the IDNR La Porte County Endangered, Threatened, and Rare (ETR) Species List has been checked. According to the IDNR-Department of Fish and Wildlife (DFW) early coordination response letter dated June 16, 2021 (Appendix C, pages 12-13), the Natural Heritage Program's Database has been checked. The state endangered Least Bittern (*Ixobrychus exilis*) has been documented within the 0.5 mile north of the project area. IDNR stated that they do not foresee any impacts to the Least Bittern as a result of this project (Appendix C, page 12)

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix C, pages 51-56). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). No additional species were generated in the IPaC species list other than the Indiana bat and NLEB.

The project qualifies for the *Range-wide Programmatic Informal Consultation for the Indiana bat and NLEB*, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed on October 12, 2020 and based on the responses provided, the project was found to "may affect, but is not likely to adversely affect" the Indiana bat and/or the NLEB (Appendix C, pages 23-36). INDOT reviewed and verified the effect finding on October 14, 2020 and requested USFWS's review of the finding (Appendix C, pages 37-50). No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. Avoidance and Minimization Measures (AMMs) and/or commitments are included as firm commitments in the *Environmental Commitments* section of this document.

The project qualifies for the USFWS Interim Policy. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

Geological and Mineral Resources

Project located within the Potential Karst Features Area of Indiana
 Karst features identified within or adjacent to the project area
 Oil/gas or exploration/abandoned wells identified in the project area

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date Karst Study/Report reviewed by INDOT EWPO (if applicable): _____
Discuss if project is located in Potential Karst Features Area of Indiana and if any karst features have been identified in the project area (from RFI). Discuss response received from IGWS coordination. Discuss if any mines, oil/gas, or exploration/abandoned wells were identified and if impacts will occur. Describe if any impacts will occur to any karst features. Include discussion of karst study/report was completed and results. (Karst investigation must comply with the current Karst MOU and coordinated and reviewed by INDOT EWPO)

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Based on a desktop review, the project is not located within the designated Indiana karst region as outlined in INDOT's most current *Protection of Karst Features during Project Development and Construction* procedure. According to the topo map of the project area (Appendix B, page 2), there are no karst features identified within or adjacent to the project area.

In the early coordination response May 20, 2021, the Indiana Geological and Water Survey (IGWS) did not indicate that karst features exist in the project area (Appendix C, pages 6-8). The IGWS Environmental Assessment Report stated that the project area's geological hazards included moderate liquefaction potential and is within a floodway; the mineral resources include a moderate potential for bedrock and a high potential for sand and gravel resources. No petroleum exploration wells have been documented within half a mile of the project area. This was further confirmed by the RFI (Appendix E). Response from the IGS has been communicated with the designer on June 2, 2021. No impacts are expected.

SECTION C – OTHER RESOURCES

Drinking Water Resources

- Wellhead Protection Area(s)
- Source Water Protection Area(s)
- Water Well(s)
- Urbanized Area Boundary
- Public Water System(s)

Presence

X
X

Impacts

Yes	No
	X
X	

- Is the project located in the St. Joseph Sole Source Aquifer (SSA):
- If Yes, is the FHWA/EPA SSA MOU Applicable?
- If Yes, is a Groundwater Assessment Required?

Yes	No
	X

Check the appropriate boxes and discuss each topic below. Provide details about impacts and summarize resource-specific coordination responses and any mitigation commitments. Reference responses in the Appendix.

The project is located in La Porte County, which is not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project. Therefore, a detailed groundwater assessment is not needed and no impacts are expected.

The Indiana Department of Environmental Management's Wellhead Proximity Determinator website (<http://www.in.gov/idem-cleanwater/pages/wellhead/>) was accessed on June 17, 2021 by BF&S. This project is not located within a Wellhead Protection Area or Source Water Area. No impacts are expected.

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on June 3, 2021 by BF&S. An unconsolidated water well is located approximately 150 feet west of the intersection of Tipton Street (Park Street) and Washington Street (Brighton Street). The well is located adjacent to, but outside of, the proposed construction limits and proposed ROW limits for the project. Therefore, no impacts are expected. Should it be determined during the ROW phase that these wells are affected, a cost to cure will likely be included in the appraisal to restore the wells.

Based on a desktop review of the INDOT MS4 website (<https://entapps.indot.in.gov/MS4/>) by BF&S on June 3, 2021, this project is located in an Urban Area Boundary (UAB) location. An early coordination letter was sent on May 20, 2021 to the LaPorte MS4 Coordinator. The MS4 Coordinator responded on May 24, 2021 requesting that plans showing best management practices (BMPs) for lake protections be sent to their office for review (Appendix C, page 10). The designer will continue to coordinate with the MS4 Coordinator as the project design progresses.

Based on a desktop review, a site visit on February 25, 2020 by BF&S, the aerial map of the project area (Appendix B, page 3), and a utility locate request, this project is located where there is a public water system. The public water system will not be affected because it is located beneath Tipton Street (Park Street), which is being raised for the project. Early coordination letters were sent

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on May 20, 2021 to the City of LaPorte Wastewater Department (Appendix C, pages 1-5). No response from the Wastewater Department was received.

	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
Floodplains			
Project located within a regulated floodplain	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Longitudinal encroachment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transverse encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homes located in floodplain within 1000' up/downstream from project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If applicable, indicate the Floodplain Level?

Level 1 Level 2 Level 3 Level 4 Level 5

Use the IDNR Floodway Information Portal to help determine potential impacts. Include floodplain map in appendix. Discuss impacts according to the classification system. If encroachment on a flood plain will occur, coordinate with the Local Flood Plain Administrator during design to insure consistency with the local flood plain planning.

The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmaps.dnr.in.gov/appsphp/fdms/>) was accessed on June 18, 2021 by BF&S. This project is located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F, page 4). There is no Floodplain Administrator for this project. The project qualifies as a Category 4 per the current INDOT CE Manual, which includes replacement of drainage structures on essentially the same alignment.

No homes are located within the base floodplain within 1,000 feet upstream and no homes are located within the base floodplain within 1,000 feet downstream. The proposed structures will have effective capacities such that backwater surface elevations are not expected to substantially increase. As a result, there will be no substantial adverse impacts on natural and beneficial floodplain values; there will be no substantial change in flood risks; and there will be no substantial increase in potential for interruption or termination of emergency service or emergency evacuation routes; therefore, it has been determined that this encroachment is not substantial.

	<u>Presence</u>	<u>Impacts</u>	
		Yes	No
Farmland			
Agricultural Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prime Farmland (per NRCS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**If 160 or greater, see CE Manual for guidance.*

Discuss existing farmland resources in the project area, impacts that will occur to farmland, and mitigation and minimization measures considered.

Based on a desktop review, a site visit on February 25, 2020 by BF&S, the aerial map of the project area (Appendix B, page 3) there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An early coordination letter was sent on May 20, 2021, to Natural Resources Conservation Services (NRCS). NRCS responded on June 10, 2021, confirming that no farmland will be converted for this project (Appendix C, page 11).

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SECTION D – CULTURAL RESOURCES

Minor Projects PA **Category(ies) and Type(s)** **INDOT Approval Date(s)** **N/A**

Full 106 Effect Finding

No Historic Properties Affected No Adverse Effect Adverse Effect

Eligible and/or Listed Resources Present

NRHP Building/Site/District(s) Archaeology NRHP Bridge(s)

Documentation Prepared (mark all that apply)

	ESD Approval Date(s)	SHPO Approval Date(s)
APE, Eligibility and Effect Determination	X	August 23, 2021
800.11 Documentation	X	August 31, 2021
Historic Properties Report or Short Report	X	August 23, 2021
Archaeological Records Check and Assessment		February 2, 2021
Archaeological Phase Ia Survey Report		February 25, 2021
Archaeological Phase Ic Survey Report	X	
Other:		May 19, 2021
		June 17, 2021

Memorandum of Agreement (MOA) **MOA Signature Dates** (List all signatories)

If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.

Area of Potential Effect (APE)

The Area of Potential Effects (APE) includes the existing and proposed ROW, immediately adjacent properties, and those areas where a visual differentiation may occur between an existing structure and the project area. The APE consists of an irregular pentagon-like shape around the project area, allowing for the potential extent of impacts from a new elevated bridge (Appendix D, page 20). The Archaeological APE is represented by the 15-acre survey area that includes the project footprint.

Coordination with Consulting Parties

The Indiana State Historic Preservation Officer (SHPO) is considered an automatic consulting party. In addition, the following individuals/organizations were sent an early coordination letter via email with instructions on how to access the Historic Property Report (HPR) in INSCOPE on October 15, 2020 (Appendix D, pages 34 – 40):

Consulting Party	Response
Indiana Landmarks Northern Regional Office	YES
La Porte County Historian	NO
La Porte County Historical Society	NO
La Porte County Commissioners	NO
La Porte County Highway Department	NO
Northwestern Indiana Regional Planning Commission	NO
La Porte Historic Review Board	NO
LaPorte Street Commissioner	NO
LaPorte City Council	NO
People Engaged in Preservation	NO
Eastern Shawnee Tribe of Oklahoma	YES
Miami Tribe of Oklahoma	NO
Peoria Tribe of Indians of Oklahoma	NO
Pokagon Band of Potawatomi Indians	YES
Shawnee Tribe	NO
Forest County Potawatomi Community	NO

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The Pokagon Band of Potawatomi responded on October 16, 2020, stating they were unaware of any historical, religious, or culturally significant resources to the Pokagon Band of Potawatomi Indians in the vicinity of the project (Appendix D, page 41).

The SHPO responded on October 29, 2020 stating they were not aware of any other parties who should be invited to participate in Section 106 consultation (DHPA #26622; Appendix D, pages 42-43).

The Indiana Landmarks Northern Regional Office responded on November 13, 2020, stating they were concerned about effects of the project on historic properties. Indiana Landmarks also explained they provide historic preservation services and staff to the City of LaPorte Historic Preservation Commission (Appendix D, page 44).

The Miami Tribe of Oklahoma responded on November 16, 2020, stating they had no objections to the proposed project, as they were not aware of documentation directly linking a specific Miami cultural or historic site to the project site at that time (Appendix D, page 45).

No other responses to the October 15, 2020 early coordination letters were received.

Archaeology

a Phase Ia archaeological reconnaissance conducted by SJCA, Inc. on March 16-17, 2021 found two (2) archaeological sites within the study area. Neither site was recommended eligible for the National Register of Historic Places (NRHP) and no further work was recommended in the resulting archaeological report (May 19, 2021, Appendix D, pages 30-32).

INDOT-CRO approved the archaeological report on May 19, 2021 and the ASR was sent to consulting parties on May 20, 2021 (Appendix D, pages 66-69).

The SHPO concurred with the archaeological report on June 17, 2021 stating, in part, "We concur with the recommendation that no further archaeological work is necessary. We note that it is possible that site 12-Le-0458 may extend outside of the currently proposed project boundaries. If the project boundaries should change to include portions of this site that has not yet been investigated, additional reconnaissance will be necessary," (Appendix D, pages 72-73).

Historic Properties

According to the HPR, completed by a Division of Historic Preservation and Archaeology (DHPA)-Qualified Professional Historian with BF&S on January 22, 2021, the APE contained 132 properties (including buildings, structures, districts, objects, or archaeological resources), that were over 50 years old. No properties are currently listed in the NRHP, but six properties were recommended eligible for listing in the NRHP (Appendix D, pages 27 – 29). INDOT-CRO concurred with the HPR on February 3, 2021, and shared it with consulting parties (Appendix D, pages 46 – 51). The SHPO concurred with the HPR in a letter dated February 25, 2021, concurring with the NRHP-eligibility determinations (Appendix D, pages 52 - 53).

Documentation, Findings

An Indiana Division of Historic Preservation and Archaeology (DHPA)-qualified professional with BF&S conducted a site visit on February 25, 2020. Information from the site visit and research regarding historic resources were compiled into a Historic Property Report (HPR; BF&S, January 22, 2021, Appendix D, pages 27 – 29). The HPR recommended the following properties within the APE eligible for listing in the NRHP:

IHSSI #091-344-35204/Moulton House (108 Lincoln Highway): The Moulton House is an 1855 brick Italianate house eligible under Criterion C for significance in Architecture. It is located approximately 0.19 mile south of the planned bridge. The project will alter the property's setting by changing the street pattern and demolishing buildings. This property was constructed when development in the area was much less dense and currently faces early twentieth century buildings across Lincoln Highway. It is not heavily dependent on the existing setting to convey its significance as an Italianate style house. The change in the viewshed caused by the introduction of the bridge will be a minor change in the viewshed. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

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IHSSI #091-344-35187 (101 Lincoln Highway East): This c. 1915 one-and-one half story bungalow is eligible under Criterion C for significance in Architecture. It is located approximately 0.15 mile south of the planned bridge. The project will alter the property's setting by changing the street pattern and demolishing buildings. This property currently faces late twentieth century commercial buildings across Lincoln Highway and is not heavily dependent on the setting to convey its significance. The change in the viewshed caused by the introduction of the bridge will be minor. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

IHSSI #091-344-35188 (101 Lincoln Highway): This c. 1910 American Foursquare/Prairie style house is eligible under Criterion C for significance in Architecture. It is located approximately 0.15 mile south of the planned bridge. The project will alter the property's setting by changing the street pattern and demolishing buildings. This property currently faces late twentieth century commercial buildings across Lincoln Highway and is not heavily dependent on the setting to convey its significance. The introduction of the bridge will cause a minor change in the viewshed. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

IHSSI #091-344-35189 (107 Lincoln Highway East): This c. 1920 Craftsman house is eligible under Criterion C for significance in Architecture. It is located approximately 0.15 mile south of the planned bridge. The project will alter the property's setting by changing the street pattern and demolishing buildings. The buildings across Lincoln Highway are not contemporary to this property and it is not heavily dependent on the setting to convey its significance as a Craftsman style house. The change in the viewshed caused by the introduction of the bridge will be minor. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

IHSSI #091-344-35185 (112 Grove Street): This c. 1910 concrete block house is eligible under Criterion C for significance in Architecture. It is located approximately 0.13 mile southeast of the planned bridge. The project will alter the property's setting by changing the nearby street pattern and demolishing buildings. This property is not heavily dependent on the streetscape to convey its significance as a less-common form of residential construction from the early twentieth century. The project will introduce a new bridge to the project area; however, the view of the bridge will be largely obscured by the existing built environment. As a result, the introduction of the bridge will cause a minor change in the viewshed. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

IHSSI #091-344-35050 (329 Pulaski Street): This c. 1870 Greek Revival house is eligible under Criterion C for significance in Architecture. It is located approximately 0.11 mile northeast of the planned bridge. The project will alter the property's setting by changing the street pattern and demolishing buildings. This property was on the outskirts of La Porte when it was constructed and is not dependent on the existing streetscape to convey its significance as a Greek Revival House. Therefore, the changes in the property's setting will not interfere with this property's ability to convey its significance in architecture under Criterion C.

IHSSI #091-344-35326 (110 Grove Street): This c. 1910 concrete block house is eligible under Criterion C for significance in Architecture. It is located approximately 0.13 mile southeast of the planned bridge. This c. 1910 concrete block house is eligible under Criterion C for significance in Architecture. It is located approximately 0.13 mile southeast of the planned bridge. The project will alter the property's setting by changing the nearby street pattern and demolishing buildings. This property is not heavily dependent on the streetscape to convey its significance as a less-common form of residential construction from the early twentieth century. The project will introduce a new bridge to the project area; however, the view of the bridge will be largely obscured by the existing built environment. As a result, the introduction of the bridge will cause a minor change in the viewshed. Therefore, the changes in the property's setting will not interfere with its ability to convey its significance in architecture under Criterion C.

An Effects Letter for above-ground properties was approved by INDOT-CRO on April 30, 2021 and was sent to consulting parties on the same day (Appendix D, pages 55 – 59). The letter recommended a "No Adverse Effect" finding for all properties. The letter also contained an invitation to a consulting party meeting on May 17, 2021.

This is page 21 of 31 Project name: Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad Date: January 28, 2022

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A consulting parties meeting was held on May 17, 2021 (Appendix D, pages 60 - 65) to discuss potential project impacts on historic properties. After examining the project scope and its relationship of the historic properties the SHPO and Indiana Landmarks did not have further concerns about the project.

The SHPO responded a later dated June 1, 2021, stating, in part, "For the purposes of the Section 106 review of this federal undertaking, we agree with the effects letter that the seven historic properties eligible for inclusion in the NRHP Places located within the project's area of potential effects will not be adversely affected by the proposed project," (Appendix D, pages 70 - 71).

INDOT approved an 800.11(e) finding of "No Adverse Effect" on August 23, 2021 (Appendix D, pages 1-7). The INDOT-approved finding was forwarded to the SHPO and consulting parties on August 23 and 27, 2021 (Appendix D, pages 74-75). SHPO concurred with the "No Adverse Effect" finding on August 31, 2021 (Appendix D, pages 76-77).

No other responses to the 800.11(e) were received.

Public Involvement

A public notice regarding the "No Adverse Effect" finding was published in the *La Porte County Herald Dispatch* on August 27, 2021 (Appendix D, pages 78-79). No public comments were received by the established 30-day deadline date of September 26, 2021. Therefore, the Section 106 process has been completed and the FHWA's Section 106 responsibilities have been fulfilled.

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

	<u>Presence</u>	<u>Use</u>	
		<u>Yes</u>	<u>No</u>
Parks and Other Recreational Land			
Publicly owned park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties			
Site eligible and/or listed on the NRHP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<u>Evaluations</u>		
	<u>Prepared</u>		
Programmatic Section 4(f)	<input type="checkbox"/>		
"De minimis" Impact	<input type="checkbox"/>		
Individual Section 4(f)	<input type="checkbox"/>		
Any exception included in 23 CFR 774.13	<input checked="" type="checkbox"/>		

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the discussion below. Individual Section 4(f) documentation must be included in the appendix and summarized below. Discuss proposed alternatives that satisfy the requirements of Section 4(f). FHWA has identified various exceptions to the requirement for Section 4(f) approval. Refer to 23 CFR § 774.13 - Exceptions.

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix B, page 3), and the RFI report (Appendix E), there are eleven (11) potential 4(f) resources located within the 0.5 mile search radius. According to additional research, and by the site visit on February 25, 2020 by BF&S, there are eight (8) 4(f) resources located within or adjacent to the project area. Seven (7) of these

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resources are sites determined to be eligible for the NRHP. The NRHP-eligible properties, consisting of single-family houses built from c. 1855-c.1920 eligible under Criterion C for significance in Architecture, are not within or adjacent to the project area. Effects to these properties will be limited to minor changes in the viewshed/setting. Therefore, no 4(f) use is expected.

The other 4(f) resource located within the project area is Clear Lake Trail. This recreational trail is publicly owned, and open to the public. The project will require the temporary closure of the trail (likely one day) for the installation of stormwater pipes at three (3) locations (see Appendix B, pages 25 – 27). The project will not require a use of this resource by taking permanent ROW and will not indirectly use the resources in such a way that the protected activities, features, or attributes that qualify the resources for protection under Section 4(f) are substantially impaired. Project information was sent to the Official with Jurisdiction (OWJ), LaPorte Parks and Recreation Department, on January 6, 2022, along with a request for their concurrence with the project’s impact to the trail being classified as a “Temporary Occupancy” (as defined in 23 CFR 774.13 (d)). LaPorte Parks and Recreation Department responded on January 27, 2022 indicating their concurrence with this finding (Appendix C, pages 58-59). Therefore, no 4(f) use is expected.

The potential LaPorte/South Bend Corridor trail is located 0.07 mile south of the project area. The project will not prevent this trail from being constructed or require a use of this resource by taking permanent ROW and will not indirectly use the resource in such a way that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired. Therefore, no 4(f) use is expected.

Fox Memorial Park is located approximately 0.30 mile north of the project area. Access to the park will be maintained during construction through the use of a detour (see the MOT During Construction section of this document). The project will not require a use of this resource by taking permanent ROW and will not indirectly use the resources in such a way that the protected activities, features, or attributes that qualify the resources for protection under Section 4(f) are substantially impaired. Therefore, no 4(f) use is expected.

Section 6(f) Involvement

Presence

Use

Section 6(f) Property

Yes

No

Discuss Section 6(f) resources present or not present. Discuss if any conversion would occur as a result of this project. If conversion will occur, discuss the conversion approval.

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the INDOT ESD website revealed a total of eleven (11) properties in La Porte County (Appendix J, page 13). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to Section 6(f) resources.

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SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project

	Yes	No
Is the project in the most current STIP/TIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project located in an MPO Area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project in an air quality non-attainment or maintenance area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, then:		
Is the project in the most current MPO TIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project exempt from conformity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, then:		
Is the project in the Transportation Plan (TP)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a hot spot analysis required (CO/PM)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Location in STIP: INDOT FY 2020-2024 STIP, Modification 35
 Name of MPO (if applicable): Northwestern Indiana Regional Planning Commission (NIRPC)
 Location in TIP (if applicable): FY 2020-2024 TIP, Modification 22-54
 Level of MSAT Analysis required?
 Level 1a Level 1b Level 2 Level 3 Level 4 Level 5

Describe if the project is listed in the STIP and if it is in a TIP. Describe the attainment status of the county(ies) where the project is located. Indicate whether the project is exempt from a conformity determination. If the project is not exempt, include information about the TP and TIP. Describe if a hot spot analysis is required and the MSAT Level.

The Fiscal Year (FY) 2020-2024 Statewide Transportation Improvement Program (STIP) is listed based on the lead Des. No. in the contract. The lead Des. No. for this contract is 1801912. The FY 2020-2024 STIP includes Des. Nos. 1900835 and 2002545 by reference with the contract number B-41844 (Appendix H, page 1).

This project is located in La Porte County, which is currently a maintenance area for Ozone, under the 1997 Ozone 8-hour standard, which was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision. The project’s design concept and scope are accurately reflected in both the NIRPC Transportation Plan (TP) and the Transportation Improvement Program (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

The purpose of this project is to eliminate vehicular delays at the Tipton Street (Park Street) crossing of Norfolk Southern Railroad due to train traffic and eliminate the potential for train-vehicle collisions at this crossing. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative. Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA’s MOVES2014 model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

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SECTION G - NOISE

Noise

Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy? Yes No

Date Noise Analysis was approved/technically sufficient by INDOT ESD: June 10, 2021

Describe if the project is a Type I or Type III project. If it is a Type I project, describe the studies completed to date and if noise impacts were identified. If noise impacts were identified, describe if abatement is feasible and reasonable and include a statement of likelihood.

This is a Type I project, which requires a noise analysis. Journey Engineering completed a noise analysis for the project on June 10, 2021. INDOT ESD provided a response on June 10, 2021 indicating that the noise analysis was technically sufficient (Appendix I, page 14). Based on the studies completed to date, Journey Engineering has identified no impacted receptors. As a result, noise abatement was not evaluated. This noise analysis was based on preliminary design criteria. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable. See Appendix I for excerpts of the Noise Analysis.

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

- Will the proposed action comply with the local/regional development patterns for the area?
- Will the proposed action result in substantial impacts to community cohesion?
- Will the proposed action result in substantial impacts to local tax base or property values?
- Will construction activities impact community events (festivals, fairs, etc.)?
- Does the community have an approved transition plan?
 - If No, are steps being made to advance the community's transition plan?
- Does the project comply with the transition plan? (explain in the discussion below)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discuss how the project complies with the area's local/regional development patterns; whether the project will impact community cohesion; and impact community events. Discuss how the project conforms with the ADA Transition Plan.

Currently, there is a high level of crossing blockage from passing trains as traffic must stop on Tipton Street (Park Street). The railroad tracks, therefore, divide the surrounding residential and commercial areas. This project will provide the opportunity for unimpeded vehicular access through this area of LaPorte, and improved pedestrian crossing of the railroad via a sidewalk on the new bridge, creating better community cohesion. Additionally, the installation of this bridge will allow for more expedient access to emergency services than previously existed when trains were present. The bridge reduces the potential for train-vehicle collisions. Further, this project will provide an improved structure and approaches, allowing for continued mobility for motorists. Therefore, this project is not anticipated to have any substantial negative indirect or cumulative impacts to the area.

This project will not have a significant impact on the tax base. A review of the La Porte County website (<https://www.cityoflaporte.com/Calendar.aspx>) on June 18, 2021 by BF&S indicated that there are no listed local events or festivals that would be disrupted by project construction activities.

The City of LaPorte has adopted an Americans with Disabilities (ADA) transition plan (<https://www.cityoflaporte.com/DocumentCenter/View/675/ADA-Policy-andTransition-Plan?bidId=>). The project will comply with the Transition Plan by constructing sidewalks and curb ramps that are ADA-compliant.

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Public Facilities and Services

Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.

Based on a desktop review, the aerial map of the project area (Appendix B, page 3), and the RFI Report (Appendix E), there are thirty-nine (39) facilities located within 0.5 mile of the project. Fifteen (15) churches, three (3) schools, four (4) trails, four (4) recreational facilities, one (1) managed land, ten (10) railroads, one (1) pipeline, one (1) airport, and one (1) hospital are located within the 0.5 mile of the project area. This number was confirmed by the site visit on February 25, 2020. One trail, Clear Lake Trail, is located within the project area. Two railroad segments, both owned by Norfolk Southern Railroad, cross the project area. Coordination between INDOT and the railroad has been initiated and will continue as the project's design progresses.

INDOT Office of Aviation responded on May 20, 2021 and indicated that further coordination with their office and the Federal Aviation Administration (FAA) will be required if any object, obstruction, or equipment will exceed 130 feet in height (Appendix C, page 9). NIPSCO responded on June 17, 2021 and stated they have no comments on the project (Appendix C, page 57). All applicable recommendations are included in the Environmental Commitments section of this CE document.

It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access.

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?
Does the project require an EJ analysis?

Yes	No
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If YES, then:

Are any EJ populations located within the project area?

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

Will the project result in adversely high and disproportionate impacts to EJ populations?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Indicate if EJ issues were identified during project development. If an EJ analysis was not required, discuss why. If an EJ analysis was required, describe how the EJ population was identified. Include if the project has a disproportionately high and adverse effect on EJ populations and explain your reasoning. If yes, describe actions to avoid, minimize and mitigate these effects.

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent ROW. The project will require 3.167 acres of permanent ROW acquisition and result in four (4) relocations. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is the City of La Porte. The community that overlaps the project area is called the affected community (AC). In this project, the AC-1 is Census Tract 420; AC-2 is Census Tract 421; and AC-3 is Census Tract 423. An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the 2019 American Community Survey (ACS) 5-year estimate data was obtained from the US Census Bureau Website data.census.gov/cedsci/ on March 31, 2021 on by BF&S. The data collected for minority and low-income populations within the AC are summarized in the below table.

Table: Minority and Low-Income Data (U.S. Census Bureau 2019 ACS 5-year Estimates)				
	COC – City of LaPorte	AC 1- Census Tract 421	AC 2- Census Tract 421	AC 3- Census Tract 423
Percent Minority	17.85%	21.70%	23.17%	24.95%
125% of COC	22.32%	AC < 125%	AC > 125%	AC > 125%
EJ Population of Concern		No	Yes	Yes
Percent Low-Income	20.97%	16.95%	21.83%	28.27%
125% of COC	26.21%	AC < 125%	AC < 125%	AC > 125%
EJ Population of Concern		No	No	Yes

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- The AC-1, Census Tract 420, has a percent minority of 21.70% which is below 50% and is below the 125% COC threshold. The AC-2, Census Tract 421, has a percent minority of 23.17% which is below 50% but is above the 125% COC threshold. The AC-3, Census Tract 423, has a percent minority of 24.95% which is below 50% but is also above the 125% COC threshold. Therefore, the AC-1 does not contain a minority population of EJ concern but both AC-2 and AC-3 contain minority populations of EJ concern.
- The AC-1, Census Tract 420, has a percent low-income of 16.95% which is below 50% and is below the 125% COC threshold. The AC-2, Census Tract 421, has a percent low-income of 21.83% which is below 50% and is below the 125% COC threshold. The AC-3, Census Tract 423, has a percent low-income of 28.27% which is below 50% but is above the 125% COC threshold. Therefore, the AC-1 and AC-2 do not contain minority populations of EJ concern but AC-3 does contain a minority population of EJ concern.

The census data sheets, map, and calculations can be found in Appendix J, pages 1 - 11. Approximately 3.167 acres of permanent ROW acquisition will be required. The project will result in four (4) relocations, including two (2) single-family residences, one (1) commercial recycling business and one (1) auto repair shop. No mitigation is anticipated. The project minimizes relocations to the greatest extent possible while meeting minimum criteria for horizontal and vertical roadway alignments per the latest INDOT Design Manual.

The proposed project will provide the opportunity for unimpeded vehicular and pedestrian access through this area of LaPorte and will allow for more expedient access to emergency services than previously existed when trains were present. The new bridge also eliminates the potential for train-vehicle collisions and creates safer conditions for pedestrians crossing the railroad. In addition, it is likely that local air quality will improve as a result of the project by eliminating vehicles that idle as a result of train traffic.

Permanent impacts to the local community will include ROW acquisition and residential and business relocations. Temporary negative impacts to the local community will include sidewalk and roadway closures and restrictions during construction (please refer to the MOT section of this document for additional details). The permanent and temporary impacts will not result in disproportionately high and adverse impacts to EJ populations of concern since the project design minimizes relocations to the greatest extent possible and, with the exception of relocated parcels, involves strip ROW acquisition along the entirety of the project corridor. All relocations and ROW acquisition efforts will follow 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (please refer to the Relocation of People, Businesses or Farms section of this document for additional details).

Therefore, the proposed project is not expected to result in disproportionately high and adverse impacts to the identified low-income population relative to non-EJ populations. INDOT ESD concurred with the findings of the EJ Analysis on June 11, 2021 (see Appendix J, page 12).

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?
Is a BIS or CSRS required?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

The project will result in the relocation of two (2) residences and two (2) businesses. The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. Relocation resources are available to all residential and business relocated without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person.

A map showing the proposed relocations are included in Appendix J, page 14.

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SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)

- Red Flag Investigation (RFI)
- Phase I Environmental Site Assessment (Phase I ESA)
- Phase II Environmental Site Assessment (Phase II ESA)
- Design/Specifications for Remediation required?

Documentation

X

Date RFI concurrence by INDOT SAM (if applicable): August 25, 2021

Include a summary of the potential hazardous material concerns found during review. Discuss in depth sites found within, directly adjacent to, or ones that could impact the project area. Refer to current INDOT SAM guidance. If additional documentation (special provisions, pay quantities, etc.) will be needed, include in discussion. Include applicable commitments.

Based on a review of GIS and available public records, a RFI was completed on July 15, 2021 by BF&S (Appendix E). One (1) Manufactured Gas Plant (MGP) site is located within 0.5 mile of the project area. Eight (8) RCRA Generator/TSD sites are located within 0.5 mile of the project area. Four (4) state cleanup sites are located within 0.5 mile of the project area. Twenty (20) underground storage tank (UST) sites are located within 0.5 mile of the project area. Two (2) Voluntary Remediation Program (VRP) sites are located within 0.5 mile of the project area. Six (6) brownfields are located within 0.5 mile of the project area. Three (3) Institutional Control sites are located within 0.5 mile of the project area. Nine (9) NPDES Facilities are located within 0.5 mile of the project area. Thirteen (13) leaking underground storage tank (LUST) sites are located within 0.5 mile of the project area. One (1) MGP site could affect the project area. One (1) state cleanup site could affect the project area. One (1) VRP site could affect the project area. One (1) NPDES Facility is located within the project area. One (1) LUST site is located within the project area.

Manufactured Gas Plant Sites: One (1) Manufactured Gas Plant (MGP) site is located within the 0.5 mile search radius. Kingsley Furniture Company, 102 PARK ST, La Porte, IN 46350, Agency Interest (AI) ID#33049, is located adjacent to the southwest of the project area. The groundwater plume, at 28 feet below ground surface, extends into the project area. Residual soil contamination, including elevated concentrations of lead remain on-site in areas adjacent the project area along Clear Lake Blvd. Proper handling, removal, and disposal of soil and groundwater may be necessary. A Phase II Environmental Site Assessment is recommended. Prior to any investigation activities, a scope of work plan will be prepared and submitted to INDOT SAM for review and approval. Coordination will be conducted with IDEM Project Manager (Mark Nance, MNance@IDEM.in.gov) identified in the VFC documentation before further site activities occur.

State Cleanup Sites: American Rubber Products Corp, 315 Brighton St., La Porte, IN 46350, AI ID#35457, is located adjacent to the project area on the east side of the intersection of Brighton and Pulaski Streets. According to the No Further Action (NFA) issued by IDEM on January 31, 2003, contaminated soil remains on site under the building foundation and under the paved sidewalk. The extent of contamination has not been delineated. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary.

NPDES Facilities: Boulevard Improvements is located within the project area. The permit (INRA01776) is still in effect and coordination will occur with the City of LaPorte, the owner of the facility.

Leaking Underground Storage Tank (LUST) Sites: Kingsley Furniture Company, 102 PARK ST, La Porte, IN 46350, Agency Interest (AI) ID#33049, is located within the project area. One (1) 10,000 gallon diesel UST was removed from the site in June 1993. A LUST incident was subsequently reported to IDEM based on free product found in the soil surrounding the UST and no further investigation has ever been done. In addition to petroleum contamination, it is likely that lead would be in the soil/groundwater. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

Indiana Department of Transportation

County La Porte

Route Tipton Street (Park Street)

Des. No. 1801912 & 1900835
& 2002545

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section10 Permit)

Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	X
Individual Permit (IP)	<input type="checkbox"/>
Other	<input type="checkbox"/>

IN Department of Environmental Management (401/Rule 5)

Nationwide Permit (NWP)	<input type="checkbox"/>
Regional General Permit (RGP)	X
Individual Permit (IP)	<input type="checkbox"/>
Isolated Wetlands	<input type="checkbox"/>
Rule 5	X
Other	<input type="checkbox"/>

IN Department of Natural Resources

Construction in a Floodway	<input type="checkbox"/>
Navigable Waterway Permit	<input type="checkbox"/>
Other	X

Mitigation Required

US Coast Guard Section 9 Bridge Permit	<input type="checkbox"/>
Others (Please discuss in the discussion below)	<input type="checkbox"/>

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

A Rule 5 permit is required due to the total work area anticipated to be 1.5 acre of disturbed area, which is greater than the land disturbance of the allowable one (1) acre.

A Section 401/404 Regional General Permit will be required for wetland and lake impacts.

An IDNR Lake Preservation Permit will be required for impacts to Clear Lake.

Applicable recommendations are included in the *Environmental Commitments* section of this document. If a permit is found to be necessary, the conditions of the permit will be requirements of the project and will supersede these recommendations.

It is the responsibility of the project sponsor to identify and obtain all required permits.

Indiana Department of Transportation

County La Porte

Route Tipton Street (Park Street)

Des. No. 1801912 & 1900835
& 2002545

ENVIRONMENTAL COMMITMENTS

List all commitments and include the name of agency/organization requesting/requiring the commitment(s). Listed commitments should be numbered.

Firm:

1. If the scope of work or permanent or temporary right-of-way amounts change, INDOT ESD and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD and INDOT LaPorte District)
2. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction activity that would block or limit access. (INDOT ESD)
3. Any work in a wetland area within right-of-way or in borrow/waste areas is prohibited unless specifically allowed in the U.S. Army Corps of Engineers permit. (INDOT ESD)
4. GENERAL AMM 1: Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. (USFWS)
5. LIGHTING AMM 2: When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. (USFWS)
6. TREE REMOVAL AMM 1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
7. TREE REMOVAL AMM 2: Apply time of year restrictions (April 1 – September 30) for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/ rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (USFWS and IDNR-FW)
8. TREE REMOVAL AMM 3: Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)
9. TREE REMOVAL AMM 4 Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or documented foraging habitat any time of year. (USFWS)
10. One (1) Manufactured Gas Plant (MGP) site is located within the 0.5 mile search radius. Kingsley Furniture Company, 102 PARK ST, La Porte, IN 46350, Agency Interest (AI) ID#33049, is located adjacent to the southwest of the project area. The groundwater plume, at 28 feet below ground surface, extends into the project area. Residual soil contamination, including elevated concentrations of lead remain on-site in areas adjacent the project area along Clear Lake Blvd. Proper handling, removal, and disposal of soil and groundwater may be necessary. A Phase II Environmental Site Assessment is recommended. Prior to any investigation activities, a scope of work plan will be prepared and submitted to INDOT SAM for review and approval. Coordination will be conducted with IDEM Project Manager (Mark Nance, MNance@IDEM.in.gov) identified in the VFC documentation before further site activities occur. (INDOT SAM)
11. American Rubber Products Corp, 315 Brighton St., La Porte, IN 46350, AI ID#35457, is located adjacent to the project area on the east side of the intersection of Brighton and Pulaski Streets. According to the No Further Action (NFA) issued by IDEM on January 31, 2003, contaminated soil remains on site under the building foundation and under the paved sidewalk. The extent of contamination has not been delineated. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary. (INDOT SAM)
12. Boulevard Improvements is located within the project area. The National Pollutant Discharge Elimination permit (INRA01776) is still in effect and coordination will occur with the City of LaPorte, the owner of the facility. (INDOT SAM)

This is page 30 of 31 Project name: Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad Date: January 28, 2022

Indiana Department of Transportation

County La Porte

Route Tipton Street (Park Street)

Des. No. 1801912 & 1900835
& 2002545

13. Kingsley Furniture Company, 102 PARK ST, La Porte, IN 46350, Agency Interest (AI) ID#33049, is located within the project area. One (1) 10,000-gallon diesel UST was removed from the site in June 1993. A LUST incident was subsequently reported to IDEM based on free product found in the soil surrounding the UST and no further investigation has ever been done. In addition to petroleum contamination, it is likely that lead would be in the soil/groundwater. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before removal and disposal of soil and/or groundwater, analysis for lead will be necessary. (INDOT SAM)
14. It is possible that archaeological site 12-Le-0458 may extend outside of the currently proposed project boundaries. If the project boundaries should change to include portions of this site that have not yet been investigated, additional archaeological reconnaissance will be necessary. (SHPO)
15. Once available, erosion control plans will be sent to the MS4 Coordinator for review and comment. The designer will continue to coordinate with the MS4 Coordinator as the project design progresses. (INDOT ESD)
16. The duration of construction along Clear Lake Trail must be temporary (take less than the time needed for construction of the project), and there should be no change in ownership of the land. (INDOT ESD)
17. Portions of Clear Lake Trail impacted by construction must be returned to a condition which is at least as good as that which existed prior to the project. (INDOT ESD)
18. Further coordination with the INDOT Office of Aviation and the Federal Aviation Administration (FAA) will be required if any object, obstruction, or equipment will exceed 130 feet in height. (INDOT Aviation)

For Further Consideration:

19. Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS Memorandum of Understanding. (IDNR-FW)
20. The International Dark-Sky Association (IDA) states that, to minimize the negative impacts of artificial lighting on wildlife, "lighting should only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions, [and] be fully shielded (pointing downward)". The Division of Fish & Wildlife strongly encourages visiting the IDA's website to learn more about selecting lighting fixtures that minimize the harmful effects of lighting on humans and wildlife: <http://darksky.org/lighting/lighting-basics/>. (IDNR-FW)
21. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. (IDNR-FW)
22. Do not excavate or place fill in any riparian wetland. (IDNR-FW)
23. If any object, obstruction, or equipment will exceed 130 feet in height, further coordination will be required with our office and the Federal Aviation Administration (FAA). (INDOT Aviation)

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 Des. Nos. 1801912 & 1900835 & 2002545

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Appendix A

INDOT Supporting Documentation

Categorical Exclusion Level Thresholds

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

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

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

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

⁴ US Army Corps of Engineers Individual 404 Permit

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

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

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

⁸ Potential for causing a disproportionately high and adverse impact.

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

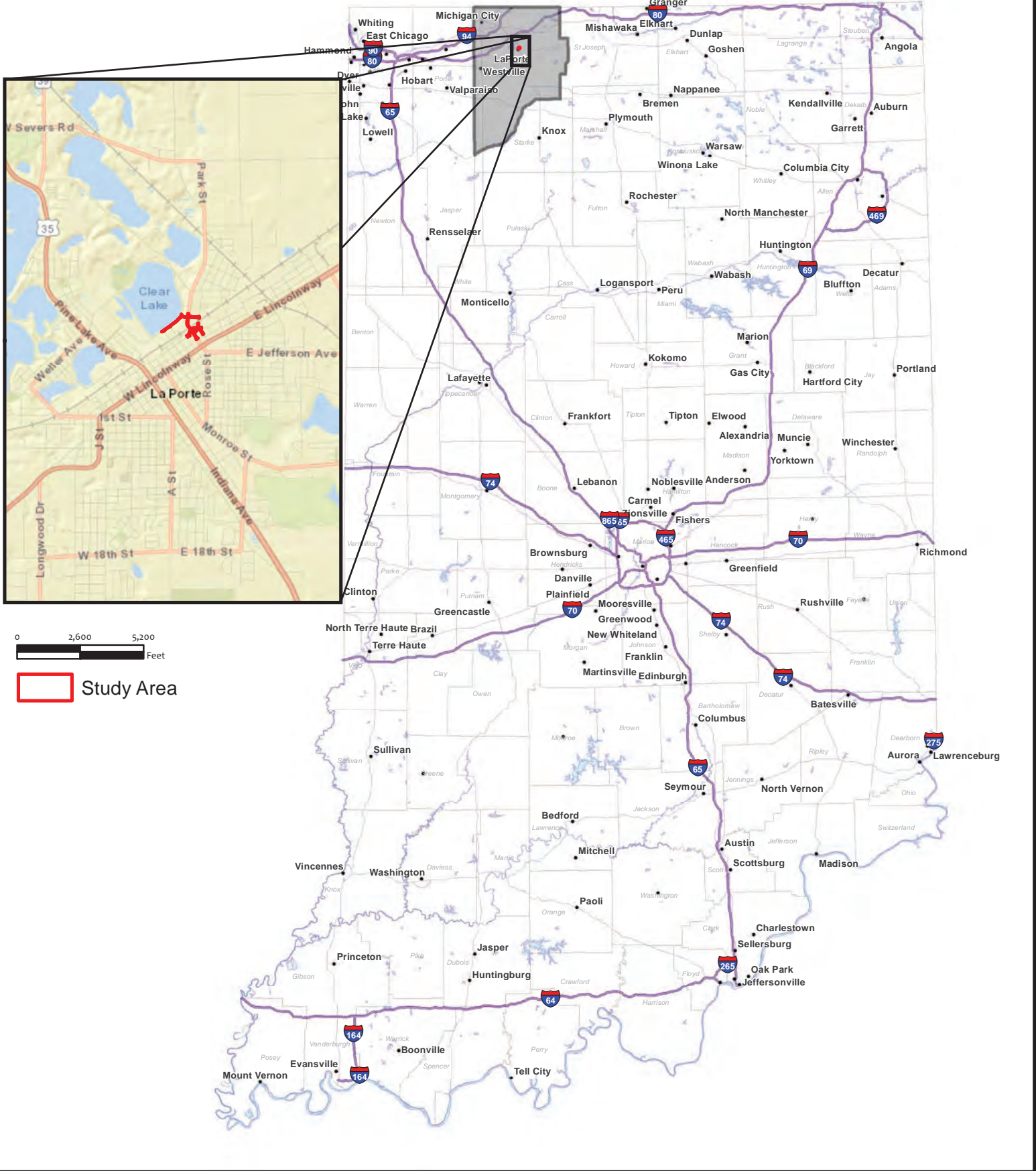
¹⁰ Hot Spot Analysis and/or MSAT Quantitative Emission Analysis.

* Includes the threatened/endangered species critical habitat

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

Appendix B

Graphics

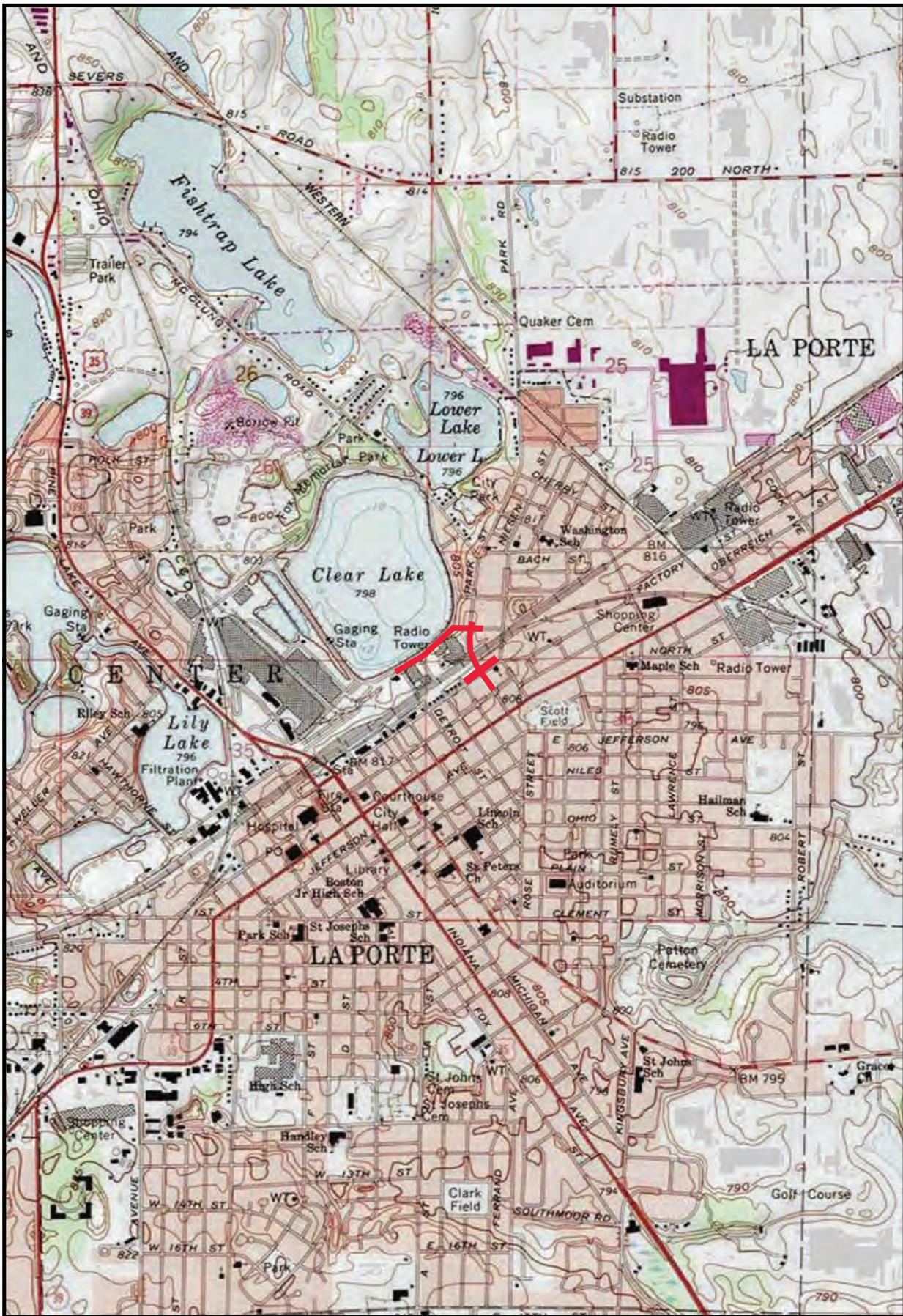


State Map

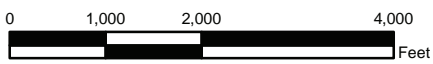
Tipton Street Grade Separation
 Des. No. 1801912
 Section 35 & 36, Township 37N, Range 3W
 LaPorte, LaPorte County, IN



Map Source: Indiana Map



Legend
 Project Area



USGS LaPorte East Quadrangle

Tipton Street Grade Separation
 Des. No. 180192
 Section 35 & 36, Township 37N, Range 3W
 LaPorte, LaPorte County, IN



Map Source: Indiana Geological Survey (IGS), IndianaMap, ArcGIS Online (ESRI) USA Topo Maps



Legend

 Project Area



Map Source: Indiana Geological Survey (IGS), IndianaMap, 2019
ArcGIS Online (ESRI) World Imagery.



Aerial Map

Tipton Street Grade Separation
Des. No. 1801912 and 2002545
La Porte, La Porte County, IN



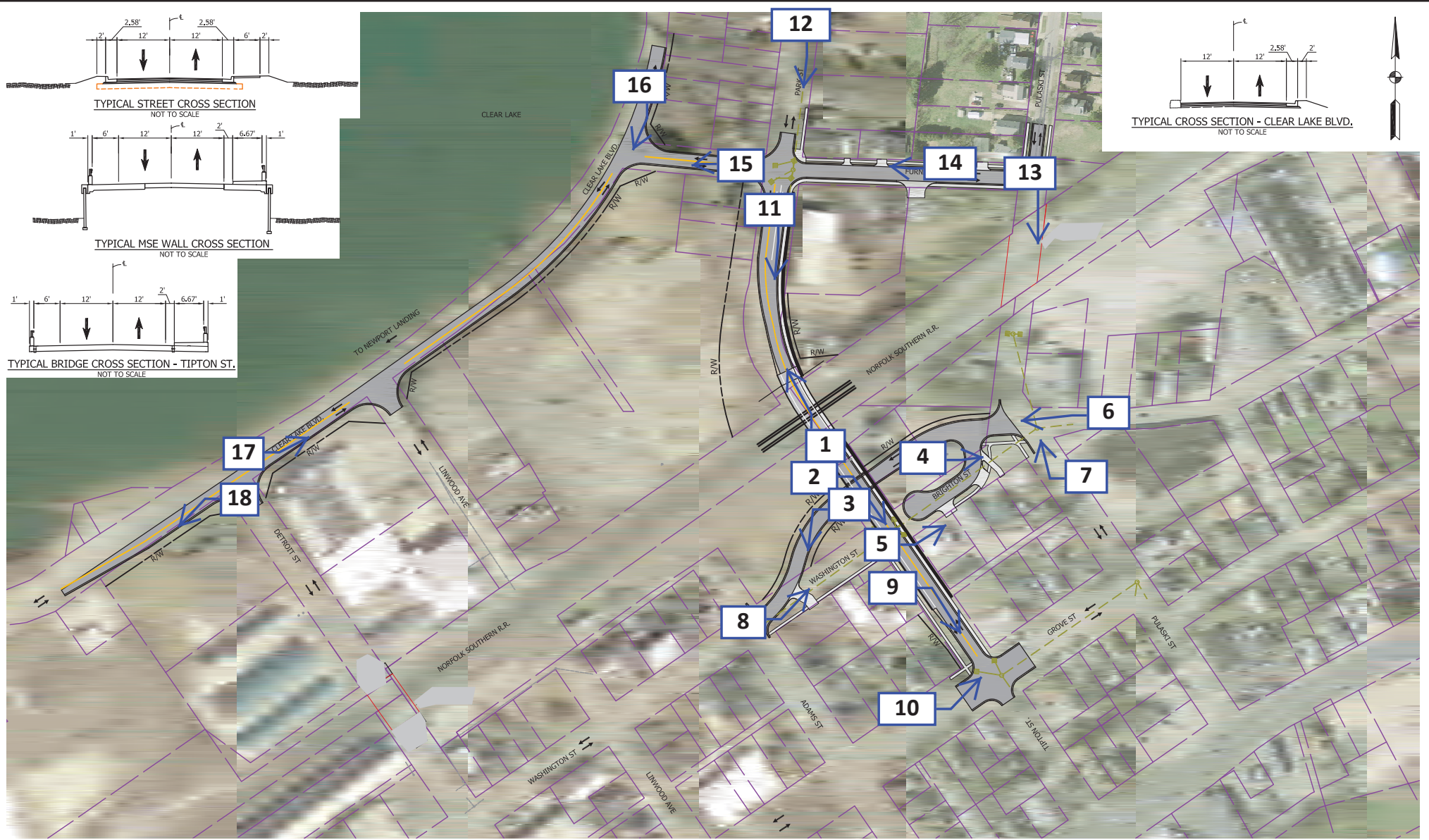


PHOTO ORIENTATION MAP
 TRX Project: Grade Separation for Tipton Street over Norfolk Southern Railroad
 LaPorte, LaPorte County, Indiana
 Des. No. 1801912 and 2002545

Photo Point and Direction
 # →

NOT FOR CONSTRUCTION

DESIGNED: CNC	DRAWN: JGP
CHECKED: GRW	CHECKED: GRW

INDIANA
 DEPARTMENT OF TRANSPORTATION
 TIPTON ST. GRADE SEPARATION
 LAPORTE, IN - ALTERNATE 3

HORIZONTAL SCALE 1" = 160' (11 x 17)	BRIDGE FILE
VERTICAL SCALE	DESIGNATION 1801912
SURVEY BOOK	SHEETS A-4 of 1
CONTRACT 8-41844	PROJECT

S:\2010\Bids\2010\1031 LaPorte Railroad Improvements\Drawings\Design\Alternate 3\Design.dwg, Sheet 2, 2/17/2020, 10:13:23 AM

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 1: Looking north along Tipton Street towards Norfolk Southern Railroad



Photo 2: Looking south along Tipton Street towards Washington Street/Brighton Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 3: Looking west from Tipton Street along proposed re-alignment of Washington Street



Photo 4: Looking east from Tipton Street along proposed re-alignment of Brighton Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 5: Looking east from Tipton Street along existing Brighton Street



Photo 6: Looking west along Brighton Street towards Pulaski Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 7: Looking north along Pulaski Street towards Norfolk Southern Railroad



Photo 8: Looking east from Adams Street along Washington Street (towards Tipton Street)

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 9: Looking north along Tipton Street towards Grove Street



Photo 10: Looking east along Grove Street towards Tipton Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 11: Looking south along Tipton Street from Furnace Street



Photo 12: Looking south along Tipton Street from West Street (north of Furnace Street)

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 13: Looking south along Pulaski Street from Furnace Street (towards Norfolk Southern Railroad)



Photo 14: Looking west along Furnace Street from Pulaski Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 15: Looking west from Tipton Street along Furnace Street



Photo 16: Looking south along Clear Lake Boulevard near Furnace Street

TRAXX Project: Grade Separation Tipton Road over Norfolk and Southern Railroad
LaPorte, LaPorte County, Indiana
Des. No. 1801912 and 2002545
Photograph Date: February 25, 2020



Photo 17: Looking north along Clear Lake Boulevard near Detroit Street



Photo 18: Looking south along Clear Lake Boulevard near Detroit Street

INDIANA DEPARTMENT OF TRANSPORTATION



BRIDGE PLANS FOR SPANS OVER 20 FEET

ROUTE: TIPTON ST.
PROJECT NO.

1801912 P.E.
1801912 R/W
1801912 CONST.

New Bridge Construction (Bridge No. 504) on Tipton Street over Washington Street
Located 0.87 miles north of Grove Street, Section 36, T37N, R3W, Center Township,
LaPorte County, Indiana.

New Bridge Construction (Bridge No. 506) on Tipton Street over Norfolk Southern Railroad
Located 0.113 miles north of Grove Street, Section 36, T37N, R3W, Center Township,
LaPorte County, Indiana.

TRAFFIC DATA	TIPTON STREET	FURNACE STREET	CLEAR LAKE BLVD	WASHINGTON/BRIGHTON ST
A.A.D.T. (2019)	3,010 V.P.D.	200 V.P.D.	300 V.P.D.	1620 V.P.D.
A.A.D.T. (2043)	11,272 V.P.D.	200 V.P.D.	360 V.P.D.	1620 V.P.D.
D.H.V. (2043)	1,105 V.P.H.	20 V.P.H.	40 V.P.H.	162 V.P.H.
DIRECTIONAL DISTRIBUTION	47% North \ 53% South	50%	50%	50%
TRUCKS	5.0% D.H.V. 5.2% A.A.D.T.	8% D.H.V. 5% A.A.D.T.	2% D.H.V. 2% A.A.D.T.	8% D.H.V. 5% A.A.D.T.
DESIGN DATA	TIPTON STREET	FURNACE STREET	CLEAR LAKE BLVD	WASHINGTON/BRIGHTON ST
DESIGN SPEED	25 MPH	30 MPH	25 MPH	30 MPH
PROJECT DESIGN CRITERIA	3R (Non-Freeway)	3R (Non-Freeway)	3R (Non-Freeway)	3R (Non-Freeway)
FUNCTIONAL CLASSIFICATION	Minor Arterial	Local Road	Local Road	Minor Arterial
RURAL/URBAN	Urban (Suburban)	Urban (Suburban)	Urban (Suburban)	Urban (Suburban)
TERRAIN	Level	Level	Level	Level
ACCESS CONTROL	None	None	None	None

PROJECT	DESIGNATION NO.
1801912	1801912
CONTRACT	BRIDGE FILE
B-1844	LAPORTE 504 & 506

STRUCTURE INFORMATION				
STRUCTURE	TYPE	SPAN AND SKEW	OVER	STATION
504	Precast Reinforced Concrete Three-Sided Bridge	One Span @ 42'-0" x 10'-0" Rlse, Square	Washington Street	55+62.85 "C"
506	Continuous Composite Steel Plate Girder Bridge	One Span @ 130'-0", Square	Northfolk Southern Railroad	57+00.00 "C"

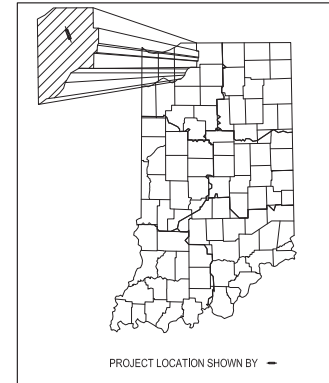
APPROVED BY: _____ DATE: _____

Nick Minnich, LaPorte City Engineer &
EMPLOYEE IN RESPONSIBLE CHARGE (ERC)

APPROVED BY
CITY OF LAPORTE, BOARD OF PUBLIC WORKS

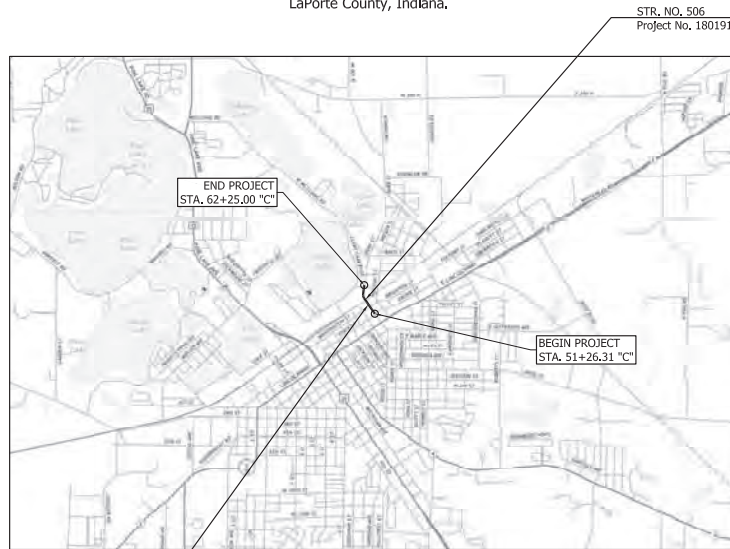
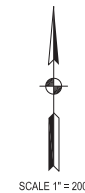
ATTEST _____ DATE _____

RECOMMENDED FOR APPROVAL _____ DATE _____



LATITUDE: 41°36'59.85" LONGITUDE: 86°43'00.27"

BRIDGE NO. 504 LENGTH = 0.008 ml.
BRIDGE NO. 506 LENGTH = 0.025 ml.
ROAD LENGTH = 0.175 ml.
TOTAL LENGTH = 0.208 ml.
MAX. GRADE = +7.81%



STR. NO. 504
Project No. 1801912

LOCATION MAP

STAGE 2 PLANS 02-01-2021

[INDIANA DEPARTMENT OF TRANSPORTATION
STANDARD SPECIFICATIONS DATED 2020
TO BE USED WITH THESE PLANS]



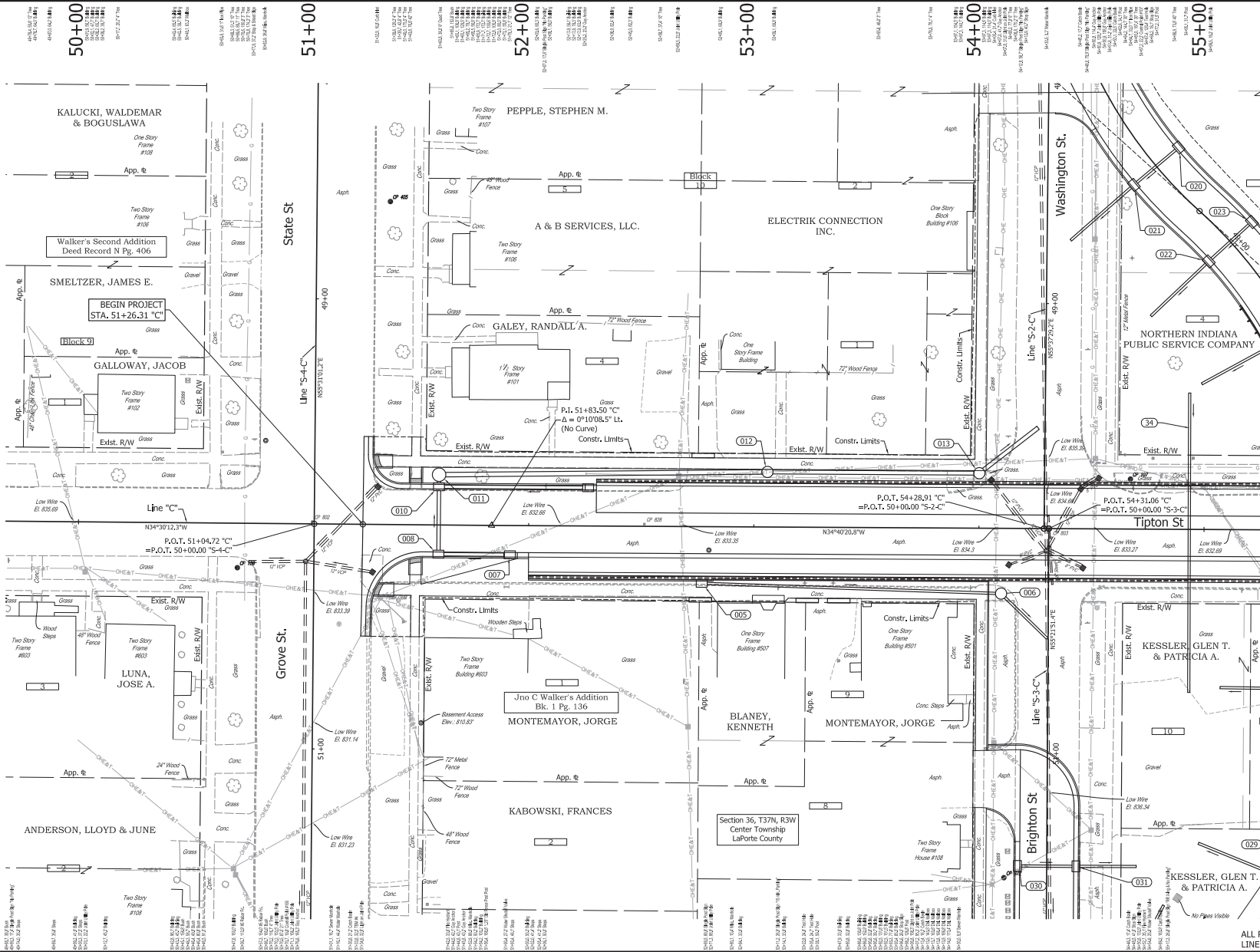
PLANS PREPARED BY: **USI Consultants, Inc.** 317-544-4996
PHONE NUMBER

CERTIFIED BY: _____ DATE _____

APPROVED FOR LETTING: _____ DATE _____

INDIANA DEPARTMENT OF TRANSPORTATION

BRIDGE FILE	
LAPORTE 504 & 506	
DESIGNATION NO.	1801912
SHEETS	1 OF 124
CONTRACT	B-1844
PROJECT NO.	1801912



FOR ALIGNMENT REFERENCES,
SEE GEOMETRIC TIE-IN SHEET

NOT FOR
CONSTRUCTION

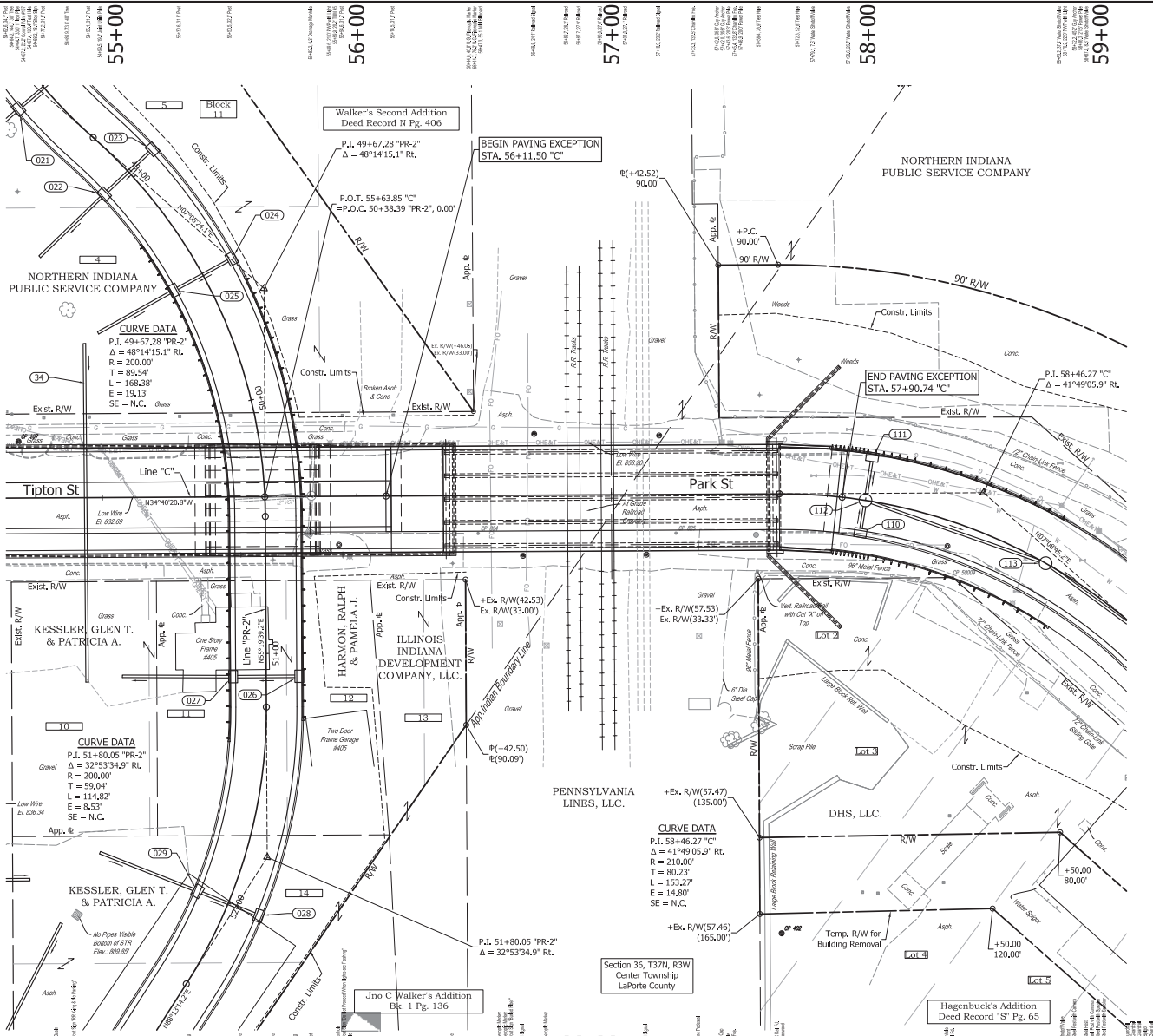
DESIGNED:	JGP	DRAWN:	JGP
CHECKED:	GRW	CHECKED:	GRW

INDIANA
DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE
LINE "C"

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	
VERTICAL SCALE	DESIGNATION
1" = 5'	1801912
SURVEY BOOK	SHEETS
	23
CONTRACT	PROJECT
B-41844	1801912

ALL R/W ON THIS SHEET DESCRIBED FROM
LINE "C" UNLESS OTHERWISE NOTED.



FOR ALIGNMENT REFERENCES,
 SEE GEOMETRIC TIE-IN SHEET

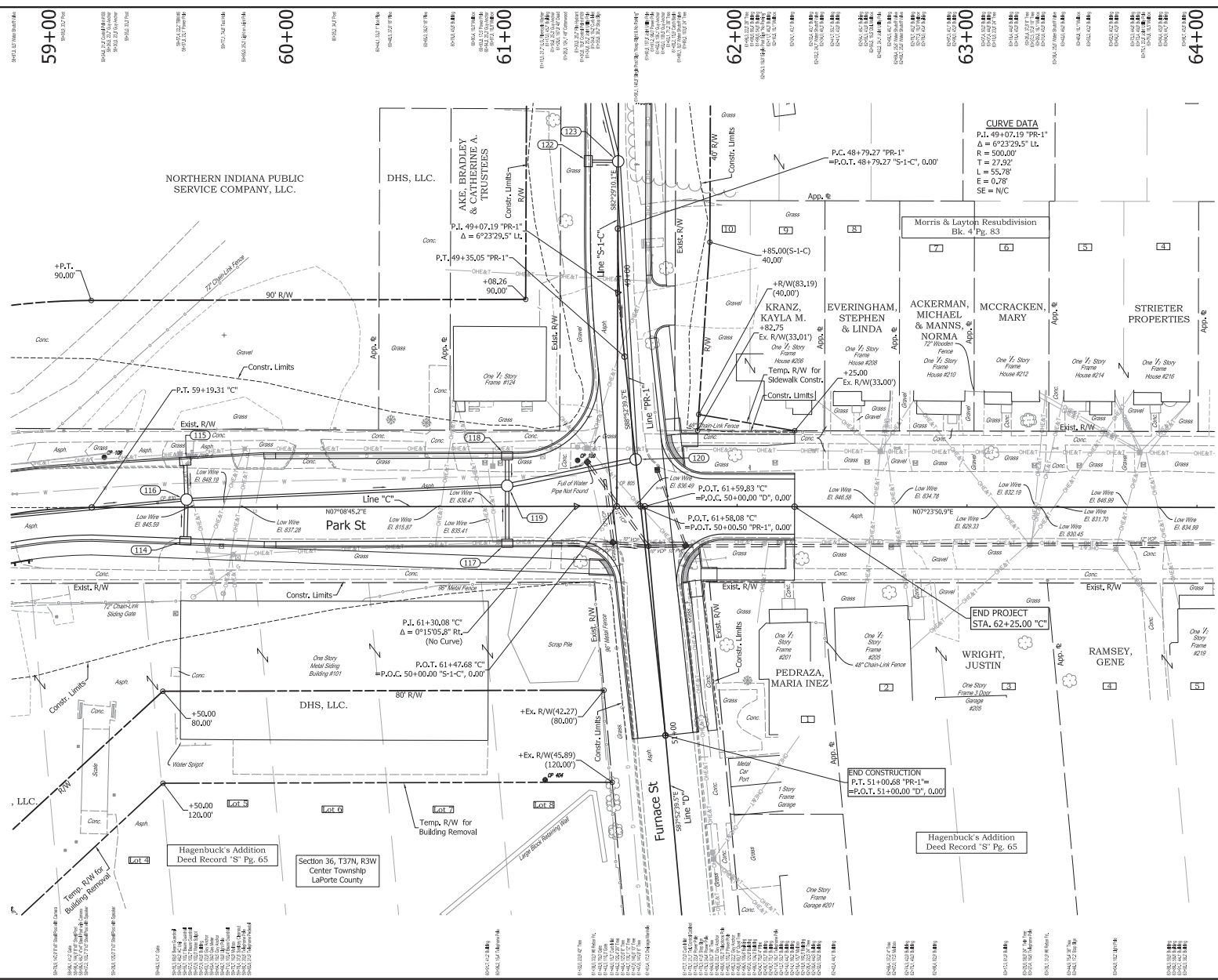
NOT FOR
 CONSTRUCTION

DESIGNER:	JGP	DRAWN:	JGP
CHECKED:	GRW	CHECKED:	GRW

INDIANA
 DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE
 LINE "C"

HORIZONTAL SCALE	1" = 20'	BRIDGE FILE	
VERTICAL SCALE	1" = 5'	DESIGNATION	1801912
SURVEY BOOK		SHEETS	121
CONTRACT	B-1844	PROJECT	124
			1801912



59+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

60+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

61+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

62+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

63+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

64+00
ROAD 127.75' WIDE
BRIDGE 20' WIDE

NORTHERN INDIANA PUBLIC SERVICE COMPANY, LLC.

FOR ALIGNMENT REFERENCES,
SEE GEOMETRIC TIE-IN SHEET

NOT FOR
CONSTRUCTION

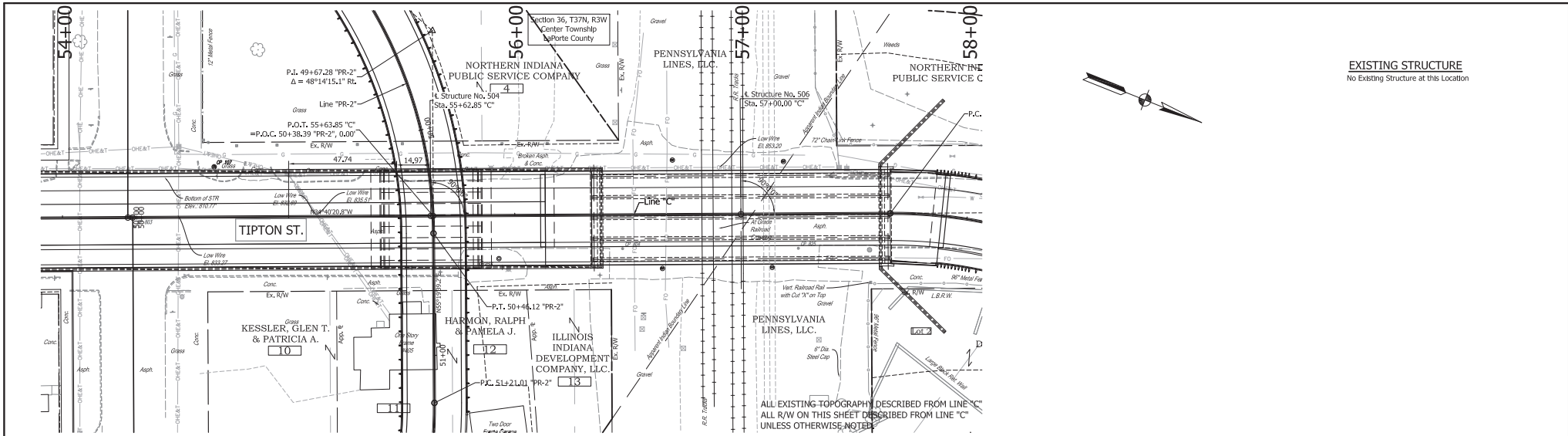
DESIGNED:	JGP	DRAWN:	JGP
CHECKED:	GRW	CHECKED:	GRW

INDIANA
DEPARTMENT OF TRANSPORTATION

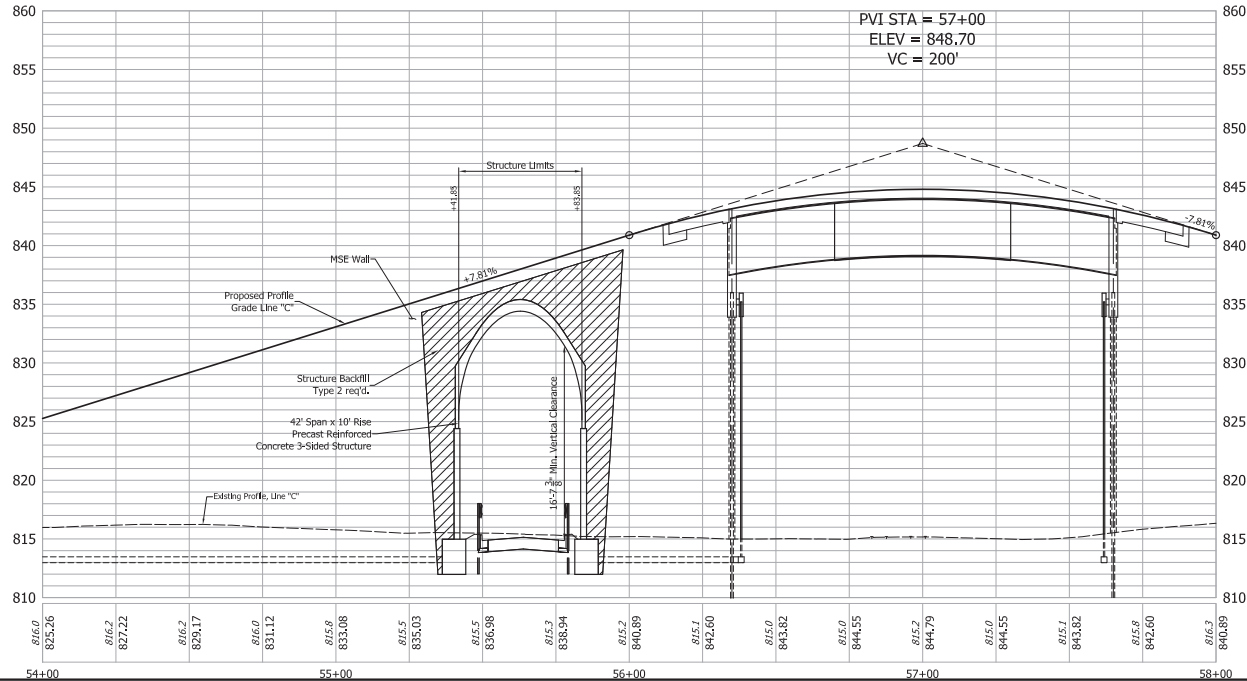
PLAN AND PROFILE
LINE "C"

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	DESIGNATION
VERTICAL SCALE	1801912
1" = 5'	SURVEY BOOK
	27
	PROJECT
	B-11844
	1801912

ALL R/W ON THIS SHEET DESCRIBED FROM
LINE "C" UNLESS OTHERWISE NOTED.

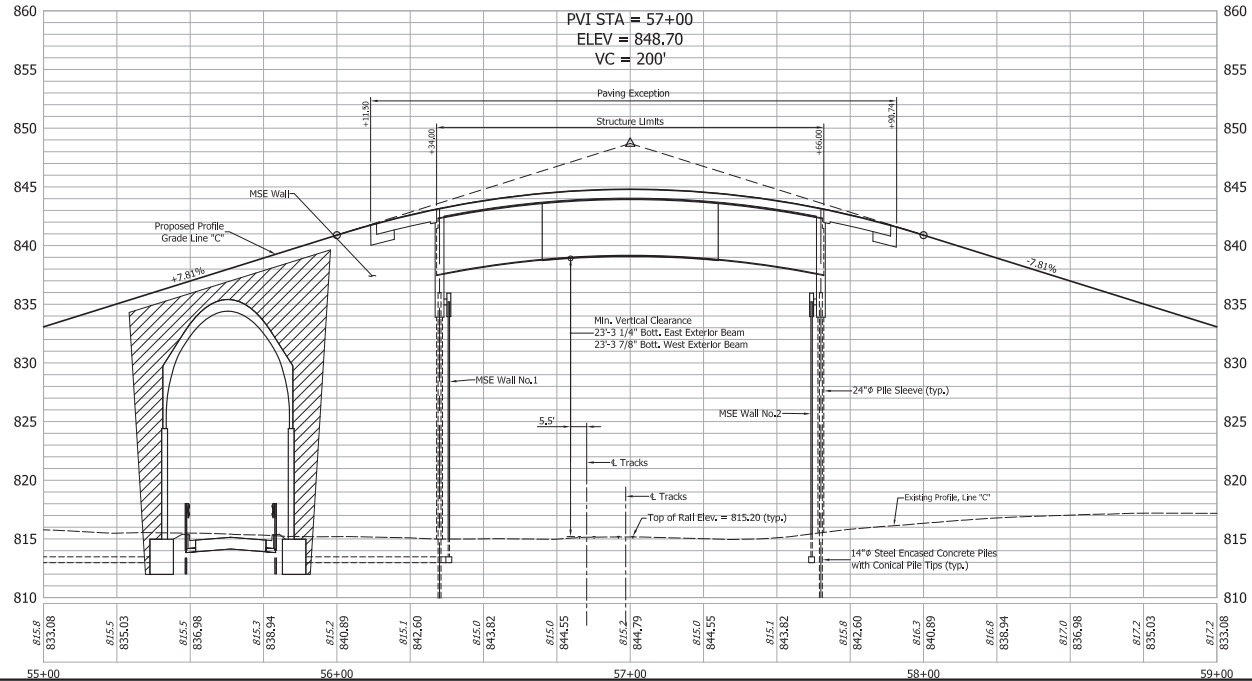
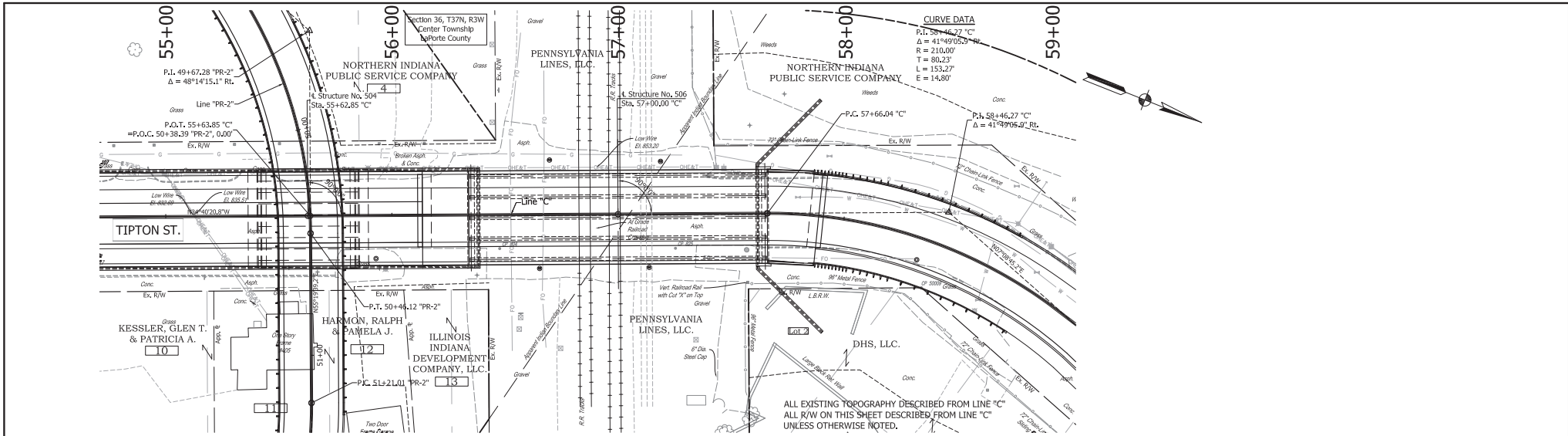


EXISTING STRUCTURE
No Existing Structure at this Location



**PRECAST REINFORCED CONCRETE
THREE SIDED STRUCTURE**
ONE SPAN @ 42'-0" x 10'-0" RISE, SQUARE
32'-0" CLEAR ROADWAY WIDTH
TIPTON STREET OVER WASHINGTON STREET
LAPORTE COUNTY, INDIANA

NOT FOR CONSTRUCTION	INDIANA DEPARTMENT OF TRANSPORTATION		BRIDGE FILE LAPORTE 504	
	BRIDGE LAYOUT BRIDGE NO. 504		DESIGNATION 2002545	
DESIGNER: AG	DRAWN: BDC	SURVEY BOOK		SHEETS
CHECKED: BMA	CHECKED: BMA	CONTRACT 42		1 of 124
		B-1844		1801912

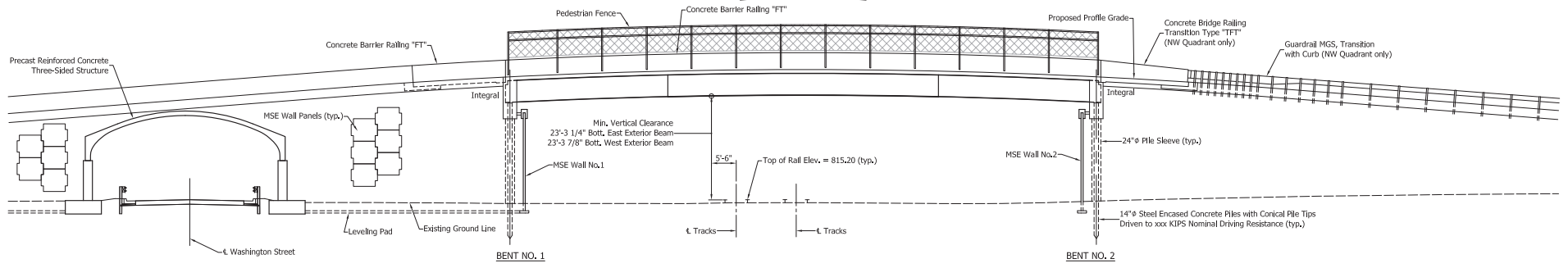


NOT FOR CONSTRUCTION	INDIANA DEPARTMENT OF TRANSPORTATION		BRIDGE FILE LAPORTE 506	
	BRIDGE LAYOUT BRIDGE NO. 506		DESIGNATION 1906835	
DESIGNER: AG	DRAWN: BDC	SURVEY BOOK		SHEETS
CHECKED: BMA	CHECKED: BMA	CONTRACT 43		PROJECT 124
		B-1844		1801912

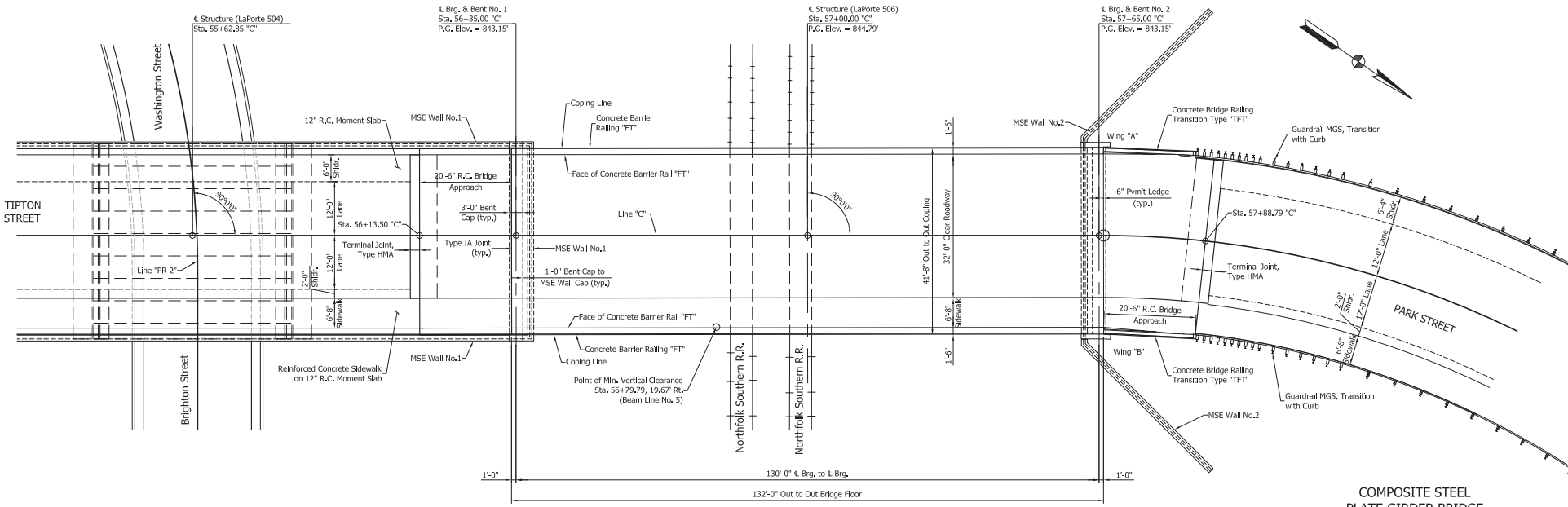
STRUCTURE TO BE BUILT TO 200' VERTICAL CURVE

P.V.I. Sta. 57+00.00 'C'
P.V.I. Elev. = 848.70

+7.81% -7.81%



ELEVATION
Scale 3/32" = 1'-0"



PLAN
Scale 3/32" = 1'-0"

COMPOSITE STEEL
PLATE GIRDER BRIDGE
ONE SPAN @ 130'-0", SQUARE
32'-0" CLEAR ROADWAY WIDTH
TIPTON STREET OVER NORTHFOLK SOUTHERN RAILROAD
LAPORTE COUNTY, INDIANA

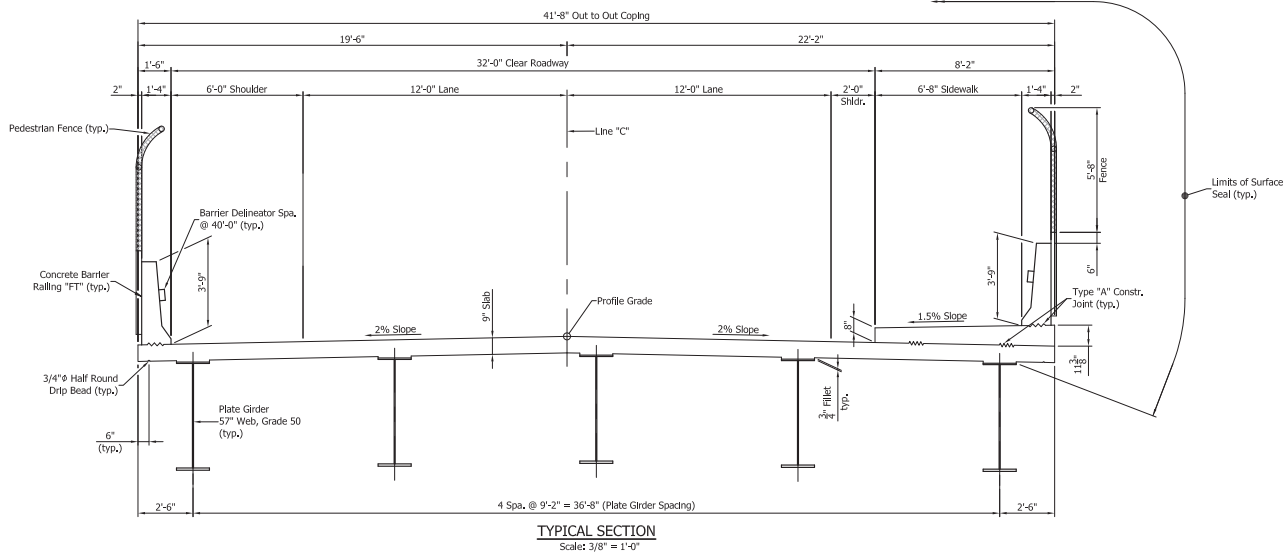
NOT FOR
CONSTRUCTION

DESIGNED: AG	DRAWN: BDC
CHECKED: BMA	CHECKED: BMA

INDIANA
DEPARTMENT OF TRANSPORTATION

GENERAL PLAN
BRIDGE NO. 506

HORIZONTAL SCALE AS NOTED	BRIDGE FILE LAPORTE 506
VERTICAL SCALE AS NOTED	DESIGNATION 1906835
SURVEY BOOK	SHEETS 1 of 1 124
CONTRACT B-1844	PROJECT 1801912



GENERAL NOTES

Reinforcing steel covering shall be 2 1/2" in top and 1" min. in bottom of floor slab, and 2" in all other parts, unless noted.
 Concrete in superstructure and bridge railing to be Class "C".
 Concrete in end bents to be Class "C".
 Surface seal top of bridge deck from coping to coping, bridge deck copings, underside of deck as shown, all surfaces of concrete railing, the ends of the bent caps, wingwalls and approach slabs, Estimated Quantity = xx sft.

DESIGN DATA

Live Loads:
 Superstructure and Substructure designed for HL-93 loading, in accordance with AASHTO LRFD Bridge Design Specifications, 8th Edition, 2017, and subsequent Interim Specifications.
Dead Loads:
 Designed for actual dead load plus 35#/sft. future wearing surface.
Unit Stresses:
 Concrete, Class C: $f_c = 4,000$ PSI Minimum
 Reinforcing Steel: $f_y = 60,000$ PSI

CONSTRUCTION LOADING

The exterior girder has been checked for strength, deflection, and overturning using the construction loads shown below. Cantilever overhang brackets were assumed for support of the deck overhang past the edge of the exterior girder. The finishing machine was assumed to be supported 6 inches outside the vertical coping form. The top overhang brackets were assumed to be located 6 inches past the edge of the vertical coping form. The bottom overhang brackets were assumed to be braced against the intersection of the girder bottom flange and web.
Deck Falsework Loads:
 Designed for 15 lb/sft for permanent metal stay-in-place deck forms, removable deck forms, and 2 feet exterior walkway.
Construction Live Load:
 Designed for the 20 lb/sft extending 2 feet past the edge of coping and 75 lb/ft vertical force applied at a distance of 6 inches outside face of coping over a 30 feet length of the deck centered with the finishing machine.
Finishing Machine Load: 4500 lb. distributed over 10 feet along coping.
Wind Load:
 Designed for 70 mph horizontal wind loading in accordance with LRFD 3.8.1

**COMPOSITE STEEL
 PLATE GIRDER BRIDGE**
 ONE SPAN @ 130'-0", SQUARE
 32'-0" CLEAR ROADWAY WIDTH
 TIPTON STREET OVER NORTHFOLK SOUTHERN RAILROAD
 LAPORTE COUNTY, INDIANA

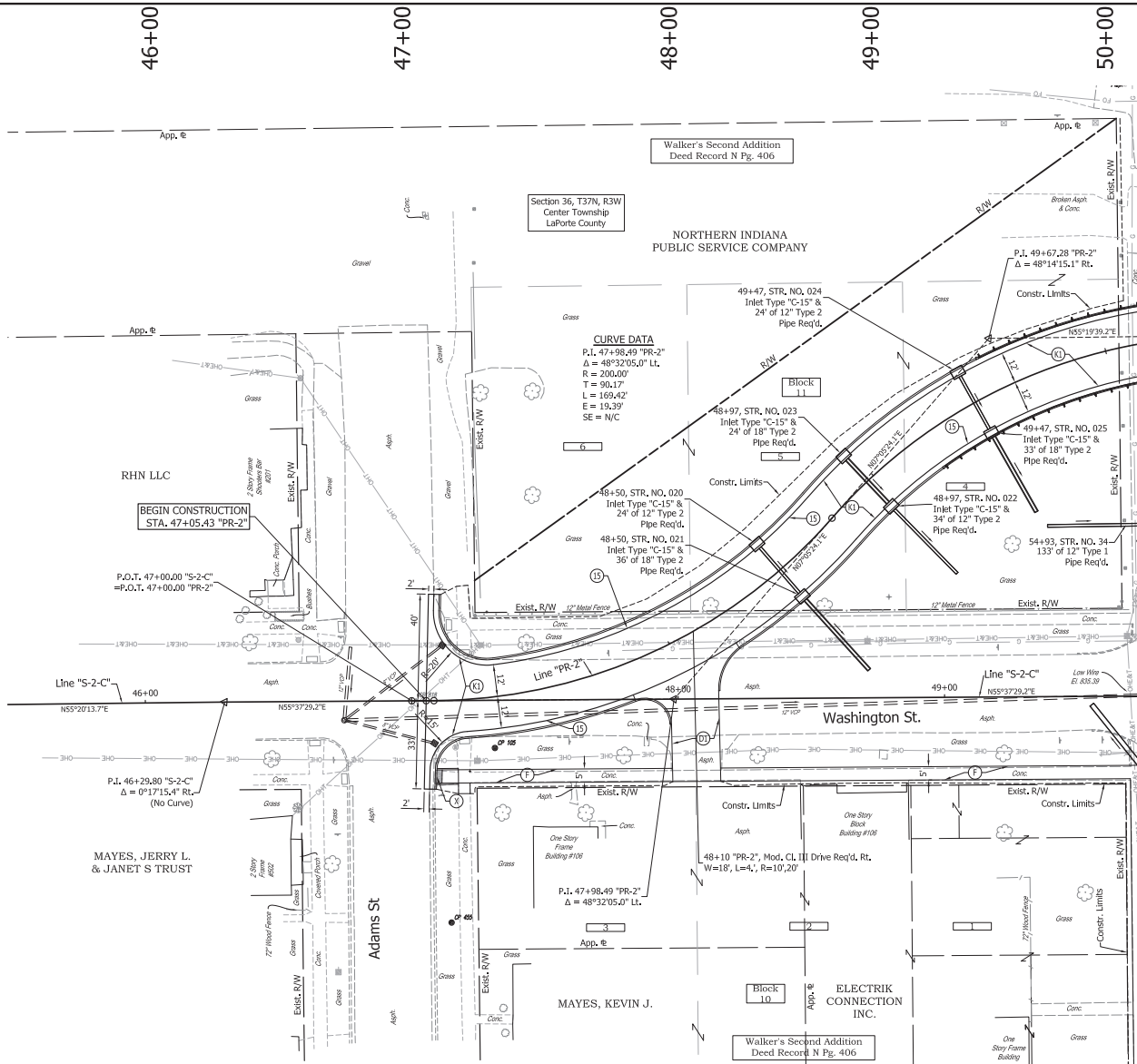
**NOT FOR
 CONSTRUCTION**

DESIGNED: AG	DRAWN: BDC
CHECKED: BMA	CHECKED: BMA

**INDIANA
 DEPARTMENT OF TRANSPORTATION**

**GENERAL PLAN
 BRIDGE NO. 506**

HORIZONTAL SCALE	BRIDGE FILE
AS NOTED	LAPORTE 506
VERTICAL SCALE	DESIGNATION
AS NOTED	1906835
SURVEY BOOK	SHEETS
CONTRACT 46	121 124
B-11844	PROJECT
	1801912



LEGEND

- (C) Concrete Sidewalk
- (S) HMA FOR APPROACHES
10" HMA on Subgrade Treatment Type II
on Geogrid Type 1B
- (X) Curb Ramp (See Curb Ramp Details for
Type and Layout)
- (D) HMA FOR APPROACHES
4" HMA on Subgrade Treatment Type II
- (H) HMA FULL DEPTH PAVEMENT-MAINLINE
(See Typical Cross Section Sheet)
- (L) Combined Concrete Curb and Gutter
- (U) Curb, Concrete, 8"
- (B) Combined Concrete Curb and Gutter
Type C
- (N) HMA FULL DEPTH PAVEMENT-STREET APPROACH

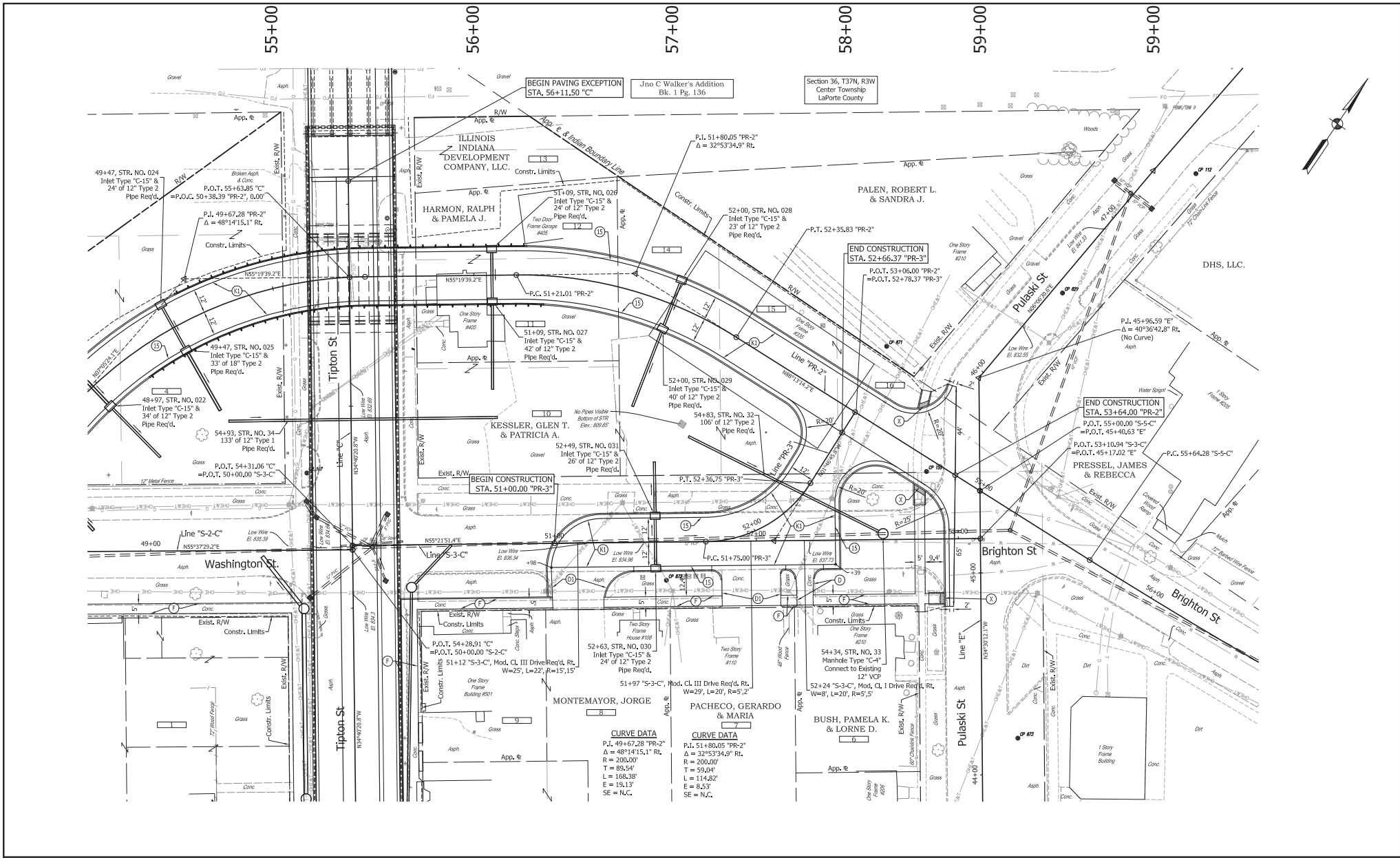
**NOT FOR
CONSTRUCTION**

DESIGNED: PEC	DRAWN: PEC
CHECKED: GRW	CHECKED: GRW

**INDIANA
DEPARTMENT OF TRANSPORTATION**

**CONSTRUCTION DETAILS
LINE "PR-2" & "PR-3"**

HORIZONTAL SCALE 1" = 20'	BRIDGE FILE
VERTICAL SCALE 1" = 20'	DESIGNATION 1801912
SURVEY BOOK	SHEETS
CONTRACT B-1844	50 OF 124
	PROJECT 1801912

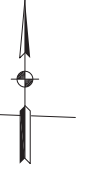
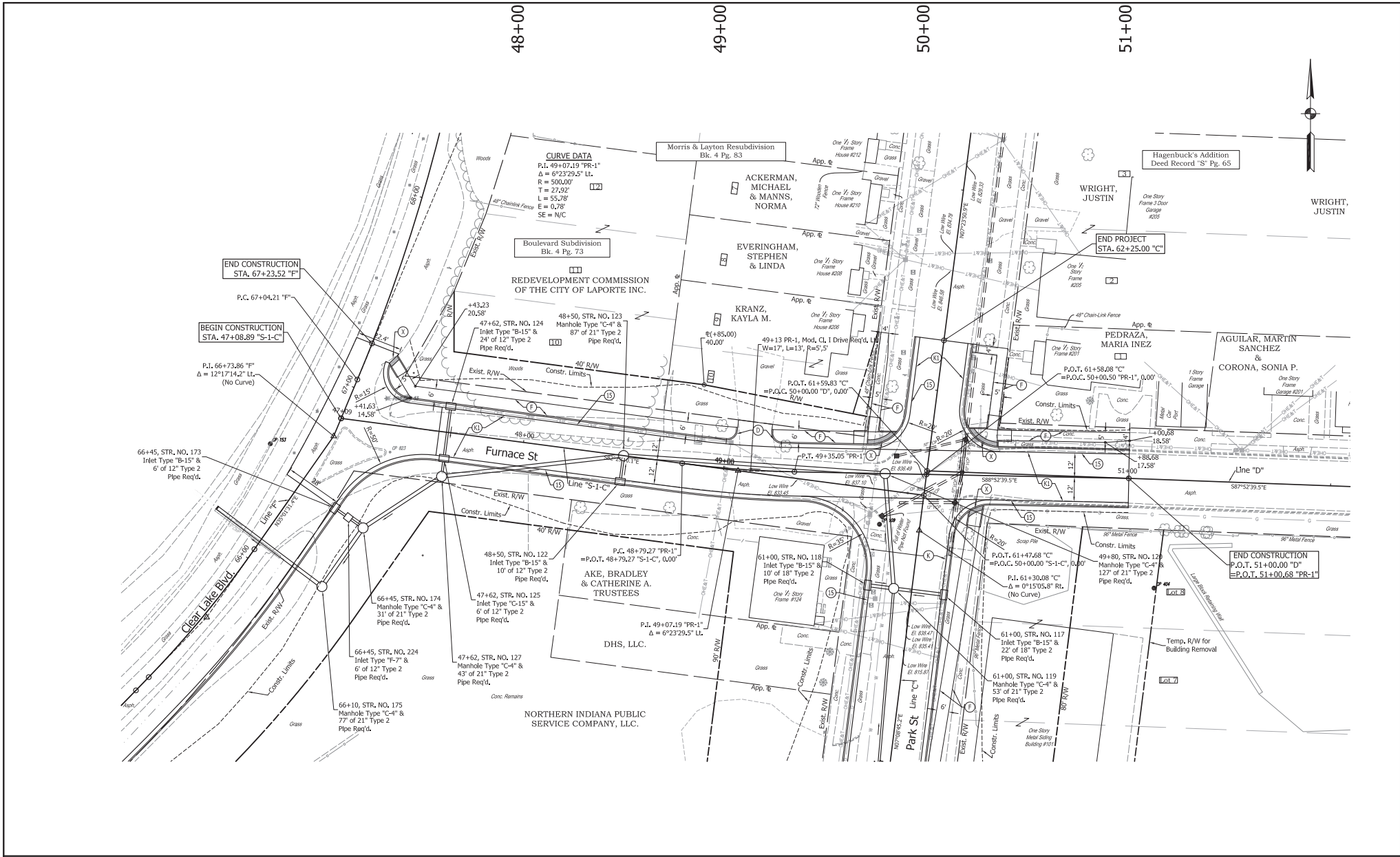


LEGEND			
(C) Concrete Sidewalk	(10) HMA FOR APPROACHES 10" HMA on Subgrade Treatment Type II on Geogrid Type 1B	(X) HMA FULL DEPTH PAVEMENT-MAINLINE (See Typical Cross Section Sheet)	(15) Combined Concrete Curb and Gutter
(X) Curb Ramp (See Curb Ramp Details for Type and Layout)	(11) HMA FOR APPROACHES 4" HMA on Subgrade Treatment Type II	(12) HMA FULL DEPTH PAVEMENT-STREET APPROACH	(16) Curb, Concrete, 8"
			(17) Combined Concrete Curb and Gutter Type C

NOT FOR CONSTRUCTION	
DESIGNER: PEC	DRAWN: PEC
CHECKED: GRW	CHECKED: GRW

INDIANA DEPARTMENT OF TRANSPORTATION	
CONSTRUCTION DETAILS LINE "PR-2" & "PR-3"	

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	DESIGNATION
VERTICAL SCALE	1801912
1" = 20'	SURVEY BOOK
	51
	124
	PROJECT
	B-1844
	1801912



LEGEND			
(C) Concrete Sidewalk	(10) HMA FOR APPROACHES 10" HMA on Subgrade Treatment Type II on Geogrid Type IB	(X) HMA FULL DEPTH PAVEMENT-STREET APPROACH	(15) Combined Concrete Curb and Gutter Type C
(S) Curb Ramp (See Curb Ramp Details for Type and Layout)	(11) HMA FOR APPROACHES 4" HMA on Subgrade Treatment Type II	(12) HMA FULL DEPTH PAVEMENT-MAINLINE (See Typical Cross Section Sheet)	(16) Curb, Concrete, 8"

NOT FOR CONSTRUCTION		DESIGNER: PEC	DRAWN: PEC
		CHECKED: GRW	CHECKED: GRW

INDIANA DEPARTMENT OF TRANSPORTATION	
CONSTRUCTION DETAILS LINE "S-1-C", "PR-1", & "D"	

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	DESIGNATION
VERTICAL SCALE	1801912
1" = 20'	SHEETS
SURVEY BOOK	55
CONTRACT	121
B-1844	1801912

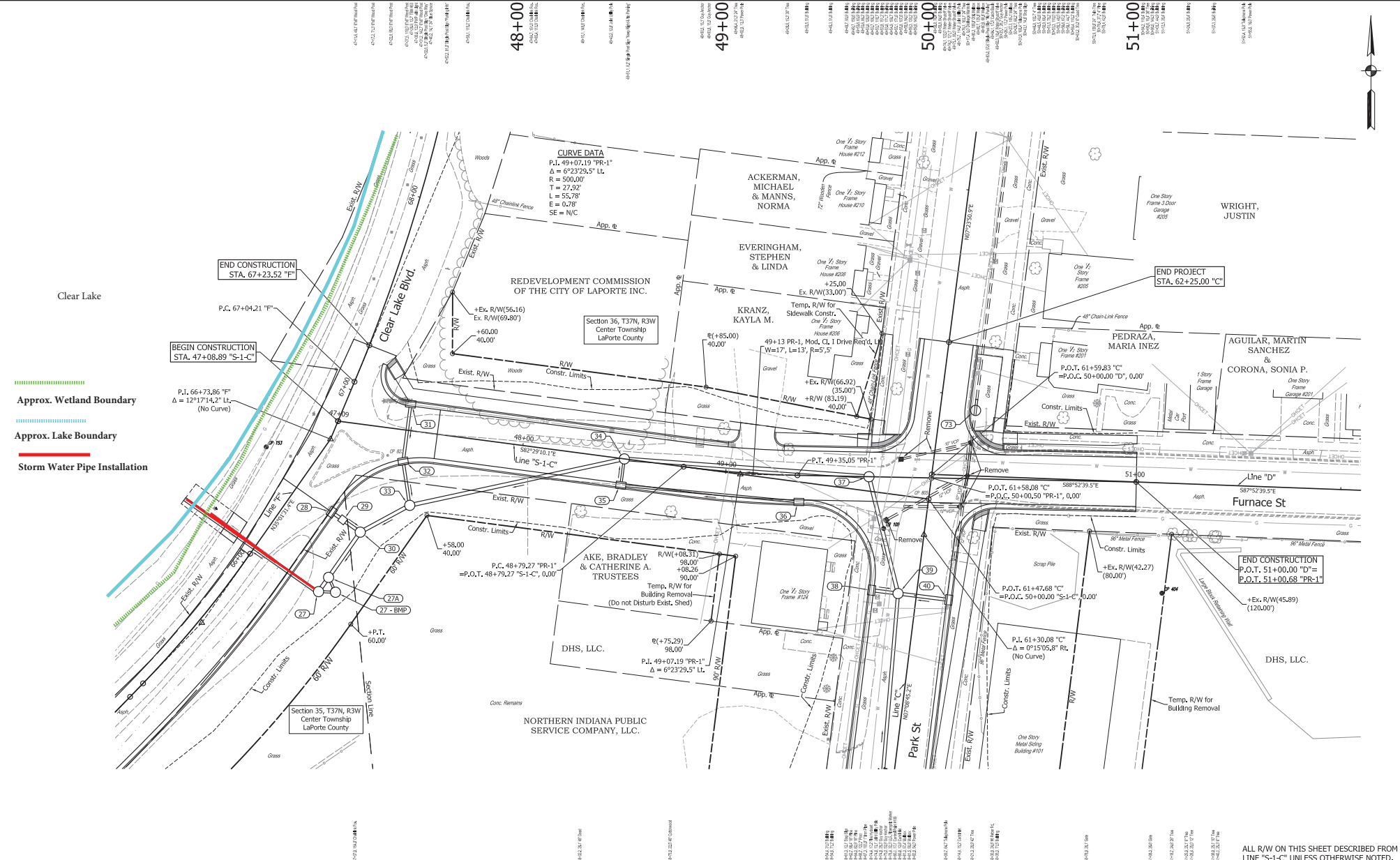


48+00

49+00

50+00

51+00



CURVE DATA
 P.I. 49+07.19 "PR-1"
 $\Delta = 6^{\circ}23'25.5''$ LT
 $R = 500.00'$
 $T = 27.92'$
 $L = 55.78'$
 $E = 0.28'$
 $SE = N/C$

- Approx. Wetland Boundary
- Approx. Lake Boundary
- Storm Water Pipe Installation

FOR ALIGNMENT REFERENCES, SEE GEOMETRIC TIE-IN SHEET

NOT FOR CONSTRUCTION

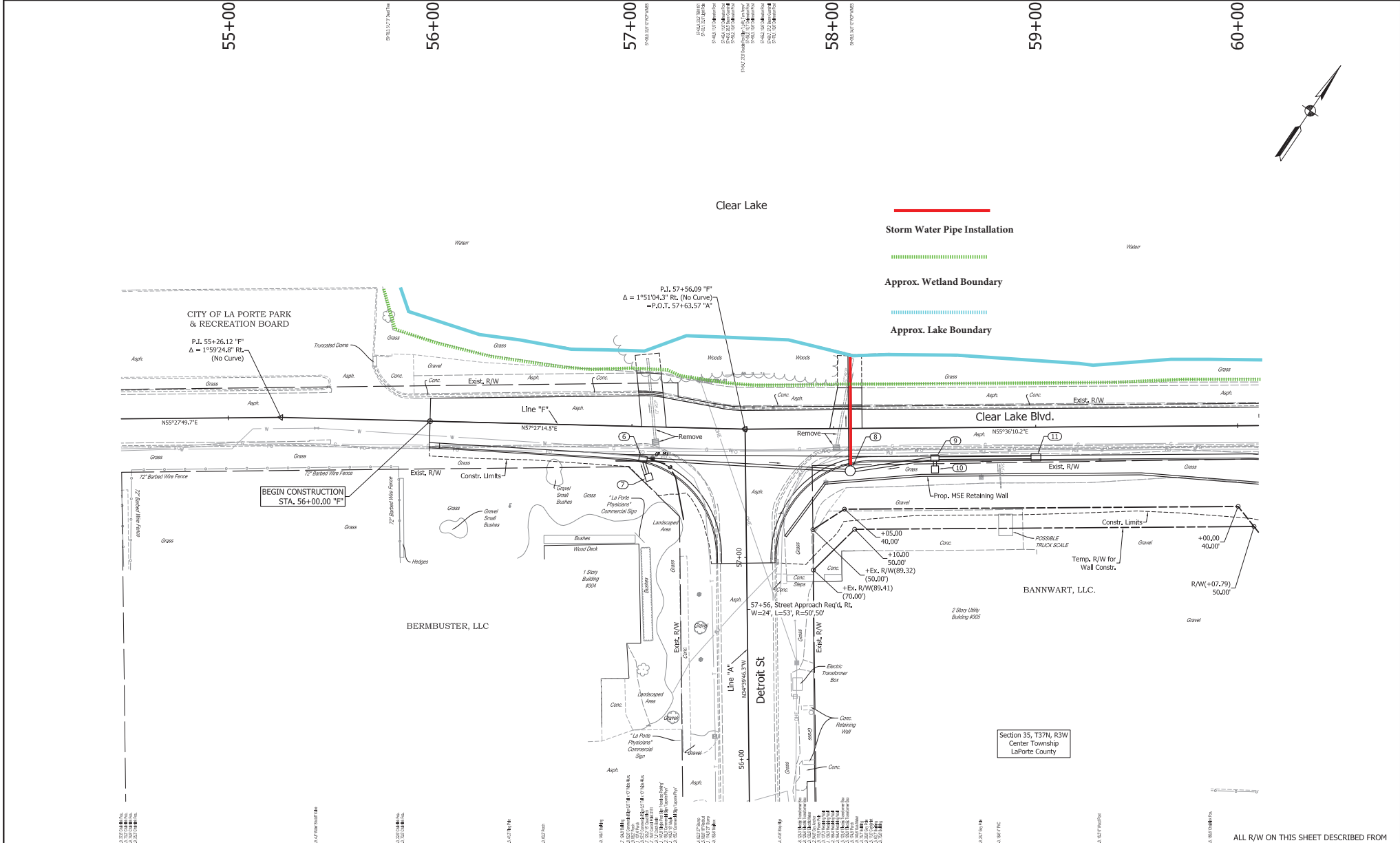
DESIGNED:	JGP	DRAWN:	JGP
CHECKED:	GRW	CHECKED:	GRW

INDIANA
 DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE
 LINE "S-1-C", "PR-1", & "D"

HORIZONTAL SCALE	1" = 20'	BRIDGE FILE	
VERTICAL SCALE	1" = 5'	DESIGNATION	1801912
SURVEY BOOK		SHEETS	1 of 128
CONTRACT	B-1844	PROJECT	1801912

ALL R/W ON THIS SHEET DESCRIBED FROM LINE "S-1-C" UNLESS OTHERWISE NOTED.



55+00

56+00

57+00

58+00

59+00

60+00

CITY OF LA PORTE PARK & RECREATION BOARD

BERMUBUSTER, LLC

BANNWART, LLC

Clear Lake

Storm Water Pipe Installation

Approx. Wetland Boundary

Approx. Lake Boundary

Clear Lake Blvd.

Detroit St

BEGIN CONSTRUCTION STA. 56+00.00 "F"

Section 35, T37N, R3W Center Township LaPorte County

FOR ALIGNMENT REFERENCES, SEE GEOMETRIC TIE-IN SHEET

NOT FOR CONSTRUCTION

DESIGNED: JGP	DRAWN: JGP
CHECKED: GRW	CHECKED: GRW

INDIANA DEPARTMENT OF TRANSPORTATION
PLAN AND PROFILE
LINE "F"

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	
VERTICAL SCALE	DESIGNATION
1" = 5'	1801912
SURVEY BOOK	SHEETS
	1 OF 128
CONTRACT	PROJECT
B-11844	1801912

60+00

61+00

62+00

63+00

64+00

65+00

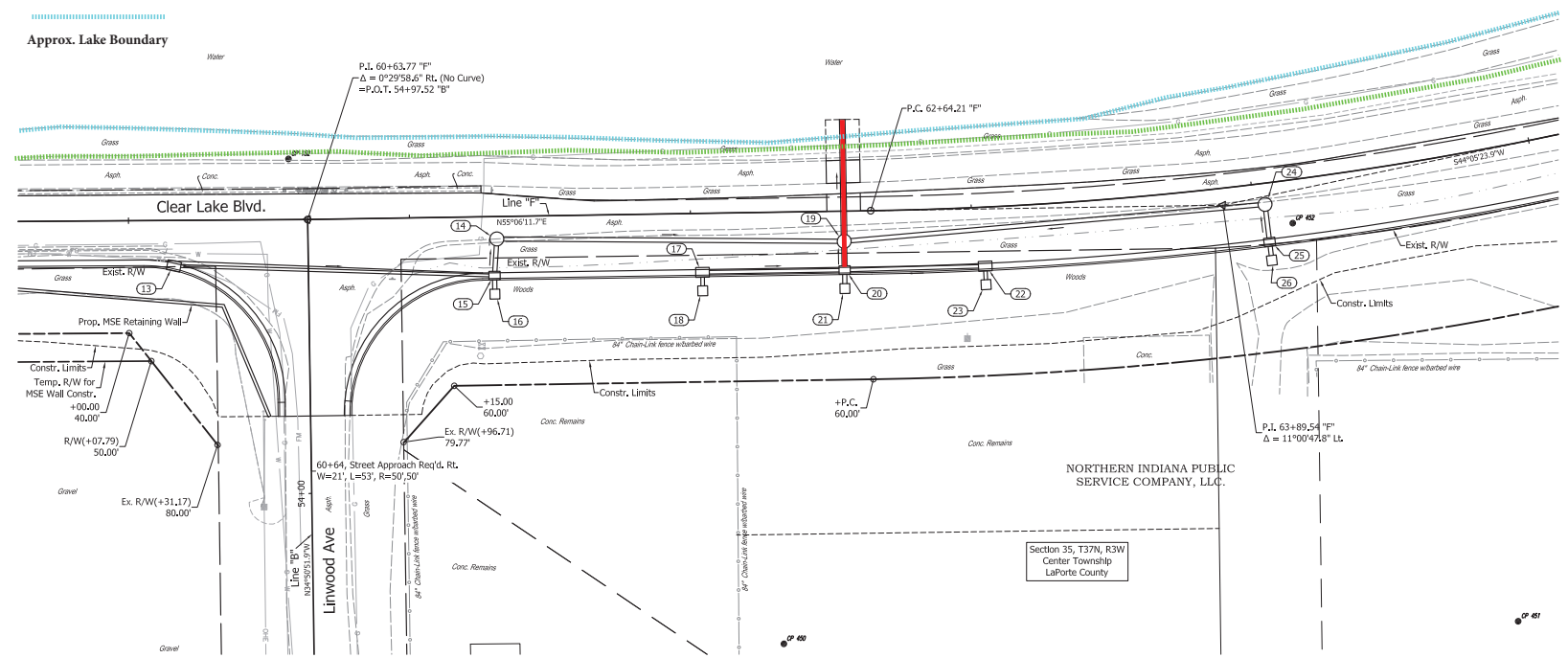
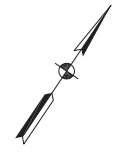
66+00

Storm Water Pipe to be Installed

Approx. Wetland Boundary

Approx. Lake Boundary

CURVE DATA
 P.I. 63+89.54 "F"
 $\Delta = 11^{\circ}00'47.8"$ Lt.
 R = 1300.00'
 T = 125.33'
 L = 249.88'
 E = 6.03'
 SE = N/C



NORTHERN INDIANA PUBLIC SERVICE COMPANY, LLC.

Section 35, T37N, R3W
 Center Township
 LaPorte County

DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

DATE: 02/11/14
 DRAWN BY: JGP
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DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

DATE: 02/11/14
 DRAWN BY: JGP
 CHECKED BY: GRW

FOR ALIGNMENT REFERENCES,
 SEE GEOMETRIC TIE-IN SHEET

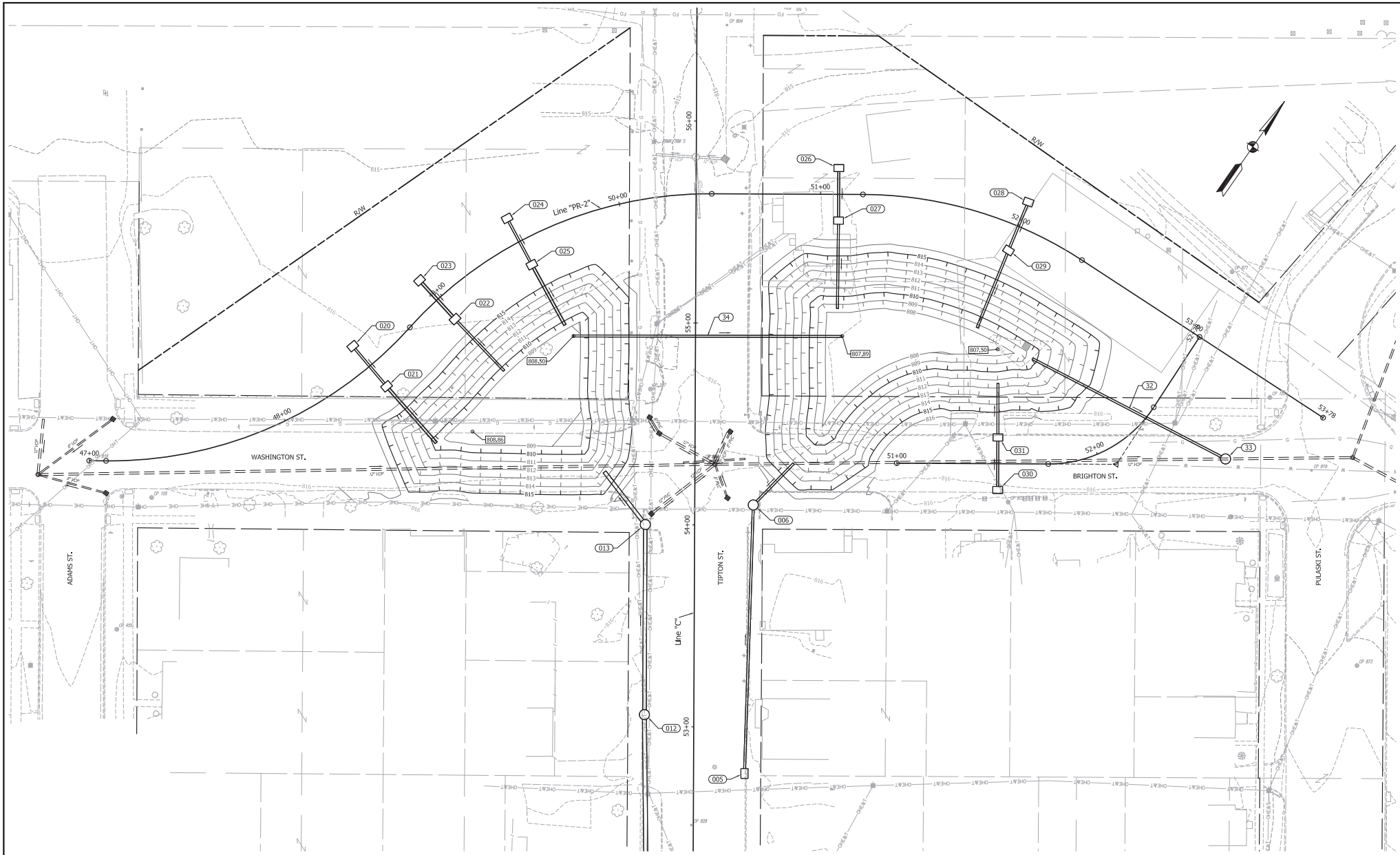
NOT FOR
 CONSTRUCTION

DESIGNED:	JGP	DRAWN:	JGP
CHECKED:	GRW	CHECKED:	GRW

INDIANA
 DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE
 LINE "F"

ALL R/W ON THIS SHEET DESCRIBED FROM LINE "F" UNLESS OTHERWISE NOTED.	
HORIZONTAL SCALE 1" = 20'	BRIDGE FILE
VERTICAL SCALE 1" = 5'	DESIGNATION 1801912
SURVEY BOOK	SHEETS
CONTRACT B-11844	38 OF 128
PROJECT	1801912



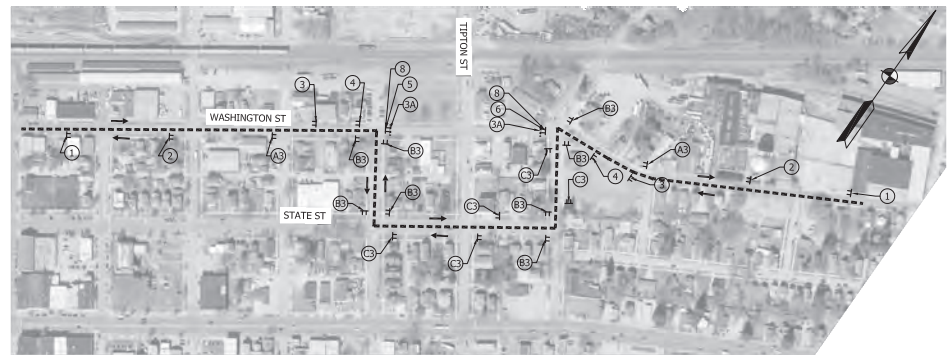
NOT FOR CONSTRUCTION

DESIGNED:	PEC	DRAWN:	PEC
CHECKED:	GRW	CHECKED:	GRW

INDIANA
DEPARTMENT OF TRANSPORTATION

**GRADING PLAN
DETENTION AREA**

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	DESIGNATION
VERTICAL SCALE	1801912
1" = 20'	SHEETS
SURVEY BOOK	56
CONTRACT	B-11844
PROJECT	124
	1801912



LEGEND

- Detour Route
- ⊥ Construction Sign
- Indicates Traffic Flow
- ▤ Type III Barricade

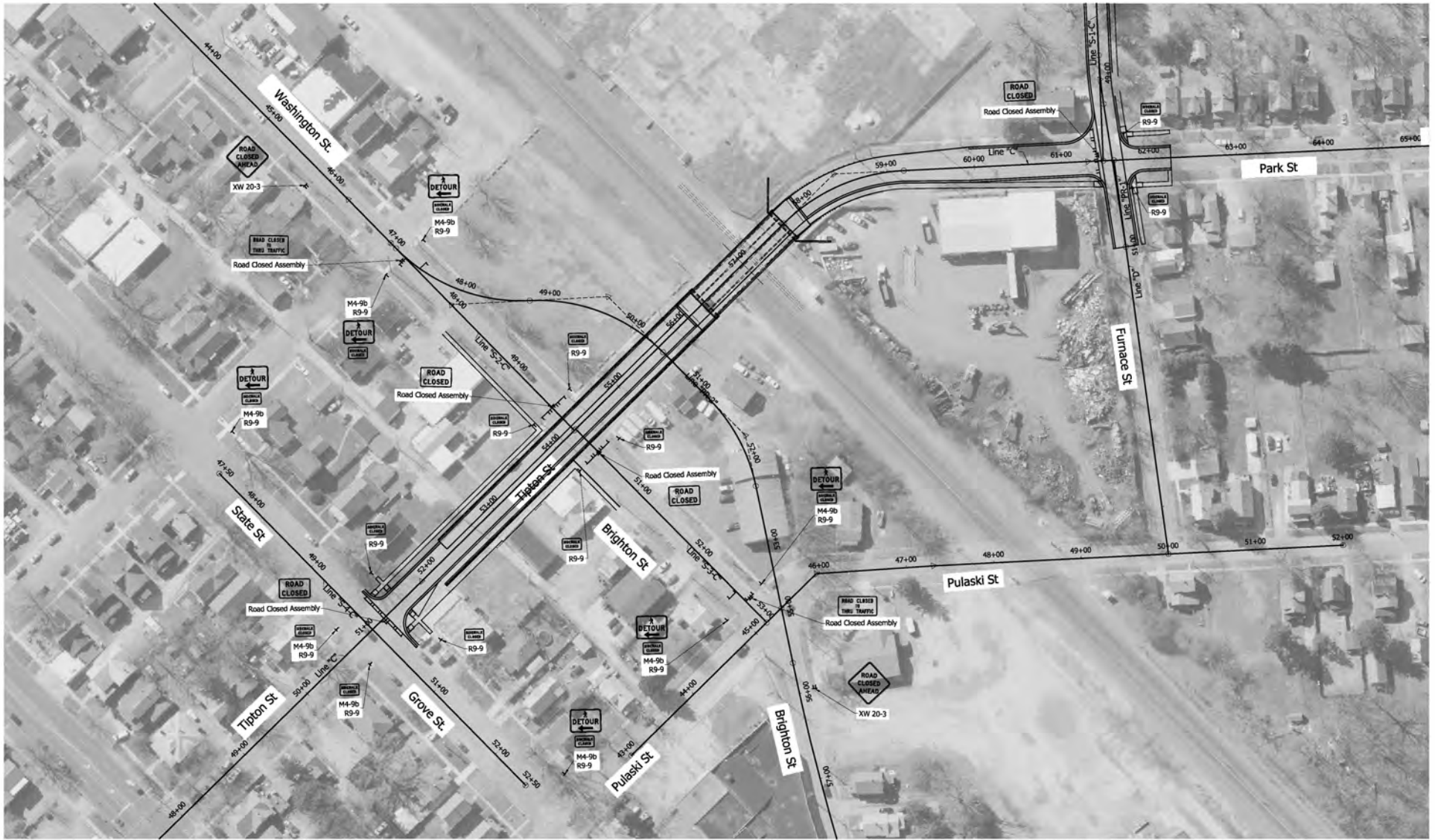
NOT FOR CONSTRUCTION

DESIGNED: PEC	DRAWN: PEC
CHECKED: GRW	CHECKED: GRW

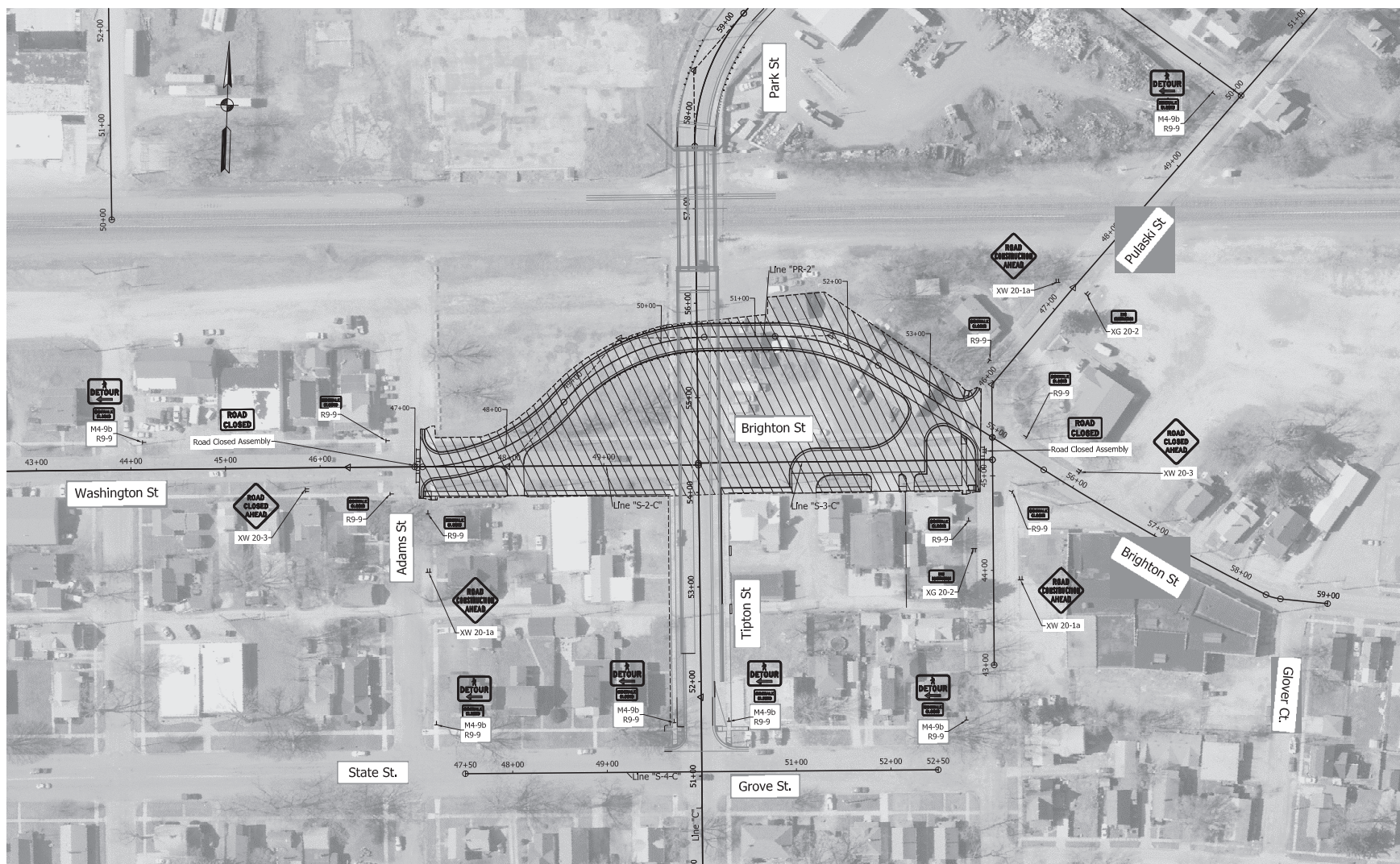
**INDIANA
DEPARTMENT OF TRANSPORTATION**

**ROUTE DETOURS
TIPTON, WASHINGTON, & CLEAR LAKE**

HORIZONTAL SCALE 1" = 200'	BRIDGE FILE
VERTICAL SCALE 1" = 200'	DESIGNATION 1801912
SURVEY BOOK	SHEETS 1 of 1
CONTRACT B-11844	PROJECT 128
	1801912



LEGEND				INDIANA DEPARTMENT OF TRANSPORTATION		BRIDGE FILE	
Temporary Pavement Marking, 4", Solid White	—X—X—	Marking Removal		Phase Construction	DESIGNED: JGP		1" = 50'
Temporary Pavement Marking, 4", Solid Yellow	TT	Construction Sign		Indicates Traffic Flow	DRAWN: JGP		1" = 50'
	●	Standard Drum		Type III-B Barricade	CHECKED: GRW		SURVEY BOOK 13
					CHECKED: GRW		CONTRACT 8-41844
					TRAFFIC MAINTENANCE PHASE 2A		SHEETS 121
							PROJECT 1801912



DESIGNED: _____	PEC	DRAWN: _____	PEC
CHECKED: _____	GRW	CHECKED: _____	GRW

INDIANA
DEPARTMENT OF TRANSPORTATION

TRAFFIC MAINTENANCE
PHASE 3A - WASHINGTON/BRIGHTON

HORIZONTAL SCALE	BRIDGE FILE
1" = 20'	DESIGNATION
VERTICAL SCALE	1801912
1" = 20'	SHEETS
SURVEY BOOK	14
CONTRACT	PROJECT
B-11844	1801912

Appendix C

Early Coordination



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

May 20, 2021

Brittney Layton, Environmental Scientist
Butler, Fairman, & Seufert, Inc.
8450 Westfield Blvd., Suite 300
Indianapolis, IN 46240
Blayton@bfsengr.com

Re: Early Coordination Letter, Des. Nos. 1801912 (Lead, Road) and 2002545 (Bridge), Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad, City of La Porte, La Porte County, IN

Dear Interested Agency:

The City of La Porte, with administrative oversight from the Indiana Department of Transportation (INDOT), intends to proceed with a project involving a railroad grade separation on Tipton Street (Park Street) over the Norfolk Southern Railroad, Lead Des. No. 1801912 (road) and Des. No. 2002545 (bridge). This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. This letter is part of the early coordination phase of the environmental review process. We are requesting comments from your area of expertise regarding any possible environmental effects associated with this project. Please use the above designation numbers and description in your reply. We will incorporate your comments into a study of the project's environmental impacts.

The proposed undertaking is located on Tipton Street (Park Street) between State Street and approximately 60 feet north of Furnace Street, in the City of La Porte, La Porte County, Indiana. Work will also take place in the following locations:

- Washington Street (Brighton Street) between Adams Street and Pulaski Street;
- Furnace Street between Clear Lake Boulevard and Pulaski Street;
- Pulaski Street between 40 feet south and 30 feet north of Furnace Street;
- Clear Lake Boulevard from approximately 160 feet southwest of Detroit Street to 80 feet north of Furnace Street.

The Norfolk Southern Railroad runs in a northeast/southwest direction and intersects both Tipton Street (Park Street) and Pulaski Street at-grade. The existing railroad crossing is currently controlled by a crossing gate and cantilevered flashing lights. This section of Tipton Street (Park Street) is a two-lane Urban Major Collector/Minor Arterial that runs in a northeast/southwest direction. The existing Tipton Street (Park Street) approaches vary between 30 to 50-feet-wide, depending on if there is on-street parking. At the Tipton Street (Park Street) and Washington Street (Brighton Street) intersection, the existing Tipton Street (Park Street) approaches consist of two (2) 10-foot-wide through lanes, one in each direction, bordered by 10-foot-wide parking lanes, concrete curb and gutter, and 5-foot-wide concrete sidewalks. Pulaski Street is a two-lane Urban Minor Collector that runs in a

north/south direction. The existing Pulaski Street approaches consist of two (2) 9-foot-wide travel lanes, one in each direction, bordered by 2-foot-wide shoulders, 7-foot-wide grass buffer strips, and 4-foot-wide concrete sidewalks. Washington Street (Brighton Street) is a two-lane Urban Minor Arterial that runs east/west and consists of two (2) 11-foot-wide travel lanes, one in each direction, bordered by 3-foot-wide shoulders, 10-foot-wide grass buffer strips and 4-foot-wide concrete sidewalks. Land use in the area is mixed residential, commercial, and light industrial, with four public parks also nearby.

The need for this project is due to the high volume of train traffic on the Norfolk Southern Railroad. When trains are stopped on the tracks, there is only one elevated crossing available for motorists in the City of La Porte (SR 39/Indiana Avenue). According to the Federal Railroad Administration (FRA), the number of trains per day was obtained from data found on the FRA Highway Rail Crossing Inventory data. For this rail line, as of 2017, an average of 45 trains utilize this line every day between 6 a.m. and 6 p.m. With the average delay per train being approximately 10 minutes, through traffic at the above railroad crossings are delayed approximately 31.25% of the day. In addition, over the last 33 years, there have been 11 crashes at the Tipton Street crossing involving train collisions, resulting in five fatalities. Tipton Street (Park Street) has an average annual daily traffic count (AADT) of 3,010 vehicles per day (2019) and a 30-mph speed limit. Washington Street (Brighton Street) has an AADT of 1,620 vehicles per day (2019) and a 30-mph speed limit. The purpose of this project is to improve north-south connectivity through the City of La Porte and to provide a safe railroad crossing.

The project proposes to install an approximately 130-foot long single-span steel plate girder bridge to carry Tipton Street (Park Street) over the two sets of the Norfolk Southern Railroad tracks. The bridge will have a minimum vertical clearance of 23 feet. An approximately 42-foot-long, three-sided reinforced concrete structure with a 10-foot rise will span Washington Street (Brighton Street). The bridges will have an out-to-out width of approximately 41 feet, 8 inches and carry two lanes of traffic, shoulders, and a sidewalk (east side). A dedicated left-turn lane will be added for northbound motorists to turn west onto Furnace Street. Mechanically Stabilized Earth (MSE) walls will be utilized on both sides of Tipton Street south of the railroad crossing, and 3:1 earthen side slopes will be utilized on both sides of Tipton Street (Park Street) north of the railroad crossing.

Washington Street (Brighton Street) will be realigned a maximum of 170 feet to the northwest between Adams Street and Pulaski Street to minimize the distance over which Tipton Street (Park Street) will be elevated. Storm water collected along the relocated section of Washington Street (Brighton Street), and Tipton Street south of the railroad crossing, will be directed towards two proposed detention areas which will be constructed in the immediate northeast and northwest quadrants of the existing Tipton Street / Washington Street (Brighton Street) intersection. The existing railroad crossings at Detroit Street and Pulaski Street will be permanently closed; signs and/or barricades will be installed on both sides of the railroad tracks at these locations to alert motorists. Existing sidewalks and curb ramps will be replaced with Americans with Disabilities Act (ADA)-compliant facilities. There will be new permanent lighting installed or modified from the existing. No temporary lighting will be required for this project. The project is approximately 0.21 mile long. Approximately 3.139 acres of permanent right-of-way acquisition is anticipated, consisting of both commercial (2.77 acres) and residential (0.369 acre) properties. Approximately 0.304 acre of temporary right-of-way acquisition is anticipated, consisting of both commercial (0.301 acre) and residential (0.003 acre) properties. The project is anticipated to result in two (2) residential relocations and two (2) commercial relocations. The project is anticipated to begin construction in summer 2023.

The preferred maintenance of traffic (MOT) plan will include three (3) phases of roadway closures and associated detours. When Tipton Street (Park Street) is closed, traffic will utilize a detour to the east of the work area along State Street, Pulaski Street, and Bach Street. When Washington Street (Brighton Street) is closed, traffic will utilize a detour to the south of the work area along Adams Street, State Street and Pulaski Street. When Clear Lake Boulevard is closed, traffic will utilize a detour to the south of the work area along Detroit Street, State Street, Pulaski Street, and West Street.

No potential streams or wetlands have been identified within the proposed project limits. Clear Lake is located north of Clear Lake Boulevard; however, the project will be contained to the existing pavement in this area of the project. Therefore, no impacts to waterways are anticipated. The project is anticipated to qualify for the Rangewide Programmatic Agreement for the Indiana bat and Northern long-eared bat by completing the Information for Planning and Consultation (IPaC). Coordination will occur with INDOT Cultural Resources Office (CRO) to evaluate the project area for archaeological and historic resources and for Section 106 compliance. The results of this investigation will be forwarded to the State Historic Preservation Officer (SHPO) for review and concurrence as appropriate.

Please provide your response within thirty (30) calendar days from the date of this letter. However, should you find that an extension to the response time is necessary, a reasonable amount may be granted upon request. If you have any questions regarding this matter, please feel free to contact Brittney Layton, Environmental Scientist at BLayton@bfsengr.com, or (317) 713-4615, or 8450 Westfield Blvd, Suite 300, Indianapolis, IN 46240 or Jason Holder, INDOT Project Manager at JSpringer@indot.in.gov, or (317) 498-9068. Thank you in advance for your input.

On behalf of INDOT,
Butler, Fairman, & Seufert, Inc.



Brittney Layton, M.A.
Environmental Scientist
Butler, Fairman, & Seufert, Inc.

Attachments:

- CC List
- State Map
- USGS La Porte East Quadrangle Map
- Aerial Maps
- NWI Maps

- FIRMette Map
- Soils Map & Legend
- Site Photographs
- Photo Orientation Map

Please note that these have been omitted for redundancy and can be found in Appendix F.

CC:

Elizabeth McCloskey
U.S. Fish and Wildlife Service
P.O. Box 2616
Chesterton, IN 46304-5716

Kari Carmany-George
Planning & Environmental Specialist
Federal Highway Administration
Room 254, Federal Office Building
575 North Pennsylvania Street
Indianapolis, IN 46204

Bert Frost, Midwest Regional Director
National Park Service, Department of Interior
601 Riverfront Drive
Omaha, NE 68102

Stewart Michels, Environmental Section Manager
INDOT La Porte District
315 E Boyd Boulevard
La Porte, IN 46350

Jerry Raynor, State Conservationist
Natural Resources Conservation Service
6013 Lakeside Boulevard
Indianapolis, IN 46204

Christie Stanifer, Environmental Coordinator
Division of Water, Environmental Unit
Indiana Department of Natural Resources
402 West Washington Street, W-264
Indianapolis, IN 46204-2641

Julian Courtade, Chief Airport Inspector
INDOT Office of Aviation
Indiana Government Center, N-955
100 North Senate Avenue
Indianapolis, IN 46204-2891

Aaron Damrill, Chief
US Army Corps of Engineers
Detroit District, Regulatory Michiana Branch
2422 Viridian Drive, Suite #200
South Bend, IN 46628

Melanie Castillo
Department of Housing and Urban Development
Chicago Regional Office
Metcalf Federal Building
77 West Jackson Boulevard, Room 2401
Chicago, IL 60604

Anthony Hendricks, LaPorte County Surveyor
555 Michigan Avenue, Suite 104
LaPorte, IN 46350

INDOT Utilities and Railroads
Michael B. Jett, Utilities and Railroad Director
100 N. Senate Ave. IGCN 642
Indianapolis, IN 46204

LaPorte County Board of Commissioners
555 Michigan Avenue, Ste. 202
La Porte, IN 46350

LaPorte County Council
809 State Street
La Porte, IN 46350

Duane Werner, LaPorte County Highway
Superintendent,
1805 West 5th Street
La Porte, IN 46350

LaPorte County Planning Commission
809 State Street, Suite 503A
La Porte, IN 46350

Sheriff John T. Boyd, LaPorte County Sheriff
809 State Street, Suite 202A
La Porte, IN 46350

Rick Brown, LaPorte County MS4 Coordinator
2857 W. State Road 2, Ste. B
La Porte, IN 46350

Mike Polan, Chairman
LaPorte County Storm Water Compliance
555 Michigan Avenue, Ste. 104
La Porte, IN 46350

Jeremy Sobecki, LaPorte County Parks
0185 S. Holmsville Road
La Porte, IN 46350

Tom Dermody, Mayor of La Porte
801 Michigan Avenue
La Porte, IN 46350

Chief Paul Brettin, Police Chief
City of La Porte
1206 Michigan Avenue
La Porte, IN 46350

Todd Taylor, Director, City of La Porte Water
Department
801 Michigan Avenue
La Porte, IN 46350

*Jerry Jackson, Vice President, City of La Porte
Wastewater Department
2101 Boyd Blvd.
La Porte, IN 46350*

*City of La Porte Plan Commission
801 Michigan Avenue
La Porte, IN 46350*

*City of La Porte Council
801 Michigan Avenue
La Porte, IN 46350*

*Mitch Feikes, President, City of La Porte Park
Board
250 Pine Lake Avenue
La Porte, IN 46350*

*Greater Harvest Full Gospel
409 Pulaski Street
La Porte, IN 46350*

*Timothy Veatch, Chief
Leaking Underground Storage Tank Section
Underground Storage Tank Branch
Office of Land Quality
Indiana Department of Environmental Management
100 N. Senate Avenue IGCN 1101
Indianapolis, IN 46204*

*Ms. Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice
P.O. Box 2616
Chesterton, IN 46304*

*Indiana Department of Environmental Management
Proposed Roadway Construction Projects Letter
{<http://www.in.gov/idem/5284.htm>}*

*IDEM Wellhead Proximity Determinator
Electronic Review of Location
{<http://www.in.gov/idem/cleanwater/pages/wellhead>}*

*Indiana Geological Survey
{<https://igs.indiana.edu/eAssessment/>}*

*Crossroads Christian Center
311 Roosevelt Street
La Porte, IN 46350*

*Sacred Heart Catholic Church
201 Bach Street
La Porte, IN 46350*

*State Street Community Church
209 State Street
La Porte, IN 46350*

*Mother Mary Adoration Grotto
514 Pulaski Street
La Porte, IN 46350*

*Ryan Vespo
NIPSCO Electric Field Engineering
1501 W. State Road 2
La Porte, IN 46350*



Organization and Project Information

Project ID: 6370
Des. ID: 1801912 (Lead, Road) and 2002545 (Bridge)
Project Title: Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad
Name of Organization: Butler, Fairman, & Seufert, Inc.
Requested by: Brittney Layton Scientist

Environmental Assessment Report

1. Geological Hazards:

- Moderate liquefaction potential
- 1% Annual Chance Flood Hazard

2. Mineral Resources:

- Bedrock Resource: Moderate Potential
- Sand and Gravel Resource: High Potential

3. Active or abandoned mineral resources extraction sites:

- None documented in the area

*All map layers from Indiana Map (maps.indiana.edu)

DISCLAIMER:

This document was compiled by Indiana University, Indiana Geological Survey, using data believed to be accurate; however, a degree of error is inherent in all data. This product is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of these data and document to define the limits or jurisdiction of any federal, state, or local government. The data used to assemble this document are intended for use only at the published scale of the source data or smaller (see the metadata links below) and are for reference purposes only. They are not to be construed as a legal document or survey instrument. A detailed on-the-ground survey and historical analysis of a single site may differ from these data and this document.

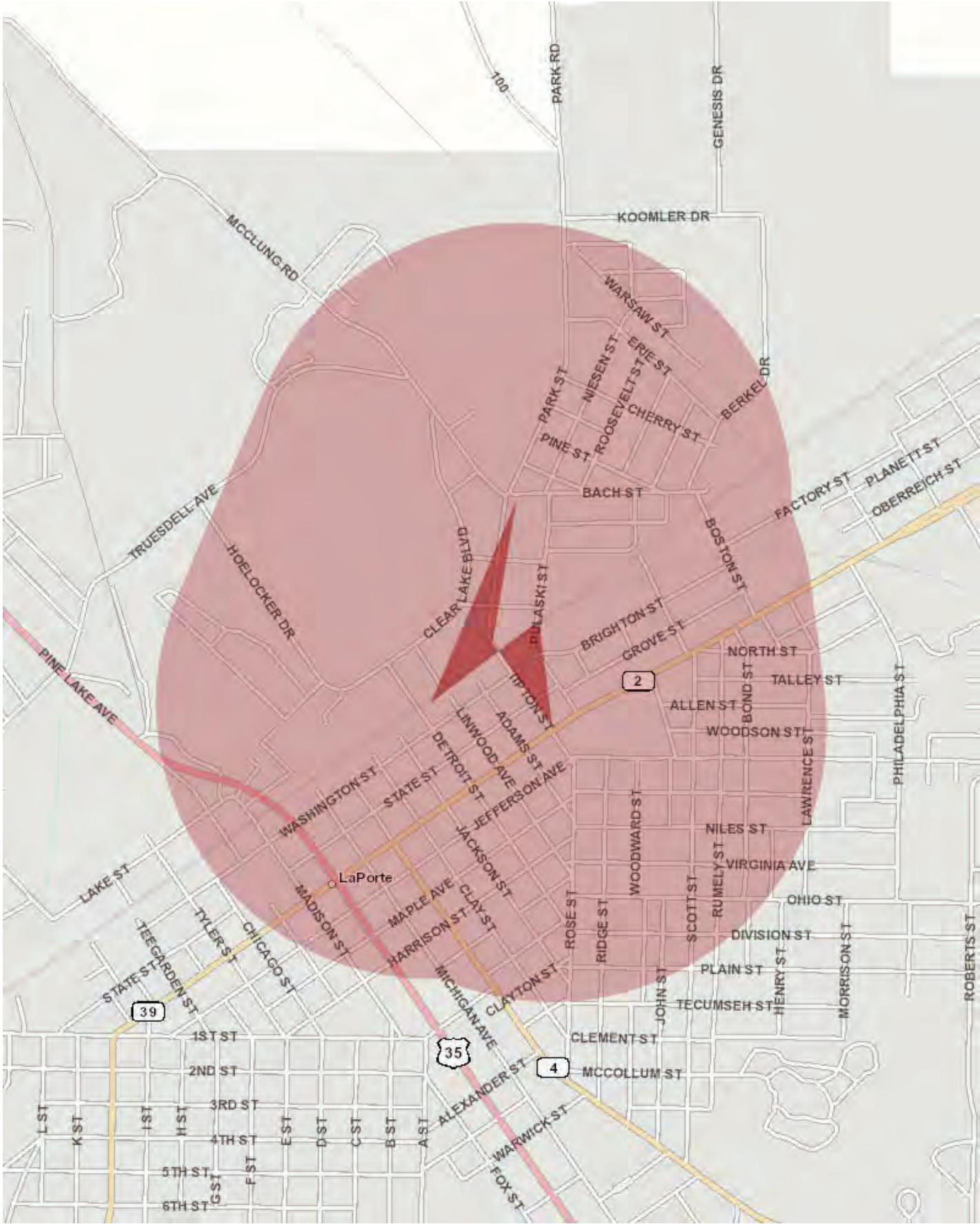
This information was furnished by Indiana Geological Survey

Address: 420 N. Walnut St., Bloomington, IN 47404

Email: IGSEnvir@indiana.edu

Phone: 812 855-7428

Date: May 20, 2021



Metadata:

- https://maps.indiana.edu/metadata/Geology/Seismic_Earthquake_Liquefaction_Potential.html
- https://maps.indiana.edu/metadata/Geology/Industrial_Minerals_Sand_Gravel_Resources.html
- https://maps.indiana.edu/metadata/Hydrology/Floodplains_FIRM.html
- https://maps.indiana.edu/metadata/Geology/Bedrock_Geology.html

NOTE: Response received from INDOT Office of Aviation.

Brittney Layton

From: Courtade, Julian <JCourtade@indot.IN.gov>
Sent: Thursday, May 20, 2021 7:00 AM
To: Brittney Layton
Subject: RE: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

Brittney –

After reviewing the Early Coordination Letter, I have determined that if any object, obstruction, or equipment will exceed 130 ft. in height, further coordination will be required with our office and the FAA. This is due to the close proximity of La Porte Airport and the need for any obstructions within 5 miles to meet a 100:1 glideslope to the nearest runway according to 14 CFR Part 77 standards. You can find these standards and information on filing at the website below:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Please let me know if you have any questions!

Best,

Julian L. Courtade

Chief Airport Inspector

100 North Senate Ave, N758-MM
Indianapolis, IN 46204

Cell: (317) 954-7385

Email: jcourtade@indot.in.gov



From: Brittney Layton <BLayton@bfsengr.com>
Sent: Wednesday, May 19, 2021 4:20 PM
Subject: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Good afternoon,

Butler, Fairman, & Seufert is conducting Early Coordination as part of the requirements for the environmental process for the proposed Tipton Street Grade Separation La Porte County, Indiana.

We respectfully request your review of the attached Early Coordination Packet within 30 days. Feel free to reach out with any questions or concerns. I will also follow this up with a second email containing site photographs of the project area. The file is being sent separately due to the size.

NOTE: Response received from LaPorte MS4 Coordinator.

Brittney Layton

From: Brown, Rick <rbrown@LaPorteCounty.org>
Sent: Monday, May 24, 2021 8:43 AM
To: Brittney Layton
Subject: Re: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

Good morning Brittney,
Could you end me copies of the plans 24x36, or I could probably pick them up if in town. I want to see details of the BMP's for lake protections.
the actual SWPPP Plan-to look at?
Thank you,
Rick Brown, MS4

Rick Brown
2857W St. Rd.#2 Suite B
LaPorte, In 46350

From: Brittney Layton <BLayton@bfsengr.com>
Sent: Wednesday, May 19, 2021 3:20 PM
Subject: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

Good afternoon,

Butler, Fairman, & Seufert is conducting Early Coordination as part of the requirements for the environmental process for the proposed Tipton Street Grade Separation La Porte County, Indiana.

We respectfully request your review of the attached Early Coordination Packet within 30 days. Feel free to reach out with any questions or concerns. I will also follow this up with a second email containing site photographs of the project area. The file is being sent separately due to the size.

Thank you,

Brittney Layton, M.A.
Environmental Scientist

Butler, Fairman & Seufert, Inc.
8450 Westfield Blvd., Suite 300 | Indianapolis, IN 46240-8302 |
p 317-713-4615 | f 317-713-4616 | c 434-390-8813
BLayton@bfsengr.com | www.BFSEngr.com



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June 10, 2021

Brittney Layton
Butler, Fairman & Seufert
8450 Westfield Boulevard, Suite 300
Indianapolis, Indiana 46240
blayton@bfsengr.com

Dear Ms. Layton:

The proposed project to proceed with grade separation over Norfolk Southern Railroad in the City of LaPorte in LaPorte County, Indiana, (Des No 1801912 and 2002545) as referred to in your letter received May 19, 2021, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859.

Sincerely,

RICHARD Digitally signed by
RICHARD NEILSON
NEILSON Date: 2021.06.14
14:36:51 -04'00'

RICK NEILSON
State Soil Scientist



State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-23722

Request Received: May 19, 2021

Requestor: Butler, Fairman & Seufert Inc
Brittney Layton
8450 Westfield Boulevard, Suite 300
Indianapolis, IN 46240

Project: Tipton Street (Park Street) grade separation over Norfolk Southern Railroad, construction of 2 new detention basins, and permanent closure of the Detroit Street and Pulaski Street at-grade crossings, City of La Porte; Lead Des #1801912 & Des #2002545

County/Site info: LaPorte

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Lake Preservation Act (IC 14-26-2) for any construction that will take place at or lakeward of the legal shoreline of Clear Lake. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. The state endangered Least Bittern (*Ixobrychus exilis*) has been documented within 1/2 mile north of the project area.

Fish & Wildlife Comments: We do not foresee any impacts to the Least Bittern as a result of this project.

Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area:

1) Wetland Habitat:

Due to the presence or potential presence of wetland habitat on site, we recommend contacting and coordinating with the Indiana Department of Environmental Management (IDEM) 401 program and also the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS Memorandum of Understanding.

2) Lighting:

The International Dark-Sky Association (IDA) states that, to minimize the negative impacts of artificial lighting on wildlife, "lighting should only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions, [and] be fully shielded (pointing downward)". The Division of Fish & Wildlife strongly encourages visiting the IDA's website to learn more about selecting lighting fixtures that minimize the harmful effects of lighting on humans and wildlife: <http://darksky.org/lighting/lighting-basics/>.

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Minimize and contain within the project limits all tree and brush clearing.
3. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
4. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
5. Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
6. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.
7. Do not excavate or place fill in any riparian wetland.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.

Christie L. Stanifer

Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: June 16, 2021



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 North Senate Avenue - Indianapolis, IN 46204
(800) 451-6027 - (317) 232-8603 - www.idem.IN.gov

INDOT TRAX Program
Jason Springer, TRAX Project Manager
100 N. Senate Avenue, N758-LP
Indianapolis , IN 46204

Butler, Fairman, & Siefert, Inc.
Brittney Layton, Environmental Scientist
8450 Westfield Blvd
Suite 300
Indianapolis , IN 46240

Date

To Engineers and Consultants Proposing Roadway Construction Projects:

RE: Des. Nos. 1801912 (Lead, Road) and 2002545 (Bridge), Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad, City of La Porte, La Porte County, IN

This letter from the Indiana Department of Environmental Management (IDEM) serves as a standardized response to enquiries inviting IDEM comments on roadway construction, reconstruction, or other improvement projects within existing roadway corridors when the proposed scope of the project is beneath the threshold requiring a formal National Environmental Policy Act-mandated Environmental Assessment or Environmental Impact Statement. As the letter attempts to address all roadway-related environmental topics of potential concern, it is possible that not every topic addressed in the letter will be applicable to your particular roadway project.

For additional information on specific roadway-related topics of interest, please visit the appropriate Web pages cited below, many of which provide contact information for persons within the various program areas who can answer questions not fully addressed in this letter. Also please be mindful that some environmental requirements may be subject to change and so each person intending to include a copy of this letter in their project documentation packet is advised to download the most recently revised version of the letter; found at: <http://www.in.gov/idem/5283.htm> (<http://www.in.gov/idem/5283.htm>).

To ensure that all environmentally-related issues are adequately addressed, IDEM recommends that you read this letter in its entirety, and consider each of the following issues as you move forward with the planning of your proposed roadway construction, reconstruction, or improvement project:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of

Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE, using the 1987 Wetland Delineation Manual.

USACE recommends that you have a consultant check to determine whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (<http://www.lrl.usace.army.mil/orf/default.asp>) (<http://www.lrl.usace.army.mil/orf/default.asp>) and then click on "Information" from the menu on the right-hand side of that page. Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that request to appear on the list, and that inclusion of any particular consultant on the list does not represent an endorsement of that consultant by the USACE, or by IDEM.

Much of northern Indiana (Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is served by the USACE District Office in Detroit (313-226-6812). The central and southern portions of the state (large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana) are served by the USACE Louisville District Office (502-315-6733).

Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, government agencies with jurisdiction over wetlands, and other water quality issues, can be found at <http://www.in.gov/idem/4396.htm> (<http://www.in.gov/idem/4396.htm>). IDEM recommends that impacts to wetlands and other water resources be avoided to the fullest extent.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. To learn more about the Wetlands Program, visit: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>).
3. If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana . A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the OWQ Wetlands Program at 317-233-8488.
4. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. Consult the Web at: <http://www.in.gov/idem/4384.htm> (<http://www.in.gov/idem/4384.htm>) for the appropriate staff contact to further discuss your project.
5. Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the follow statutes:
 - o IC 14-26-2 Lakes Preservation Act 312 IAC 11
 - o IC 14-26-5 Lowering of Ten Acre Lakes Act No related code
 - o IC 14-28-1 Flood Control Act 310 IAC 6-1
 - o IC 14-29-1 Navigable Waterways Act 312 IAC 6
 - o IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6
 - o IC 14-29-4 Construction of Channels Act No related code

For information on these Indiana (statutory) Code and Indiana Administrative Code citations, see the DNR Web site at: <http://www.in.gov/dnr/water/9451.htm> (<http://www.in.gov/dnr/water/9451.htm>) . Contact the DNR Division of Water at 317-232-4160 for further information.

The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.

6. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
 - <http://www.in.gov/idem/4902.htm> (<http://www.in.gov/idem/4902.htm>)

To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan (<http://www.in.gov/idem/4917.htm#constreq> (<http://www.in.gov/idem/4917.htm#constreq>)), and as described in 327 IAC 15-5-6.5 (<http://www.in.gov/legislative/iac/T03270/A00150> [PDF] (<http://www.in.gov/legislative/iac/T03270/A00150.PDF>), pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (<http://www.in.gov/isda/soil/contacts/map.html> (<http://www.in.gov/isda/soil/contacts/map.html>)).

Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at: <http://www.in.gov/idem/4900.htm> (<http://www.in.gov/idem/4900.htm>).

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

7. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.
8. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
9. For projects involving effluent discharges to waters of the State of Indiana , contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
10. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits.

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed (<http://www.in.gov/idem/4148.htm> (<http://www.in.gov/idem/4148.htm>)) under specific conditions. You also can seek an open burning variance from IDEM.

However, IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.

Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized.

Additionally, if construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.

2. The U.S. EPA and the Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. (For a county-by-county map of predicted radon levels in Indiana, visit: <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>).)

The U.S. EPA further recommends that all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation

of radon-reduction measures. (For a list of qualified radon testers and radon mitigation (or reduction) specialists visit: http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf (http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf.) It also is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure visit:

<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm> (<http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>), <http://www.in.gov/idem/4145.htm> (<http://www.in.gov/idem/4145.htm>), or <http://www.epa.gov/radon/index.html> (<http://www.epa.gov/radon/index.html>).

3. With respect to asbestos removal: all facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at <http://www.in.gov/icpr/webfile/formsdiv/44593.pdf> (<http://www.in.gov/icpr/webfile/formsdiv/44593.pdf>).

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. All notification remitters will be billed on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit:

<http://www.in.gov/idem/4983.htm> (<http://www.in.gov/idem/4983.htm>).

4. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978, or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: <http://www.in.gov/isdh/19131.htm> (<http://www.in.gov/isdh/19131.htm>).
5. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2, Asphalt Paving Rule

(<http://www.ai.org/legislative/iac/T03260/A00080.PDF>
(<http://www.ai.org/legislative/iac/T03260/A00080.PDF>)).

6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf (<http://www.ai.org/legislative/iac/t03260/a00020.pdf>)). New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
7. For more information on air permits visit: <http://www.in.gov/idem/4223.htm> (<http://www.in.gov/idem/4223.htm>), or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD atdem.state.in.us.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit <http://www.in.gov/idem/4998.htm> (<http://www.in.gov/idem/4998.htm>).
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If PCBs are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes (Asbestos removal is addressed above, under Air Quality).
6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317/308-3039. See: <http://www.in.gov/idem/4999.htm> (<http://www.in.gov/idem/4999.htm>).

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period.

Should the scope of the proposed project be expanded to the extent that a National Environmental Policy Act Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, IDEM will actively participate in any early interagency coordination review of the project.

Meanwhile, please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of the Indiana Department of Environmental Management regarding any project for which a copy of this letter is used. Also note that it is the responsibility of the project engineer or consultant using this letter to ensure that the most current draft of this document, which is located at <http://www.in.gov/idem/5284.htm> (<http://www.in.gov/idem/5284.htm>), is used.

Signature(s) of the Applicant

I acknowledge that the following proposed roadway project will be financed in part, or in whole, by public monies.

Project Description

Des. Nos. 1801912 (Lead, Road) and 2002545 (Bridge), Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad, City of La Porte, La Porte County, IN

With my signature, I do hereby affirm that I have read the letter from the Indiana Department of Environment that appears directly above. In addition, I understand that in order to complete that project in which I am interested, with a minimum of impact to the environment, I must consider all the issues addressed in the aforementioned letter, and further, that I must obtain any required permits.

Date: 6/16/2021

Signature of the INDOT
Project Engineer or Other Responsible Agent Jason Springer

Jason Springer, TRAX Project Manager

Date: 6-14-2021

Signature of the
For Hire Consultant Brittney Layton

Brittney Layton, Environmental Scientist

NOTE: Response received from USFWS.

From: [McCloskey, Elizabeth](#)
To: [Brittney Layton](#)
Subject: Re: [EXTERNAL] Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN
Date: Thursday, June 3, 2021 12:41:44 PM

Good afternoon, since there is no Federal funding and no Federal permits associated with this project, you do not need to coordinate with the USFWS on endangered species or anything else; the Endangered Species Act only applies to Federal projects. Without a Federal nexus, it is also my understanding that NEPA does not apply. If at some time in the future Federal funding becomes available, that would be the time to address the ESA and IPaC.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice
Ecological Services
Chesterton, Indiana

From: Brittney Layton <BLayton@bfsengr.com>
Sent: Thursday, May 20, 2021 3:23 PM
To: McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>
Subject: [EXTERNAL] Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon,

Butler, Fairman, & Seufert is conducting Early Coordination as part of the requirements for the environmental process for the proposed Tipton Street Grade Separation La Porte County, Indiana.

We respectfully request your review of the attached Early Coordination Packet within 30 days. Feel free to reach out with any questions or concerns. I will also follow this up with a second email containing site photographs of the project area. The file is being sent separately due to the size.

Thank you,
Brittney Layton, M.A.
Environmental Scientist

Butler, Fairman & Seufert, Inc.
8450 Westfield Blvd., Suite 300 | Indianapolis, IN 46240-8302 |
p 317-713-4615 | f 317-713-4616 | c 434-390-8813
BLayton@bfsengr.com | www.BFSEngr.com

NOTE: USFWS Bat Database Check received from INDOT-LaPorte District

Brittney Layton

From: Sharkey, Ashley <AsSharkey@indot.IN.gov>
Sent: Wednesday, October 7, 2020 1:16 PM
To: Brittney Layton
Subject: RE: USFWS Confidential Bat Database Check for Des. No. 1801912

Brittney –

I have checked the database and no records of bat captures, roosts or hibernacula were found within the project ½ mile radius.

If you have any questions, please let me know.

Thanks!

Ashley

From: Michels, Stewart <SMichels@indot.IN.gov>
Sent: Monday, October 05, 2020 12:27 PM
To: Sharkey, Ashley <AsSharkey@indot.IN.gov>
Cc: Murray, Bridgette M <BMurray@indot.IN.gov>
Subject: FW: USFWS Confidential Bat Database Check for Des. No. 1801912

Ashley,

Can you please complete this bat check? Please let me know if you have any concerns. Thank you very much.

Best,
Stew

From: Brittney Layton <BLayton@bfsengr.com>
Sent: Monday, October 5, 2020 11:27 AM
To: Michels, Stewart <SMichels@indot.IN.gov>
Subject: USFWS Confidential Bat Database Check for Des. No. 1801912

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Good afternoon Stewart,
This email is to request information using the USFWS Confidential Database regarding endangered bat habitat within 0.5 mile of the following project area:

- Des. No. 1801912, Tipton Street over Washington Street & Tipton Street over Norfolk Southern Railroad, La Porte, La Porte County, IN

Please find attached the Aerial, State, and Topographic Maps, in addition to shape files of the project area. This project has not been assigned to a La Porte ESD Manager, yet.

Thank you!
Brittney Layton, M.A.
Environmental Scientist

Butler, Fairman & Seufert, Inc.
8450 Westfield Blvd., Suite 300 | Indianapolis, IN 46240-8302 |



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

Phone: (812) 334-4261 Fax: (812) 334-4273

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

IPaC Record Locator: 613-23822741

October 12, 2020

Subject: Consistency letter for the 'Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.' project (TAILS 03E12000-2021-R-0049) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.** (Proposed Action) may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). Consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

This "may affect - not likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative with a request for review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead Federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator". They will need to enter the record locator **613-23822741**.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.

Description

Indiana Department of Transportation (INDOT), with funding from Federal Highway Administration (FHWA), intends to proceed with a railroad crossing improvement project of the Norfolk Southern Railroad at Tipton Street, Des. No. 1801912. The project proposes to install an approximately 130-foot long single-span steel plate girder bridge with a minimum vertical clearance of 23 feet on Tipton Street (Park Street) over the Norfolk Southern Railroad tracks. An approximately 42-foot long three-sided reinforced concrete bridge with a 10-foot rise would span Washington Street (Brighton Street). The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated. The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated.

Approximately 2.33 acres of permanent right-of-way acquisition is anticipated, largely for the realignment of Washington Street, along Park Street north of the railroad crossing, and along Clear Lake Boulevard. The preferred method of traffic maintenance would be a road closure with a detour. The project is approximately 0.21 mile long. Overhead utilities crisscross throughout the project area. There will be new permanent lighting installed or modified from the existing. No temporary lighting will be required for this project. Suitable summer habitat is located in the project vicinity. Up to 6 trees may be removed. Tree species affected may include sugar maple (*Acer saccharum*), white ash (*Fraxinus americana*), silver maple (*Acer saccharinum*), and eastern cottonwood (*Populus deltoides*). During Butler, Fairman & Seufert's field investigation on February 25, 2020, no presence of endangered bats was identified.

The letting date for this project is scheduled to be April 12, 2023 with construction anticipated to occur summer of 2023. A review of the USFWS database on October 7, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) *Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

20. Are *all* trees that are being removed clearly demarcated?

Yes

21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

Yes

22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?
No
23. Does the project include slash pile burning?
No
24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?
No
25. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)
No
26. Will the project involve the use of **temporary** lighting *during* the active season?
No
27. Will the project install *any* new or replace any existing **permanent** lighting in addition to the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities?
Yes
28. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting (other than the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities) will be installed or replaced?
Yes
29. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?
No

30. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

31. Will the project raise the road profile **above the tree canopy**?

Yes

32. Is the area where the road profile will be raised **above the tree canopy** within 1,000 feet of **documented** Indiana bat or NLEB habitat^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

33. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

34. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

36. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

37. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

38. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

39. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

40. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

41. **Lighting AMM 2**

Will the **permanent** lighting used during removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

42. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

43. **Lighting AMM 2**

Will the **permanent** lighting (other than any lighting already indicated for tree clearing or bridge/structure removal, replacement or maintenance activities) be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.54

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.



United States Department of the Interior



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<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

October 14, 2020

Consultation Code: 03E12000-2021-I-0049

Event Code: 03E12000-2021-E-00250

Project Name: Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.

Subject: Concurrence verification letter for the 'Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request to verify that the **Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.**

(Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances,

Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.

Description

Indiana Department of Transportation (INDOT), with funding from Federal Highway Administration (FHWA), intends to proceed with a railroad crossing improvement project of the Norfolk Southern Railroad at Tipton Street, Des. No. 1801912. The project proposes to install an approximately 130-foot long single-span steel plate girder bridge with a minimum vertical clearance of 23 feet on Tipton Street (Park Street) over the Norfolk Southern Railroad tracks. An approximately 42-foot long three-sided reinforced concrete bridge with a 10-foot rise would span Washington Street (Brighton Street). The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated. The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated.

Approximately 2.33 acres of permanent right-of-way acquisition is anticipated, largely for the realignment of Washington Street, along Park Street north of the railroad crossing, and along Clear Lake Boulevard. The preferred method of traffic maintenance would be a road closure with a detour. The project is approximately 0.21 mile long. Overhead utilities crisscross throughout the project area. There will be new permanent lighting installed or modified from the existing. No temporary lighting will be required for this project. Suitable summer habitat is located in the project vicinity. Up to 6 trees may be removed. Tree species affected may include sugar maple (*Acer saccharum*), white ash (*Fraxinus americana*), silver maple (*Acer saccharinum*), and eastern cottonwood (*Populus deltoides*). During Butler, Fairman & Seufert's field investigation on February 25, 2020, no presence of endangered bats was identified.

The letting date for this project is scheduled to be April 12, 2023 with construction anticipated to occur summer of 2023. A review of the USFWS database on October 7, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

20. Are *all* trees that are being removed clearly demarcated?

Yes

21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

Yes

22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?
No
23. Does the project include slash pile burning?
No
24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?
No
25. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)
No
26. Will the project involve the use of **temporary** lighting *during* the active season?
No
27. Will the project install *any* new or replace any existing **permanent** lighting in addition to the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities?
Yes
28. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **permanent** lighting (other than the lighting already indicated for habitat removal (including the removal or trimming of trees) or bridge/structure removal, replacement or maintenance activities) will be installed or replaced?
Yes
29. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?
No

30. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

31. Will the project raise the road profile **above the tree canopy**?

Yes

32. Is the area where the road profile will be raised **above the tree canopy** within 1,000 feet of **documented** Indiana bat or NLEB habitat^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

33. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

34. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

36. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

37. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

38. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

39. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry triangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

40. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

[2] Refer to [The BUG System—A New Way To Control Stray Light](#)

Yes

41. **Lighting AMM 2**

Will the **permanent** lighting used during removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

42. **Lighting AMM 2**

Does the lead agency use the BUG (Backlight, Uplight, and Glare) system developed by the Illuminating Engineering Society^{[1][2]} to rate the amount of light emitted in unwanted directions?

[1] Refer to [Fundamentals of Lighting - BUG Ratings](#)

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Yes

43. **Lighting AMM 2**

Will the **permanent** lighting (other than any lighting already indicated for tree clearing or bridge/structure removal, replacement or maintenance activities) be designed to be as close to 0 for all three BUG ratings as possible, with a priority of "uplight" of 0 and "backlight" as low as practicable?

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.54

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on December 02, 2019. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.



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Bloomington, IN 47403-2121

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<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

October 12, 2020

Consultation Code: 03E12000-2021-SLI-0049

Event Code: 03E12000-2021-E-00198

Project Name: Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you

determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Indiana Ecological Services Field Office

620 South Walker Street

Bloomington, IN 47403-2121

(812) 334-4261

Project Summary

Consultation Code: 03E12000-2021-SLI-0049

Event Code: 03E12000-2021-E-00198

Project Name: Des No. 1801912, Tipton Street over Norfolk South Railroad, La Porte, La Porte County, IN.

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Indiana Department of Transportation (INDOT), with funding from Federal Highway Administration (FHWA), intends to proceed with a railroad crossing improvement project of the Norfolk Southern Railroad at Tipton Street, Des. No. 1801912. The project proposes to install an approximately 130-foot long single-span steel plate girder bridge with a minimum vertical clearance of 23 feet on Tipton Street (Park Street) over the Norfolk Southern Railroad tracks. An approximately 42-foot long three-sided reinforced concrete bridge with a 10-foot rise would span Washington Street (Brighton Street). The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated. The bridges would have an out-to-out coping of approximately 41 feet 8 inches and carry two lanes of traffic and a sidewalk. Washington Street would be realigned to the north between Adams Street and Pulaski Street to shorten the distance over which Tipton Street would be elevated.

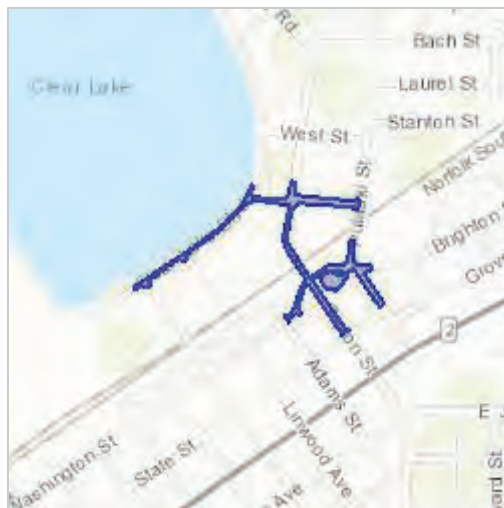
Approximately 2.33 acres of permanent right-of-way acquisition is anticipated, largely for the realignment of Washington Street, along Park Street north of the railroad crossing, and along Clear Lake Boulevard. The preferred method of traffic maintenance would be a road closure with a detour. The project is approximately 0.21 mile long. Overhead utilities crisscross throughout the project area. There will be new permanent lighting installed or modified from the existing. No temporary lighting will be required for this project. Suitable summer habitat is located in the project vicinity. Up to 6 trees may be removed. Tree species affected may include sugar maple (*Acer saccharum*), white ash (*Fraxinus americana*), silver maple (*Acer saccharinum*), and eastern cottonwood (*Populus deltoides*). During Butler, Fairman & Seufert's field investigation on February 25, 2020, no presence of endangered bats was identified.

The letting date for this project is scheduled to be April 12, 2023 with construction anticipated to occur summer of 2023. A review of the

USFWS database on October 7, 2020 did not indicate the presence of endangered bat species in or within 0.5 mile of the project area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.616764867406886N86.7196853396305W>



Counties: LaPorte, IN

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/1/office/31440.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">▪ Incidental take of the NLEB is not prohibited here. Federal agencies may consult using the 4(d) rule streamlined process. Transportation projects may consult using the programmatic process. See www.fws.gov/midwest/endangered/mammals/nleb/index.html Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

NOTE: Response received from Keramida/NIPSCO Electric

Brittney Layton

From: MAsante-Grable@nisource.com
Sent: Thursday, June 17, 2021 11:50 AM
To: Brittney Layton
Subject: RE: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

Hi Britney, thanks for reaching out. I personally have no comments.

Regards,

Marian Asante-Grable
Natural Resources Permitting
Keramida/Nisource Environmental Permitting
C: 317-914-2015 Email: masante-grable@nisource.com

-----Brittney Layton <BLayton@bfsengr.com> wrote: -----

To: "MAsante-Grable@nisource.com" <MAsante-Grable@nisource.com>
From: Brittney Layton <BLayton@bfsengr.com>
Date: 06/17/2021 10:33AM
Subject: RE: Early Coordination Des. Nos. 1801912 & 2002545, Tipton Street Grade Separation, La Porte, IN

Good morning Marian,

I wanted to follow up with you and see if you wished to make any comment for the Environmental Document after our phone call. If not, that's perfectly fine. I just didn't want anything to slip through the cracks!

Have a wonderful day!

Brittney Layton, M.A.
Environmental Scientist

Butler, Fairman & Seufert, Inc.
8450 Westfield Blvd., Suite 300 | Indianapolis, IN 46240-8302 |
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INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue Room N758-ES
Indianapolis, Indiana 46204

Eric Holcomb, Governor
Joe McGuinness, Commissioner

January 6, 2022

Mr. Mark Schreiber, Superintendent
LaPorte Park and Recreation Dept.
250 Pine Lake Ave.
LaPorte, IN 46350
mschreiber@cityoflaportein.gov

Re: Des. Nos. 1801912 (Lead, Road) and 2002545 (Bridge), Tipton Street (Park Street) Grade Separation over Norfolk Southern Railroad, City of La Porte, La Porte County, IN

Dear Mr. Schreiber:

The City of La Porte, with administrative oversight from the Indiana Department of Transportation (INDOT), intends to proceed with a project involving a railroad grade separation on Tipton Street (Park Street) over the Norfolk Southern Railroad, Lead Des. No. 1801912 (road) and Des. No. 2002545 (bridge). This project, which is part of the INDOT's Local Trax program, may receive funding from the Federal Highway Administration (FHWA) in the future. As part of the environmental study, all potential impacts to properties within the project's footprint must be evaluated, including potential impacts to Section 4(f) properties.

Clear Lake Trail

As part of the overall project scope, Clear Lake Boulevard, from approximately 160 feet southwest of Detroit Street to 50 feet north of Furnace Street, will include pavement widening (to the east/south) and Hot Mix Asphalt (HMA) overlay of existing pavement. The typical cross section of Clear Lake Boulevard will consist of two (2) 12-foot-wide through lanes bordered to the south/east by concrete curb and gutter.

Work along Clear Lake Boulevard will include the installation of Three (3) new storm water outlet pipes, 24 inches in diameter, will be installed under Clear Lake Boulevard at the following locations: 75 feet southwest of Furnace Street, 200 feet northeast of Linwood Avenue, and 50 feet northeast of Detroit Street. Additionally, the project proposes to remove three (3) existing, 12 to 15-inch-diameter stormwater pipes under Clear Lake Boulevard at the following locations: 75 feet southwest of Furnace Street, 50 feet northeast of Detroit Street, and 50 feet southwest of Detroit Street. One existing storm water pipe, located under Clear Lake Boulevard approximately 30 feet northeast of Linwood Avenue, will remain in place. Storm water pipe work will require the temporary removal and replacement of pavement on Clear Lake Trail at the aforementioned locations. It is estimated that these sections of the trail will require temporary closure for approximately 1 day. See attached plan sheets for existing and proposed storm water pipe locations.

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible or prudent alternative. This law applies to significant publicly owned parks, recreation areas, wildlife/waterfowl refuges, and NRHP-eligible or listed historic properties.

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The project will take place within the Clear Lake Trail corridor, which is owned by the City of LaPorte and open to the public, thereby qualifying the trail as Section 4(f) resource.

Section 4(f) Temporary Occupancy Exemption

The need to temporarily close sections of the Clear Lake Trail, as summarized above, would constitute temporary occupancy and will satisfy the conditions listed in 23 CFR 774.13(d) which are:

- 1) Duration must be temporary, i.e. less than the time needed for construction of the project, and there should be no change in the ownership of the land;
- 2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- 3) There are no anticipated permanent adverse physical impacts, nor, will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- 4) The land being used must be fully restored, i.e., the property must be returned to a conditions which is at least as good as that which existed prior to the project; and
- 5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Land from a Section 4(f) resource may be used directly or indirectly by permanent or temporary occupancy or indirectly through constructive use. Constructive use occurs if the proximity of the project to the Section 4(f) resource substantially impairs the activities, features, and attributes that make it eligible of Section 4(f) protection. That would not be the case with this project. This project classifies as a temporary occupancy and would not be considered an impact to Section 4(f) resources. As a result of the review of area maps, the site investigation, and completion of Section 106 of the National Historic Preservation Act, no additional Section 4(f) evaluation would be needed for this project.

Please sign and date this letter if you concur with our analysis. If you have any questions, do not hesitate to contact this office.

On behalf of INDOT,
Butler, Fairman, & Seufert, Inc.



Ryan L. Scott
Environmental Services
rscott@bfsengr.com

Enclosures



Mark Schreiber, Superintendent
LaPorte Park and Recreation Department

1/27/22
Date