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U.S. Department
of Transportation
Federal Highway
Administration



Florida Division Office
227 N. Bronough St., Suite 2016
Tallahassee, Florida 32301

September 28, 1998

HPO-FL

Mr. José Abreu
District Secretary
Florida Department of Transportation
District Center
1000 NW 111th Avenue
Miami, Florida 33172

RECEIVED
DEPARTMENT OF TRANSPORTATION
DISTRICT SIX

SEP 30 1998

DISTRICT SECRETARY'S
OFFICE
MIAMI, FLORIDA

Dear Mr. Abreu:

Subject: Record of Decision
Final Environmental Impact Statement
FHWA-FLA-EIS-95-02-F
East-West Multimodal Corridor
From the Palmetto Expressway to the Port of Miami
FAP No. CM-6182-(11)
State Project No. 87200-1539
FM No. 249917
Dade County

Enclosed for your information and use is a copy of the approved Record of Decision as required by 40 CFR 1505.2.

Location and design concept approval is hereby given for the Locally Preferred Alternative of this project, as indicated by the above-stated limits.

The highway part of the project may be advanced to the next phase of development. However, Federal Transit Administration approval to advance into final design will be addressed separately from the Record of Decision. The Transportation Equity Act for the 21st Century Section 5309(e)(6) requires that a project, which proposes to use discretionary New Starts funds, "may advance from preliminary engineering to final

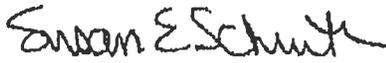
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Mr. José Abreu
September 28, 1998

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design and construction only if the Secretary finds that the project meets the requirements of this section (e.g., the New Starts criteria), and there is reasonable likelihood that the project will continue to meet such requirements."

Sincerely yours,



Susan E. Schruth
Regional Administrator



For: James E. St. John
Division Administrator

Enclosure

cc: Mr. C. L. Irwin, FDOT, Tallahassee, MS-37, w/enclosure

-more-

To: Mr. James E. St. John
Division Federal Highway Administrator
Tallahassee, Florida

Ms. Susan E. Schrueth
Regional Federal Transit Administrator
Atlanta, Georgia

From: Patrick A. Bauer
Program Operations Engineer

Thru: Mr. Robert M. Callan
Assistant Division Administrator

Subject: Final Environmental Impact Statement and Record of Decision
East-West Multimodal Corridor
Financial Project ID No. 249917
Work Program No. 6114094
State Project No. 87200-1539
Federal Project ID No. CM-6182-(11)
Miami-Dade County, Florida

The following is a Record of Decision for the subject project.

Decision

The Preferred Alternative consists of:

1. Highway Improvements to SR 836 from NW 107th Avenue to just east of the toll plaza at NW 17th Avenue:
 - Auxillary lanes in each direction from NW 107th Avenue to NW 87th Avenue
 - NW 87th Avenue Interchange
 - NW 72rd Avenue to NW 57th Avenue
 - NW 57th Avenue Interchange
 - NW 57th Avenue to NW 45th Avenue
 - NW 37th Avenue Interchange
 - NW 27th Avenue Interchange
 - SR 836 Toll Plaza
2. Other Highway/Roadway Improvements:
 - Direct ramp access to the Palmetto station will be provided to and from the south on the Palmetto Expressway (SR 826) 

- Access would also be provided to the Palmetto station from realignment of both NW 7th and 8th Streets providing access from east of Miam Dairy Road
 - At the request of the Huntington community, NW 9th Street will be closed to access from NW 22nd Avenue east.
3. Transportation Demand Management (TDM) Strategies -- the 2020 peak-hour volumes within the corridor show that TDM strategies will have to be implemented in activity centers along the corridor. The toll plaza on SR 836 (congestion pricing mechanism), the HOV lanes, and the park-and-ride lots are all key to the regional demand management system. In order to accommodate some of the highway volumes, peak hours will need to be spread to three hours. Several points of congestion were identified and the following TDM solutions are recommended for implementation by local agencies and employers:
- The county has a Congestion Management Plan that should be implemented.
 - The county should encourage major employers around MIA, in the central business district (CBD), and in Waterford at Blue Lagoon to implement alternate work weeks; schedules such as 40 hours in four days or 80 hours in nine days.
 - Florida Department of Transportation should actively promote carpooling within the corridor.
 - System-wide ramp metering should be installed, not just at key SR 836 interchanges (i.e., NW 12th Street, NW 17th Avenue).
 - Changes to signal timings and lane assignments at key congested intersections should be implemented (NW 42nd Avenue intersection with NW 14th Street, NW 11th Street and NW 7th Street, NW 37th Avenue intersection with NW 21st Street, NW 11th Street, and NW 27th Avenue intersection with NW 11th Street and with eastbound on-ramp).
 - The telephone company, Internet providers, and cable companies should be encouraged to actively promote telecommuting programs and opportunities, including the establishment of remote job sites with leasable computer links to downtown companies.
 - The county should encourage companies to provide major flex-time programs. While companies are beginning to adjust to flexible start times of 7:30 A.M. to 9:00 A.M., further extensions of the office hours should be encouraged.
 - The county and FDOT should jointly encourage shifting truck cargo deliveries to and from the Port and the airport to evening and night time to relieve congestion in the corridor.
4. HOV lanes on SR 836 from NW 107th Avenue to the SR-836/SR-112 Interconnector should be constructed.
5. The transit alignment is 19.2 km (11.9 mi) in length and runs from the Palmetto Expressway (SR 826) to the Port of Miami. The line includes 13.3 km (8.2 mi) of aerial guideway and 5.8 km (3.6 mi) of bored tunnel. There will be ten stations, six aerial and four underground.

- A frequent train service will operate between the Palmetto station and the Port of Miami with stops at each of the six intermediate stations (NW 7th Street, Miami Intermodal Center (MIC), NW 27th Avenue, Orange Bowl, Government Center, and Merillmo Park).
 - The Airport-Seaport service will be operated as nonstop service between the Airport Intermediate station and the Port, stopping only at the MIC. A premium fare would be collected for this special service. Luggage will be handled separately from the rail system.
6. A rail maintenance facility located near the western end of the line on the south side of NW 71th Street, directly north of Lake Mahar.

A detailed description of the Locally Preferred Alternative (LPA) is presented in Section 2.4 of the Final Environmental Impact Statement (FEIS). The FEIS was adopted by the Federal Highway Administration (FHWA) on August 19, 1998. The Federal Transit Administration (FTA), as a cooperating agency, has adopted the FEIS on August 26, 1998, for the purpose of any future grant action that the agency might approve for this project. The LPA is included in the Metropolitan Planning Organization (MPO) *2015 Metro-Dade Transportation Plan Long Range Element*, December 1995, and in the MPO *Transportation Improvement Program*, 1997.

Background

The LPA is the result of an extensive alternatives' development and evaluation process for the East-West Multimodal Corridor project area which is bounded by Florida's Turnpike (the Turnpike) on the west, NW 36th Street on the north, the Atlantic Ocean to the east, and SW 8th Street on the south. This process has included intensive technical analyses, review and input from the full spectrum of government agencies, and direct involvement of the public at every stage of project development. The process began during prior studies and was increasingly refined during the Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) phase that preceded the FEIS.

The MIS/DEIS analyzed various highway and transit alternatives, such as widening of the existing SR-836, elevated express lanes, high occupancy vehicle (HOV) lanes, measures to correct operational problems, heavy rail, light rail, and a combination of transportation measures. Specific elements of the proposed alternative transportation improvements are described in detail in Chapter 2 of the FEIS.

The LPA was chosen by the MPO Board of Directors after FDOT had held a public hearing on the DEIS. The MPO selected the Minimum Operable Segment (MOS) of Multimodal Alternative 6c(10), the Tunnel Alternative, as the locally preferred alternative in March 1998. Refinements of the LPA continued during the Preliminary Engineering (PE)/FEIS phase and focused on items such as more detailed environmental testing, geometric design, station location and design, station access, operating strategies, drainage requirements, maintenance of traffic during construction, phasing of construction and operation, and financial plan refinements.

Alternatives Considered

The following Tier 1 alternatives were considered in the MIS/DEIS:

- Alternative 1: No-Build (carried forward into both Tiers 2 and 3)
- Alternative 2: Transportation System Management (TSM) (carried forward into Tier 2)
- Alternative 3a: Expressway Widening -10 General-purpose Lanes
- Alternative 3b: Expressway Widening -6 General-purpose plus 4 HOV Lanes to I-95
- Alternative 3c: Expressway Widening -6 General-purpose plus 2 HOV Lanes to I-95
- Alternative 3d: Expressway Widening -2 Buffer-separated HOV Lanes to SR 112 (carried forward into Tier 2)
- Alternative 4a: Elevated Express Lanes -6 General-purpose plus 6 Express Lanes
- Alternative 4b: Elevated Express Lanes -6 General-purpose plus 4 HOV Lanes
- Alternative 5: Metrorail Via Earlington Heights -Rail Transit plus 2 Buffer HOV Lanes to I-95 plus Highway Improvements
- Alternative 6a: Rail Transit Via SR 836 plus Highway Improvements (carried forward into Tier 2)
- Alternative 6b: SR 836 -Rail Transit plus 2 HOV Lanes to I-95
- Alternative 6c(1): SR 836 Multimodal Alternative -Base Rail Alignment, 2 HOV Lanes to SR 112, plus Highway Improvements(carried forward into Tier 2)
- Alternative 6c(2): SR 836 Multimodal Alternative -Base Rail Alignment with Through Service Via Downtown Connection, 2 HOV Lanes to SR 112 (carried forward into Tier 2)
- Alternative 6c(3): SR 836 Multimodal Alternative -Base Rail Alignment with NW/NE 8th Street Option, 2 HOV Lanes to SR 112
- Alternative 6c(4): SR 836 Multimodal Alternative -Base Rail Alignment with Miami River Option, 2 HOV Lanes SR 112, plus Highway Improvements
- Alternative 6c(5): SR 836 Multimodal Alternative -Base Rail Alignment with Culmer/I 95 Option, 2 HOV Lanes to SR 112, plus Highway Improvements
- Alternative 6c(6): SR 836 Multimodal Alternative -Base Rail Alignment with NW/NE 11th Street Option, 2 HOV Lanes to SR 112
- Alternative 6c(7): SR 836 Multimodal Alternative -Base Rail Alignment with Civic Center Option, 2 HOV Lanes to SR 112
- Alternative 6c(8): SR 836 Multimodal Alternative -Base Rail Alignment with CSX Railroad /NW 7th Avenue Option, 2 HOV Lanes to SR 112, plus Highway Improvements (carried forward into Tier 2)

- Alternative 6c(9): SR 836 Multimodal Alternative -Base Rail Alignment with CSX/NW 22nd Street/VFEC Railway Option, 2 HOV Lanes to SR 112, plus Highway Improvements (carried forward into Tier 2)
- Alternative 6c(10): SR 836 Multimodal Alternative -Base Rail Alignment with CBD Tunnel Option, 2 HOV Lanes to SR 112, plus Highway Improvements (carried forward into Tier 2 and Tier 3 as the LPA)
- Alternative 6c(11): SR 836 Multimodal Alternative -Base Rail Alignment with CSX/CBD Tunnel Option, 2 HOV Lanes to SR 112
- Alternative 6c(12): SR 836 Multimodal Alternative -Base Rail Alignment with Government Cut Option, 2 HOV Lanes to SR 112
- Alternative 6c(13): SR 836 Multimodal Alternative -Base Rail Alignment with Miami Beach Loop Option, 2 HOV Lanes to SR 112, plus Highway Improvements (carried forward into Tier 2)
- Alternative 7: Flagler Street rail line plus 2 HOV Lanes and Highway Improvements on SR 836.

During the East-West Multimodal Corridor Major Investment Study (MIS), a three-tier process was followed to develop, evaluate, and select alternatives and options. The evaluation process, consistent with FHWA, FTA, and FDOT guidelines, provided both the quantitative and qualitative information needed for decision-making by FDOT, public officials representing the corridor, interested residents and businesses, and the MPO. During the Tier 1 evaluation the above list was narrowed to four alternatives and six options for evaluation in the MIS/DEIS, including No-Build and TSM Alternatives. During the Tier 2 analysis, two MOS alternatives were introduced. The purpose of the MOS alternative was to identify and analyze the shortest transportation improvement that was physically, economically, and operationally feasible. Completion of the MIS/DEIS represented the conclusion of the Tier 2 analysis.

The MIS/DEIS, which was approved by FHWA in October 1995, identified the type and severity of environmental consequences that could occur if any of the alternatives were implemented. The total cost and benefits associated with each alternative were included in an evaluation of the alternatives. The financial analysis presented the possible sources of funding for implementing the base alternative. Trade-offs among the alternatives were presented to facilitate the selection of the LPA. The evaluation also included a comparison of the effectiveness of the alternatives in meeting the project's goals and objectives, as summarized below:

- Goal 1: Maximize mobility for area residents and workers. This goal looked at convenience, travel times, transfers, operations, etc. Only the multimodal alternatives were able to maximize mobility in the area. Alternative 6c(10) provided the best highway operations and travel times.
- Goal 2: Improve South Florida regional connections. This goal primarily looked at transit connections to regional facilities. Again, only the multimodal alternatives were able to improve regional connections. Both Alternatives 6c(1) and 6c(10) offered comparable connections.

- Goal 3: Maximize efficiency of the transportation system. This goal looked at transit trips, daily time savings, highway capacity, and costs. In addition to the multimodal alternatives, the highway widening Alternative 3d provided improvement in travel time savings. Although rated second to Alternative 6c(10), followed by Alternative 6c(1), this highway alternative was the least costly of the three.
- Goal 4: Integrate transportation in the community and encourage improved development patterns. This goal looked at station area, community, relocation, traffic, and construction impacts. Although the multimodal alternatives provided development potential at transit stations, neighborhood cohesion, commercial and residential relocations, and construction disturbances were also important issues.
- Goal 6: Preserve and protect the environment. All environmental issues, including air, noise, water quality, cultural resources, etc., were included with this goal. Even though the highway Alternative 3d avoided the construction impacts associated with the transit guideway, the alternative caused air quality impacts higher than the multimodal alternatives. Overall, both multimodal Alternatives 6c(1) and 6c(10) had levels of impacts similar to each other, but noise, historic, and visual impacts would be reduced with Alternative 6c(10).

Public involvement and review of the MIS/DEIS culminated with a Notice of Availability published in the Federal Register announcing a 46-day public comment period that ran from November 3, 1995 to December 18, 1995 and included two public hearings held in December 1995. Several agencies and citizens made comments regarding the study during the Public Hearings. The majority of speakers supported the project; many wanted to know if it could be built faster. A strong regard for line and station aesthetics, and transit line availability and usefulness to the served community were expressed. A prevailing sentiment was for the preservation of community areas, like the Miami River area, Overtown, Fontainebleau, and Grapeland Heights, and historic sites, such as the Freedom Tower. A majority of the speakers who offered an alignment preference cited Alternative 6c(9). (This northern alternative overlaps some of the transit market areas of the north-south Metrorail line and misses ridership from Grapeland Heights, Little Havana, and other areas east of LeJeune Road and south of SR 836.)

Based on the analysis performed for the MIS/DEIS, all of the 6(c) transit alternatives were found to be feasible, but with varying degrees of costs and benefits. Following the public hearings and the public comment period, the staff, working in conjunction with the Technical and Policy Steering Committees, completed a report documenting the recommended alternative - 6c(1). This elevated alternative runs through Overtown and passes along the northern edge of downtown Miami. The staff recommended this alternative based on the technical and environmental results, cost, and input from the public and participating agencies. The recommended alternative was then approved by all of the various committees of the MPO.

On March 7, 1996, the Dade County MPO Governing Board met to hear public comment and to select the Locally Preferred Alternative. Numerous speakers addressed the negative effect that previous highway and transit projects had on the inner-city community of Overtown. Many objected to another elevated system further dividing the community. Most citizens did, however, support the project, but

were split on their support for Alternatives 6c(1), 6c(9), and 6c(10). After much debate, the MPO selected the multimodal Alternative 6c(10) "the tunnel alternative" which caused the least community and environmental harm. Thus, Alternative 6(c)10 became both the LPA and the Environmentally Preferred Alternative. In addition, the MPO selected the MOS of this alternative, which includes a transit line from the Palmetto Expressway (SR 826) to the Port with a bored tunnel under downtown Miami, two HOV lanes to the MIC, all recommended highway improvements to SR 835, and bicycle and pedestrian improvements.

Basis for Decision

For many reasons, Alternative 6c(10) offers clear advantages when compared to the other alternatives, albeit at a higher cost. The advantages include:

- Causes the least damage to the biological and physical environment. By boring a tunnel under the Miami River and Biscayne Bay, impacts are minimized to these water resources that are classified as Aquatic Preserves and Outstanding Florida Waters (OFW).
- Avoids impact to seagrasses in Biscayne Bay, a valuable submerged community.
- Avoids adverse impacts to Overtown, an historic black community affected by previous transportation projects such as Metrorail, I-95, and I-395. This action complies with the requirement to avoid negative impacts on minority and low-income communities according to U.S. Department of Transportation (USDOT) Executive Order (EO) 12898, Environmental Justice. Overtown is also one of the City of Miami's Community Development Block Grant (CDBG) neighborhood target areas.
- Avoids the visual and physical impacts of an elevated structure in the downtown area. Minimizes impacts to traffic and businesses during construction.
- Avoids any visual impact to Freedom Tower, an historic structure.
- Reduces adverse impacts to the community of Little Havana. Significantly reduces the number of residential and business relocations.
- Avoids impacts to the communities of Grapeland Heights and Spring Garden.
- Provides the best access to the core of the downtown Miami business district including Government Center.
- With a station at Government Center, it becomes part of a key transportation hub, facilitating convenient transfers to both the inside and outside loops of the Metromover (downtown peoplemover), the North-South Metrorail line, and numerous bus lines.
- Attracts the highest net transit ridership. It provides premium rail transit service to the most extensive new geographical market area and transit-dependent population.
- Results in the lowest operating and maintenance costs.

During the Tier 3 evaluation, the selected LPA was examined in greater detail, the alignment was further refined, and measures to minimize harm to the environment were investigated.

The FEIS contains an adequate detailed statement of the following: project description and purpose; short-term impacts and long-term benefits; irreversible and irretrievable commitment of resources; measures to minimize environmental harm; capital costs, and operations and maintenance costs. In addition, the study adequately addresses the projects potential effects on transportation services, traffic, transit ridership, accessibility, neighborhoods, economic growth, natural resources, parklands, historic sites, air quality, and noise pollution. The proposal conforms to the States air quality implementation plan and the National Ambient Air Quality Standards.

The statement has been coordinated with and endorsed by appropriate local, State, and Federal agencies and also made available for public comment and at public hearings. The comments received have been adequately addressed in the final statement.

Measures to Minimize Harm

All practicable measures considered to minimize environmental harm have been incorporated into the decision regarding the preliminary design of the LPA. The following measures may not only avoid or minimize adverse effects, but may enhance existing social, economic, or environmental conditions. The mitigation measures/commitments incorporated into the project are described in detail in the FEIS. The more costly or elaborate of these measures/commitments, which factored in the decision, are summarized below.

Measures to Avoid or Minimize Community Impacts:

- The alignment and station location at NW 27th Avenue were proposed by the retail community to be located at the rear of the commercial buildings rather than in front of the buildings and adjacent to NW 27th Avenue. The LPA avoids these buildings by moving the alignment to the rear access (alley).
- To avoid splitting the Huntington neighborhood in West Little Havana, the citizens requested the alignment which uses the median of SR 838 with a crossover at the canal (Lawrence Waterway), exiting at NW 17th Avenue.
- Relocation: In order to minimize the unavoidable effects of right-of-way (ROW) acquisition and displacement of people, FDOT will implement a ROW and relocation program in accordance with Florida Statute (FS) 339.09 and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646 as amended by Public Law 100-17). A case worker will be assigned to every relocation site in the corridor.
- Construction will displace the La Petite Child Care Center. The Center, however, will be integrated into the station area development as a requirement of the Development of Regional Impacts (DRI) for the Waterford office complex.
- A Station Area Aesthetics Design Development (SAADD) process has been established as part of the East-West Multimodal Corridor and is expected to continue throughout the implementation

of the selected transit improvements. The SAADD program is directed at identifying, facilitating, and enhancing development patterns along the transit line that complements the transit improvements. The SAADD program seeks to develop programs for aesthetic treatment of the new station facilities consistent with the character of the surrounding community.

Measures to Minimize Environmental Impacts:

- **Visual:** Existing vegetation will be preserved for areas where possible, to maintain a visual buffer. Detailed landscaping plans will be developed for areas where adverse visual impacts are anticipated: the northern tip of the Robert King High Park campground, where the construction of the guideway will remove the existing visual screen; the maintenance facility separated from the Flagami neighborhood by Lake Mahar; the Blue Lagoon station (NW 7th Street) where the existing vegetation currently shields the houses across the Tamiami Canal; Miami River Rapids Mini Park; the residential neighborhood west of NW 17th Avenue at NW 7th Street where the rail line traverses the east section; and the tunnel portal area in the vicinity of NW 13th Avenue.
- **Noise:** Noise walls will be constructed, where reasonable, feasible, and desired by the public, as part of the SR 836 highway improvements and along the elevated transit guideway, in the locations indicated in the Noise and Vibration Study Report.
- **Construction Noise:** An increase in project area noise levels would occur during the construction of the proposed project. Generally, construction activity will occur during normal working hours on weekdays. Therefore, noise impact experienced by local residents as a result of construction activities should not occur during sleeping hours. Specific times when no construction activity is permitted will be specified in the construction contract documents. All provisions of the most current edition of FDOT's *Standard Specifications for Road and Bridge Construction* will be followed. Coordination with the local community and law enforcement agencies will be undertaken prior to commencing any construction activities to ensure that construction-related impacts are minimized or adequately mitigated when work during non-daylight hours is required.
- **Vibration:** A more detailed vibration analysis will be conducted during final design and specific mitigation will be recommended at sites V6 and V7 by obtaining more information on soil conditions in the areas of these structures. During tunnel construction, vibration and settlement will be monitored to ensure that damage to existing structures is minimized. Special track support systems will incorporate resilient rail fasteners, rubber pads, and other techniques to reduce vibration.
- **Wetlands:** Construction impacts to wetlands and water quality will be avoided by erosion control, turbidity control, and compliance monitoring. Loss of wetland areas will be replaced through contributions to regional mitigation projects. The offsite wetlands banking options offer restoration or enhancement mitigation beyond the urban area in a natural environment. The recommended conceptual mitigation plan is the use of the Hole-in-the-Donut Mitigation Bank, located within Everglades National Park, Miami-Dade County, Florida, providing at a maximum 4:1 wetland restoration ratio to ameliorate impacts to 0.91 ha (2.26 Ac) of emergent wetland vegetation associated with the construction of the East-West project. Of the 0.91 ha (2.26 Ac), 0.081 ha (0.2 Ac) is actually part of an established 0.53 ha (1.3 Ac) conservation easement area at Lake Mahar. An additional 0.44 ha (1.1 Ac) will be required mitigation as requested by FDEP in a letter dated

July 24, 1998, for a total 1.36 ha (3.38 Ac) of impacted wetlands. This bank option offers the best overall cost and replacement ratio relative to the other banks.

- **Stormwater:** As the project approaches final design phases, further study to confirm the original stormwater analysis will be carried out using analytical rather than numerical methods. Typical stormwater facilities positioned above or immediately adjacent to the tunnel route will be evaluated to simulate water level responses to given storm events with and without the tunnel.
- **Contamination:** Contingency plans for contaminated/hazardous materials will be part of the final design and construction phase of this project. Detailed construction management plans will be developed during the design of this project. These construction management plans will require monitoring of best management practices (BMPs), plans for meeting federal and state requirements, and hazardous materials' response. A Level 2 contamination assessment will be conducted during final design of the LPA. Where contamination will impact the project, a Level 3 remedial action plan will be performed which will insure that the project activities will not exacerbate the contamination. Close coordination with the appropriate regulatory agency will be conducted throughout this process. The necessity for a Level 2 and/or 3 investigation will be determined after the review of Miami-Dade County Department of Environmental Resources Management (DERM) regulatory and compliance records during design and prior to construction.
- **Archaeological Sites:** Coordination with the State Historic Preservation Officer (SHPO) to avoid, minimize and mitigate impacts to potential archaeological and/or historic sites will occur during all phases of design.
- **Parks:** During the design phase of this project, FDOT will coordinate with the Metro-Dade County Office of Community and Economic Development, Historic Preservation Division, and the City of Miami Parks and Recreation Department to address the following issues:
 - Precautions will be taken to preserve specimen live oaks at Miami River Rapids Mini Park, some of which are more than 100 years old.
 - Provide a letter to the County Historic Preservation Division and the City of Miami Parks Department at least 10 days prior to any ground disturbing activities in the area of archaeological sensitivity at Miami River Rapids Mini Park.
 - A pre-construction fence should be placed on the south side of the rail easement prior to any excavations or clearing activities at Miami River Rapids Park.
 - The existing visual screening will be replaced after construction at the Robert King High Park/Carlos Arboleya Campground.
 - No storage of equipment, supplies, or fill will be permitted within the park during construction unless specifically necessary for the safe construction of that segment within the existing park boundaries.
 - All clearing for demolition, removal of structures, removal of potential hazardous waste materials, removal of trees, tree relocation, and tree planting should be subject to monitoring by an archaeologist and reports filed with the FDOT, the County Historic Preservation Division, City of Miami Parks Department, and City of Miami Planning Department.

- **Other Construction Impacts:** Maintenance of construction equipment will be closely observed by the Construction Management Inspectors to prevent the illegal disposal or accidental leakage of any oil, chemicals, fuel, etc. Construction impact controls, including requirements for revegetation, dust suppression, and noise and vibration control, will be integrated into the projects contract specifications, phasing and traffic control plans so that they can be enforced by the contracting officer and resident engineers. The FDOT Environmental Compliance Officer will review construction staging and equipment stockpile plans. DERM and Florida Department of Environmental Protection (FDEP) will review contract documents for appropriate storm water management plans and sedimentation and erosion control plans through the use of BMPs prior to issuance of permits.

Measures to Avoid or Minimize Species Impacts:

Since the corridor is in a highly urbanized area, there are few vegetated wetlands and no intact natural communities that will be disturbed by the project. Most instances of wildlife are transitory in nature except for the manatee.

- **Manatees:** Construction in designated manatee areas will require strict conformance to standard specifications for endangered species and the Standard Manatee Protection Construction Conditions. In addition, a manatee observer will be required and nighttime work will require sufficient lighting to observe manatees. Besides following U.S. Fish and Wildlife Service (USFWS) and FDEP guidelines, the contractor will keep a log detailing all sightings, injuries, or killing of manatees that occur during the contract period.
- **Snakes:** To minimize impacts to individual eastern Indigo and Miami black-headed snakes encountered during construction, a Technical Special Provision (TSP) will be included in the construction contract to advise the contractor of the potential presence of these species and their protected status.
- **Trees:** During the final design phase, an inventory of trees to be impacted will be performed and coordinated with the City of Miami and DERM.

Enhancements for the Community:

Greenspace: Land cleared for construction of the guideway or tunnel will generally be converted or restored back to pedestrian facilities, bikeways, parks, or greenspaces. Additional opportunities to enhance the project corridor by creating greenspaces will be considered during final design.

Pedestrians/Bicycles: As another enhancement measure of the linear landscaping scheme, ground level bicycle/pedestrian paths will be constructed within the transit right-of-way under portions of the aerial guideway. Bicycle paths (in the transit ROW) or lanes (along the roadway) will be constructed within the following segments: Palmetto station to NW 57th Avenue, MIC station to NW 27th Avenue station, and NW 22nd Avenue to Orange Bowl station.

Other Commitments:

Survey Monuments: If any of the planned activities will disturb or destroy monuments, National Geodetic Survey (NGS) requires 90 days notification. The final detailed cost estimate will include the cost of relocating any monuments.

Airport: The final design will consider "Any penetration of a runway approach surface including the height of vehicles on the roadway may impact the operation at Miami International Airport (MIA)." The final engineering drawings, when completed, must be coordinated with the Federal Aviation Administration (FAA) via an FAA 7460-1 form prior to construction of the project to perform an aeronautical evaluation.

HOV Lanes: The HOV lanes included in the SR 836 highway improvements are planned as 3+ lanes and will operate on a 24-hour basis, seven days a week.

Monitoring of Enforcement Program

FDOT has developed extensive operating procedures to ensure compliance with the various environmental commitments. The FDOT's Environmental Commitment Compliance Program is outlined in the January 15, 1982, memorandum from Mr. Paul N. Pappas, Secretary, FDOT. In addition, appropriate personnel from the FHWA Division Office participate in the development of individual projects to ensure that environmental commitments are incorporated into the project design and construction plans. FHWA Transportation and Supervisory Transportation Engineers also review the plans, specifications, and estimates for all Interstate Federal-Aid highway projects to ensure that all environmental commitments have been implemented.

Determinations and Findings

Historical and Cultural Resources: The Florida State Historical Preservation Officer has determined that "the proposed project will have no effect on historic properties listed, or eligible for listing in the National Register, or otherwise of historical or architectural value." In addition, there are no known National Register-listed or eligible archaeological sites within the project's area of potential effects; therefore, the LPA would have no effect on archaeological resources.

Conformity with Air Quality Plans (40 CFR Part 93): The proposed project is located in an attainment area under maintenance status for ozone under the criteria provided in the Clean Air Act Amendments of 1990. This project is in conformance with the area's Transportation Improvement Program (TIP) as approved by FHWA, and is in conformance with and is consistent with the current Federally-approved State Implementation Plan (SIP) and the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Floodplain Impact (EO 11988): Floodplain encroachment is negligible; there is no regulatory floodway involvement on the proposed project and the project will not support floodplain development that is incompatible with existing floodplain management programs.

Wetlands Impact (DOT Order 5660.1 and Clean Water Act Section 401 and 404): The most significant freshwater features in the area of the LPA are man-induced wetlands associated with the numerous

borrow pits and canals that crisscross the area and provide a mechanism for flood control and aquifer stabilization. Amelioration of project effects to these areas would involve mostly water quantity and quality issues. Compensatory mitigation is proposed only for the 0.91 ha (2.28 Ac) vegetated emergent wetland habitats located at Lake Mahar and the SR 838/NW 67th Avenue Interchange. Of the 0.91 ha (2.28 Ac), 0.08 ha (0.2 Ac) is actually part of an established 0.63 ha (1.3 Ac) conservation easement area at Lake Mahar. An additional 0.45 ha (1.1 Ac) will be required mitigation as requested by FDEP in a letter dated July 24, 1998, for a total 1.38 ha (3.36 Ac) of impacted wetlands. The recommended conceptual mitigation plan is the use of the Hole-in-the-Donut Mitigation Bank, providing at a maximum 4:1 wetland restoration ratio to ameliorate impacts associated with the construction of the East-West project. Based upon the above consideration, FHWA and FDOT, in consultation with the appropriate Federal, State and local resource agencies, have determined that there is no practicable alternative to the proposed new construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. The exact mitigation acreage and ratio will be determined during the permitting process.

Endangered Species Impact: FDOT, in consultation with the USFWS, found that the project is located within the range of the West Indian manatee and the burrowing owl. None of the above species were observed during field investigations of the proposed project. Through informal coordination with the USFWS, it was determined that the proposed action is not likely to adversely affect the manatee or adversely modify or destroy its designated critical habitat. If necessary precautions are taken for the West Indian Manatee and the burrowing owl, then the project should not have any long-term impacts to the threatened and/or endangered species potentially occurring within the project area. The most current standard manatee conditions would be applied during construction to ensure that there are no manatees in the area during any work such as blasting activities or dredging and filling in waterways.

Section 4(f) Finding: (1) FHWA determined that even though Robert King High Park has been identified as a Section 4(f) land, Section 4(f) has been found not applicable to the park due to the proposed undertaking in the vicinity of the park. (2) the Miami River Rapids Mini Park serves as a passive park for the area; however, FHWA, in consultation with the agency having jurisdiction over the Park, has determined that the Park is not significant for the community's recreational needs. Therefore, Section 4(f) was determined not to be applicable to this park. Although this was the determination made, the intention of FDOT and FHWA is to assure the preservation of this park to the extent possible.

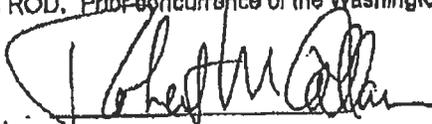
Economic, Social, and Environmental Interests (49 U.S.C. Section 5324(b)): The environmental record for the proposed project consists of the East-West Multimodal Corridor Study, Draft Environmental Impact Statement, Major Investment Study, October 1995 (the MIS/DEIS) produced by FHWA with FTA as a cooperating agency, and the East-West Multimodal Corridor Study, Final Environmental Impact Statement, August 1998 (the FEIS) produced by FHWA and adopted by FTA. Cumulatively, these documents represent the detailed statement required by both NEPA and Federal Transit Laws (49 U.S.C. Section 5324(b)) on the environmental impact of the proposal, adverse environmental effects that cannot be avoided, alternatives to the proposal, and irreversible and irretrievable impacts on the environment. In addition, two public hearings on the MIS/DEIS conducted by Florida DOT in December 1995, another public meeting on the locally preferred alternative held

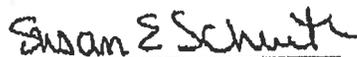
by the Dade County metropolitan Planning organization Board in March 1998, and the 45-day period for written public comments on the MIS/DEIS, solicited through notices in the Miami Herald, offered adequate opportunity to present views to all parties with a significant economic, social, or environmental interest in the project.

After reviewing the evaluation of impacts and alternatives presented in the FEIS, and the written and oral comments offered by the public and other interested agencies, presented in Chapter 8 and Appendices A, B, C, and G of the FEIS, FHWA and FTA have determined, in accordance with 49 U.S.C. 5324(b), that: An adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest in the project; The preservation and enhancement of the environment, and the interest of the community in which the project is located were considered; and All reasonable steps have been taken to minimize the adverse environmental effects of the project, and where an adverse environmental effect remains, no feasible and prudent alternative to the effect exists.

The Notice of Availability for the FEIS was published in the Federal Register and the public comment period ended September 28, 1998. No comments were received. The approved FEIS is in conformance with the applicable provisions of 23 CFR 771, and it satisfactorily covers the anticipated environmental impacts, including physiographic and cultural effects. Upon approval of the ROD, copies of the FEIS will be distributed as set forth in 23 CFR 771.125.

A Legal Sufficiency Finding has been obtained from the FHWA's Regional Council ^{sel} for the FEIS and this ROD. Prior concurrence of the Washington Office is not required for this project.


for James E. St. John
FHWA Division Administrator


Susan E. Schrueth
FTA Regional Administrator