



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 12  
5500 TRANSPORTATION BLVD. • GARFIELD HGTS., OH 44125 • 216-581-2100

## Supplemental Re-Evaluation

for

## CUY SR 043 01.98 Widening PID 109517

Environmental Document Level: C2

**Approved: 10/29/2021**

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*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020, and executed by FHWA and ODOT.*

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## Re-evaluation Level

### Explain why a re-evaluation is needed?

This re-evaluation of the CUY-SR 043-1.98 project is being performed to include the resurfacing of Liberty Rd. The addition of this resurfacing project was included in the NOACA State Fiscal Year 2021-2024 Transportation Improvement Program (TIP) and received federal funding from the STBG funding Program in the SFY 2022 to align with the CUY-43-1.98 (PID 109517) project.

The CUY-CR 148-1.04 Liberty Road Resurfacing (PID No. 109517) project proposes the asphalt resurfacing of Liberty Rd from Pettibone Rd to Spicebush Ln. This project will concurrently take place with the proposed reconstruction of the State Route 43 (Aurora Rd) project.

Mapping that depicts proposed project location on United States Geological Survey 7.5-Minute Topographic Quadrangle Mapping is included in the Project File/General/Project Information subsection as USGS Quadrangle Topographic Map.pdf.

No permanent or temporary right-of-way will be acquired for this project. There is no anticipated relocation of existing utilities within the project study area. Coordination with the utility companies was conducted during the project's preliminary engineering phase and will continue during its detailed design phase.

It is anticipated that the proposed work along Liberty Rd will be performed as part width construction, so as to not restrict access to adjacent businesses or residences. A minimum of one lane of traffic in each direction shall be maintained on the existing pavement during the project.

Based on information provided in the Regulated Materials Review (RMR) Screening, no sites within the project study area warranted further RMR investigation. ODOT reviewed the RMR Screening and on September 15, 2021, a determination was made that no further RMR or special material management is warranted for the project. The RMR documentation for the project can be found in the Project File/ESA/Reports subsection.

On September 21, 2021 a Cultural Resources Scoping Request Checklist was submitted to ODOT-OES for review. The submission notified ODOT-OES that the scope of the undertaking was revised to include the resurfacing of Liberty Road (between Pettibone Rd to the intersection of Spicebush Ln). No right-of-way will be required to perform the resurfacing and no buildings will be impacted. The scoping request included a records check. No cultural resources listed on or determined eligible for listing on the National Register of Historic Places (NRHP) were identified in the revised project area. Based on the August 20, 2019 determination, current scope, and results of the records check, no further cultural resources investigations are warranted. ODOT-OES has determined the original determination is still valid. The undertaking has minimal potential to cause effects and is exempt from further cultural resource consideration in accordance with the Section 106 Programmatic Agreement (Agreement No. 19319) executed November 8, 2017 and amended July 11, 2019.

Based on the ecological review, the project does not have the potential to impact ecological resources regulated under Sections 404 or 401 of the Clean Water Act, Section 7 of the Endangered Species Act, or the Fish and Wildlife Coordination Act, and should not result in any activities that violate ORC Chapters 1518 and 1531, or Section 1533.324. This project is considered Ecologically Exempt under the Ecological MOA (Agreement 19394). See Project File/Ecological/Reports/Ecological Exempt Form-Ecologically Exempt Project.pdf and Ecological tab.

The project will not impact any other environmentally sensitive resources within the project study area.

Various public involvement activities were conducted for this project; including notification letters to property owners, stakeholders, and residents that could potentially be impacted by the project. In addition, on August 16, 2021 the City of Solon posted a Press Release on the City's website. No comments were received during the 30-day public involvement comment period. Future public comments will be addressed as they are received. The City has determined to proceed with the project as currently designed. See the public involvement documentation for the project in the Project File/Public Involvement/Project Information subsection.

Stage 1 Plans were utilized to evaluate environmental impacts and are available in the Project File/General/Project Information subsection as Stage 1 Design.pdf.



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### C2

**PID:** 109517  
**Project Sponsor:** Solon, City of  
**ODOT District:** 12  
**Funding Source:** Federal  
**Private Funding:** No

#### Project Description:

The CUY-43-1.98 (PID 109517) project proposes widening and reconstruction of 1.1 miles of State Route (SR) 43 (Aurora Road) from southeast of SR 91 to Andre Lane in the City of Solon, Cuyahoga County, Ohio. The purpose of the project is to bring the corridor to current standards, by replacing the pavement and installing curbs, and reduce congestion and increase safety, by reducing rear end collisions with a two-way left turn lanes.

The proposed work will include the construction of a 10' wide multi-use path on the south side of SR 43 from southeast of SR 91 to Liberty Road. Additional improvements include turn lane additions on SR 43 at Portz Parkway, a new signal at Portz Parkway, complete pavement replacement, and the installation of a new watermain as well as improving drainage, signage and pavement markings.

Mapping that depicts the project location on United States Geological Survey 7.5-Minute Topographic Quadrangle Mapping is included in the Project File/General/Project Information subsection.

1.4078 acres of permanent right-of-way and 3.1015 acres of temporary right-of-way will be acquired from 106 parcels to construct the project. There are no total takes or relocations proposed to construct the project. All required utility relocations will be conducted prior to project construction, with the exception of the proposed overhead electric, telecommunication, and cable lines relocations which will be conducted as part of this project.

In accordance with Stipulation V(C)(1), approved on November 8, 2017, (Agreement No. 19319), ODOT OES determined on August 20, 2019 the proposed project is a type of undertaking that has 'minimal potential to cause effects' to historic properties and is not a part of a larger undertaking. The cultural resource materials documentation for the project can be found in the Project File/Cultural Resources section tab.

Based on the RMR Screening and file review performed for the project, no further RMR investigations or special material management were warranted for the properties within the project limits. A file review was performed on RM-001 (34308 Aurora Road), a former photograph development kiosk, Fotomat, was a RCRA generator. Review of current and historical aerials showed the property of concern at a distance so as to not affect the proposed project. The regulated materials documentation for the project can be found in the Project File/ESA section.

Proposed work impacting ecological features includes roadway widening, drainage improvements, and culvert replacements. In addition to the symmetrical widening, one existing culvert conveying a stream under SR 43 will be replaced and rock channel protection placed at the outlet. Additionally, existing culverts will be extended to accommodate widening. 291 linear feet of stream and 0.3-acre of suitable wooded habitat (SWH) for the Indiana Bat and Northern Long-Eared Bat located within 100 ft of edge of pavement will be impacted by the project. The ecological features documentation for the project can be found in the Project File/Ecological section.

The Solon Community Center, located at 35000 Portz Parkway within the project study area, is a recognized recreational 4(f) property. It was determined a *de minimis* impact will occur to the Town Square in accordance with 23 CFR 774. The Section 4(f) documentation can be found in the Project File/Section 4(f) section. LWCF Grant listing identifies Grantwood Park improvements in



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the City of Solon, no impacts are proposed to Grantwood Park. The Section 6(f) documentation can be found in the Project File/Section 6(f) section.

The project will not impact any other environmentally sensitive resources within the project study area.

During the course of construction, detours will be required to accommodate the construction activities associated with the widening of SR 43. These detours will be utilized through 6 phase of construction. Traffic will be maintained for south/east bound motorists for the duration of construction. Motorists traveling north/west will be detoured along SR 82 and SR 91. The detour will be in effect for the entire duration of the project due to pavement width constraints. A detour plan can be found in the Project File/General section.

As a result of public involvement activities, comments were generated from the public and addressed on an individual basis. Additionally, emergency and public services were made aware of the proposed project via email. A detailed Public Involvement Summary and the public involvement documentation can be found in the Project File/Public Involvement section.

Various public involvement activities were conducted for the CUY-SR 043-1.98 project (Liberty Road Resurfacing) Re-evaluation. The public involvement included notification letters to property owners, stakeholders, and residents that could potentially be impacted by the project. In addition, on August 16, 2021 the City of Solon posted a Press Release on the City's website. No comments were received during the 30-day public involvement comment period. Future public comments will be addressed as they are received. The City has determined to proceed with the project as currently designed. See the public involvement documentation for the project in the Project File/Public Involvement/Project Information subsection.

Stage 2 Plans were used to evaluate environmental impacts and are available in the Project File/General/Project Information subsection as Stage 2 Design.pdf.

The estimated total project cost specified in Ellis agrees with the total project cost specified in the ODOT Fiscal Year (FY) 2018 - FY 2021 Statewide Transportation Improvement Program (STIP) Appendix 6 (as of 5/27/20).

**STIP Reference #:**

2018AM13ID0463FDCO

### Select the appropriate project type:

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section. ***Examples include: Joint or limited use of right-of-way where the proposed use would have minimal or no adverse social (including highway safety), economic or environmental impacts; Installation of new noise walls and other new noise mitigation projects; Construction of highway safety and truck escape ramps; Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking that do not otherwise qualify for a C1 designation; Beautification or facility improvement projects (i.e. landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, decorative lighting, etc.); Construction of alternative energy facilities (fuel tank farms, wind turbines, etc.)***

**In accordance with 23 CFR 771.117(e), the proposed project cannot be processed as a C2 CE, if it involves -**

1. a. Acquisition of more than a minor amount of right-of-way
2. b. Residential or non-residential displacements
3. c. A Coast Guard, Individual Section 404 and/or a Section 10 permit
4. d. A Section 106 finding of *Adverse Effect*
5. e. A Section 4(f) Programmatic or Individual Evaluation



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6. f. A finding of *May Affect, Likely to Adversely Affect* to Threatened and Endangered Species
7. g. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
8. h. Changes in access control
9. i. Floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths)
10. j. Construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers
11. k. No minor public or agency controversy on environmental grounds (no opposition from any organized groups or agencies and no unresolved environmental coordination)
12. l. If an EJ Analysis Report is required, the project must be processed as a D-level CE or higher level document

**For certification purposes, documentation is required to illustrate no significant impacts will occur to the following environmental resources and that no unusual circumstances exist that would warrant a higher level of NEPA document. Upload all supporting documentation to the project file.**

<b>Waterways:</b>	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
<b>Waterways Permit Type:</b>	Permit Determination and/or Permit Application Approval Pending
<b>Isolated Wetland Permit</b>	No
<b>Will any wetlands be impacted?</b>	No
<b>Endangered Species:</b>	Present; No finding of May Affect, Likely to Adversely Affect
<b>Endangered Species - Coordination</b>	May Affect, Not Likely to Adversely Affect
<b>Endangered Species - Coordination Date</b>	08/30/2019
<b>Endangered Species - Critical Habitat Present/Impacted</b>	
Indiana bat	
Northern long-eared bat	
<b>Endangered Species - Other Critical Habitat Present/Impacted:</b>	No
<b>100-Year Floodplain:</b>	No Encroachment Within a Special Flood Hazard Area (SFHA)
<b>Section 4(f):</b>	Present; No Programmatic Evaluation or Individual Evaluation Required
<b>Section 4(f) Determination:</b>	
de minimis	



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<b>Section 4(f) Determination Date - de minimis</b>	04/16/2020
<b>Section 6(f):</b>	Not present
<b>Cultural Resources:</b>	Present; No Finding of Adverse Effect
<b>Cultural Resources Coordination:</b>	Minimum Potential to Cause Effect Appendix B
<b>Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date</b>	08/20/2019
<b>Tribal Consultation Summary/Remarks:</b>	
No Tribal comments were received as a result of the notifications.	
Projects that meet C2 criteria are not anticipated to have impacts to the following environmental resources. If resources are present, documentation is only required if there is a potential for impacts.	
<b>Air Quality:</b>	Studies Not Required
<b>Air Quality - Coordination with OES:</b>	No
<b>Noise:</b>	Studies Not Required
<b>Noise Coordination - OES Approval Date:</b>	10/10/2019
<b>Hazardous Materials - ESA Screening Conducted</b>	Yes
<b>Hazardous Materials - OES Approval Date:</b>	09/25/2019
<b>Phase I ESA Warranted Based on Coordination with OES:</b>	No Further Studies Warranted
<b>Farmland:</b>	Urbanized Area; No Impacts in Accordance With the Farmland MOU and 7 CFR 658
<b>Scenic Rivers</b>	No National Wild and Scenic River Within 1000 Feet of the Proposed Project Area
Projects that meet C2 criteria must be in accordance with ODOT's UP Guidance and activities conducted for Public Involvement are commensurate to the project's type and scope of work.	
<b>Underserved Populations</b>	Does Not Exceed UP Guidance Criteria; No UP Analysis Report Required and No UP Issues Raised During Public Involvement
<b>Public Involvement:</b>	Minimum PI Requirements Met; No Minor Public or Agency Controversy on Environmental Grounds
<b>Environmental Commitments</b>	Yes



## Environmental Commitments

### C2

- 1) The Project Designer shall modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal in excess of what is required to implement the project safely. Additionally the project designer will ensure tree removal is limited to that specified in project plans by clearly marking clearing limits in the plans and ensure that contractors understand clearing limits and how they are marked in the field.
- 2) The City of Solon will obtain all appropriate waterway permits prior to any work below the ordinary high water mark of any waterway and all Special Provisions for waterway permits will be included in the project plans.
- 3) The project designer shall incorporate the following note into the plans: ACCESS TO SOLON COMMUNITY CENTER SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION ACTIVITIES.
- 4) The project designer shall incorporate the following note into the plans: THE CONTRACTOR SHALL BE REQUIRED TO CLOSELY COORDINATE THE CONSTRUCTION SCHEDULE WITH ODOT, THE CITY OF SOLON, AND THE SOLON COMMUNITY CENTER DIRECTOR PRIOR TO THE START OF CONSTRUCTION ACTIVITIES
- 5) The project designer shall incorporate the following note into the plans: APPROPRIATE SIGNAGE SHALL BE INSTALLED TO ALERT USERS OF SOLON COMMUNITY CENTER OF CONSTRUCTION ACTIVITIES, ACCESS RESTRICTIONS OR CLOSURES, AND TO DIRECT USERS TO SECONDARY ACCESS POINTS
- 6) The project designer shall incorporate the following note into the plans: TEMPORARY CONSTRUCTION FENCING SHALL BE INSTALLED ALONG PROPOSED CONSTRUCTION LIMITS PRIOR TO THE START OF CONSTRUCTION ACTIVITIES TO PROTECT THE EXISTING 4(F) PROPERTY AND THE PUBLIC.
- 7) The Project Designer shall incorporate the following note into the plans: This project is located within the known habitat ranges of the federally listed and protected Indiana Bat and Northern Long-Eared Bat. No trees shall be removed under this project from March 15 through November 15. All necessary tree removal shall occur from November 16 through March 14. This requirement is necessary to avoid and minimize impacts to these species as required by the Endangered Species Act. For the purpose of this note, a tree is defined as a live, dying, or dead woody plant with a trunk three inches or greater in diameter at a height of 4.5 feet above the ground surface, and with a minimum height of 13 feet.



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**Preparers and Approvals**

**Form Preparer:**

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**Approvals & Electronic Signatures**

Approved & Electronically Signed By:	Approval Date:
Mark Carpenter (TRANS ENGR 3)	10/29/2021



## Appendix

### General

Aerial Map-Liberty Road.pdf  
County Map-Liberty Road.pdf  
Detour Mapping.pdf  
USGS Quadrangle Topographical Map-Liberty Road.pdf  
USGS Quadrangle Topographical Map.pdf

### Noise

District Determination - No Noise Analysis Required.pdf

### ESA

District RMR Screening Approval - NFA.pdf  
OES Recommendations - Screening.pdf  
Regulated Materials Review Form.pdf

### Cultural Resources

Minimal Potential to Cause Effect - Appendix B  
Records Check-Liberty Road.pdf

### Ecological

Coordination with ODNR and USFWS.pdf  
ODNR Scenic River MOA Conditions  
USFWS Comments Consult Form CUY-43-1.98 PID 109517.pdf

### Other Resources

Site Specific Resource Mapping\_Urbanized Areas.pdf  
Sole Source Aquifer Mapping.pdf  
Water Source Protection Area Map.pdf

### Section 4(f)

OES Recreational 4(f) Determination.pdf

### Underserved Populations

Census Mapping.pdf  
Underserved Populations Documentation Form.pdf

### Public Involvement



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News Article.pdf

Press Release-Liberty Road.pdf

Press Release.doc

Press Release\_20200227.pdf

Press Release\_Website Posting.pdf

Project Location Exhibit-Liberty Road.pdf

Project Related Website.pdf

Property Owner Notification Letter-Liberty Road.docx

Property Owner Notification Letter-Liberty Road.pdf

Property Owner Notification Letter\_20200303.pdf

Public Comments Received.pdf

Public Involvement Summary.pdf

Public Meeting Handouts.pdf

Public Meeting Notification Mailing List.pdf

Public Meeting Notification.pdf

Public Meeting Sign In Sheet.pdf

Public Notification Mailing List-Liberty Road.pdf

Public Notification Mailing List\_20200303.pdf

Response to Public Comments.pdf

Stakeholder Contact List - Liberty Rd.pdf

Stakeholder Contact List.pdf

Stakeholder Notification.pdf

### **Permits**

FEMA FIRM.pdf