



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 04
2088 SOUTH ARLINGTON RD. • AKRON, OH 44306 • 330-786-3100

Environmental Document

for

SUM Rubber City Heritage Tr Ph 2 PID 116464

Environmental Document Level: C2

Approved: 7/3/2024

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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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C2

Project Information

PID: 116464
Project Sponsor: Akron, City of
ODOT District: 4
Funding Source: Federal

C2 Section

Project Description:

In partnership with the Ohio Department of Transportation (ODOT), the city of Akron proposes to construct a 10' wide, 4,280 linear feet, multi-modal trail along an abandoned rail corridor from East Exchange Street at the Huntington Avenue/East Exchange Street intersection to East Exchange Street at the South Arlington Street/East Exchange Street intersection in the city of Akron, Summit County, Ohio. Additional improvements proposed by this project include wayfinding signage, miniature neighborhood trail plazas, viewing benches, improved street crossings, sidewalks connecting the Middlebury Marketplace to the trail and Arlington Avenue and conduits for future fiber optic network expansion.

Mapping that depicts the project location on United States Geological Survey (USGS) 7.5-Minute Topographic Quadrangle Mapping is included in the Project File/General/Project Information subsection as *USGS Quadrangle Topographical Map.pdf*. Maintenance of traffic for all roadway traffic impacted by the project will comply with city of Akron and ODOT requirements. Detours are not proposed to construct the project.

New permanent and/or temporary right-of-way acquisition are not necessary to construct the project.

Existing utilities within the project study area will not be impacted/relocated to construct the project.

Based on the information in the Regulated Materials Review (RMR) Form completed for the project, further RMR activities or special materials management are not warranted for the project. See the RMR documentation for the project in the Project File/ESA/Reports subsection.

A Level 1 Ecological Survey Report (ESR) was prepared for the project. The project proposes to impact 0.04 acre of suitable wooded habitat (SWH) for the Federally listed Endangered Indiana Bat and Endangered Northern Long-eared Bat and the Federally Proposed Endangered Tricolored Bat. This proposed SWH impact is greater than 300 feet from edge of pavement (EOP). See the Level 1 ESR and the threatened/endangered species documentation for the project in the Project File/Ecological/Reports subsection and the Ecological tab.

The environmental document and associated studies, as applicable, were approved using the Stage 3 Design plans for the project. A copy of the Stage 3 Design plans for the project is included in the Project File/General/Project Information subsection as Stage 3 Design.pdf.

The estimated total project cost specified in Ellis agrees with the total project cost specified in the ODOT State Fiscal Years 2024 - 2027 Statewide Transportation Improvement Program (STIP).

The next phase of the proposed project is listed on the STIP: Yes

Ellis STIP Details

Phase	Current STIP Reference
ENV	
CO	116464: 24-27 STIP
DD	



Approved: 7/3/2024

The current cost estimate is in line with existing federal procedures for Ohio STIP Amendments and Administration Modifications: Yes

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 I 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 ROW (exceeds strip takes)
2. **b.** Residential or non-residential displacements
3. **c.** A U.S. Coast Guard permit or an Individual Section 404 permit under the Clean Water Act
4. **d.** A Section 106 finding of *Adverse Effect*
5. **e.** Section 4(f) impacts greater than de minimis
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.** A full Environmental Justice Analysis Report (EJAR) is required (the project must be processed as a D-level CE or higher-level document). If a memo-to-file/letter/IOC-format EJAR Short Report is determined to be the appropriate level of documentation, contact OES regarding NEPA document level.

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.

Ecological

Waterways:

Not Present

Will any wetlands be impacted?

No



Endangered Species:	Present; No finding of May Affect, Likely to Adversely Affect
Endangered Species - Coordination	May Affect, Not Likely to Adversely Affect
Endangered Species - Coordination Date	07/27/2023
Endangered Species - Critical Habitat Present/Impacted	
Other	
Indiana bat	
Northern long-eared bat	
Endangered Species - Other Critical Habitat Present/Impacted:	Yes
Endangered Species - Other Description:	Tricolored Bat
Scenic Rivers	No National Wild and Scenic River Within 1000 Feet of the Proposed Project Area
Scenic Rivers Remarks	
Scenic rivers are not located within the project study area.	
Floodplains	
100-Year Floodplain:	No Encroachment Within a Special Flood Hazard Area (SFHA)
Floodplain Remarks	
Environmental Design Group staff reviewed the FEMA FIRM for the project study area and determined the project is located within an Area of Minimal Flood Hazard/Zone X. The project will not impact a special flood hazard area. See the floodplain mapping for the project in the Project File/Permits/Floodplains subsection.	
Section 4(f)	
Section 4(f):	Present; No Impacts and/or Access Restrictions
Section 4(f) Remarks	
Project is a continuation of the adjacent Rubber City Heritage Trail Phase 1 project (PID 113160) that begins at the southern terminus of the project, a recognized Section 4(f) property. The project will not require disturbance of the existing Rubber City Heritage Trail Phase 1 project.	
Section 6(f)	
Section 6(f):	Not present



Cultural Resources

Cultural Resources: Present; No Finding of Adverse Effect

Cultural Resources Coordination: Minimum Potential to Cause Effect Appendix B

Cultural Resources Coordination - ODOT Approval/SHPO Concurrence Date 03/26/2024

Cultural Resources Remarks

The undertaking is limited to a 0.8-mile-long multi-use path installation located just east of the University of Akron campus and downtown Akron, Summit County, Ohio. The ten-foot-wide multi-modal facility will extend from Huntington Avenue to Arlington Street. Construction will generally involve a former railroad line and to a lesser extent city streets and crosswalk areas. The construction area is limited to land previously disturbed by the former railroad line, industrial development, and roadway construction. No buildings will be involved in construction and no relocations will be required.

The literature search determined there are no inventoried buildings (OHI) or known archaeological sites (OAI) that will be impacted by construction. Several of the closest previously inventoried buildings have been recently removed by urban redevelopment. Furthermore, no listed or eligible historic properties are found in the project area or area of potential effects (APE). Due to the previous disturbance and the absence of recorded resources, no further cultural resource survey was conducted. It has been determined that Phase 2 of the proposed Rubber City Heritage Shared-use Trail project is exempt from further cultural resource consideration by the 6/29/2023 Cultural Resource PA (Agreement 38503) due to the nature of the work. In addition, no new permanent right-of-way from a historic property will be acquired and no contributing element of any historic district will be removed or altered by construction.

Environmental Resources Considered

The following environmental resources are present and have been studied for potential impacts:

Regulated Materials

Air Remarks

This project is an Exempt Project per 40-CFR 93.126 (Exempt Project: Bicycle and pedestrian facilities). An air quality analysis is not required for the project.

Noise Remarks

The project is not a Type I project for noise (i.e. does not add an auxiliary lane, does not add capacity, does not move thru travel lanes equal to or greater than 50% closer to noise sensitive areas, does not build a new highway on new location, does not substantively change the horizontal/vertical alignment of a highway). Therefore, a noise analysis is not required for the project.

The project involves ROW acquisition, Deep Excavation, or OEPA 513 Landfill Authorization: No

Hazardous Materials - OES Approval Date: 06/21/2024

Regulated Materials Review Remarks:

Based on the information in the Regulated Materials Review (RMR) Form completed for the project, further RMR activities or special materials management are not warranted for the project. See the RMR documentation for the project in the Project File/RMR/Reports subsection.



Environmental Justice

Projects that meet C2 criteria must be in accordance with ODOT's EJ Guidance and activities conducted for Public Involvement are commensurate to the project's type and scope of work.

Environmental Justice Populations

Present; No EJAR Required, Does Not Exceed EJ Guidance Criteria, and No Issues Raised During Public Involvement

Identified Environmental Justice Populations

Census Block Group #	% Minority	% Low Income
391535089001	32	85

Environmental Justice Remarks

Based on mapping from TIMS, the minority populations are 32% for the US Census Block Groups located within the project area and 85% of the population is designated as low income.

The Census mapping may be found in the Project File under Environmental Justice.

Residential/business relocations are not required to construct the project.

Pedestrian access will improve as the project will construct a new pedestrian path in the project study area.

Concerns related to impacts on Environmental Justice populations were not raised during the public involvement activities conducted for the project.

The proposed project will have no disproportionately high and adverse effects to minority or low-income populations based upon the table above, the attached mapping, and the answers to the questions above. No concerns related to impacts on Environmental Justice were raised as a result of public involvement activities conducted as part of the project. Therefore, in accordance with the protections of Executive Order 12898, DOT Order 5610.2(a), and FHWA Order 6640.23A, no further analysis is required for the project.

Based on the above findings, the project does not require an Environmental Justice Analysis Report.

Public Involvement

Public Involvement:

Minimum PI Requirements Met; No Minor Public or Agency Controversy on Environmental Grounds

Public Involvement Remarks

Akron conducted various public involvement activities for the project including property owner notification letters sent to all property owners adjacent to the project, a news release, a website posting and a public meeting. Project comments were requested with all public involvement activities. Various public comments were received from the public involvement activities conducted for the project. Commenters requested project information and also conveyed project support along with suggestions for additional trail features, potential connections to other neighborhoods by existing/future trails and construction phase sequencing. The city of Akron responded to the received comments by telephone and e-mail correspondence. See the public involvement documentation, including the received comments and responses to comments, for the project in the Project File/Public Involvement/Project Information subsection.

Environmental Commitments



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Environmental Commitments

Yes



Environmental Commitments

C2

1) The Project Designer shall incorporate the following note into the plans: NO TREES SHALL BE REMOVED UNDER THIS PROJECT FROM APRIL 1 THROUGH SEPTEMBER 30. ALL NECESSARY TREE REMOVAL SHALL OCCUR FROM OCTOBER 1 THROUGH MARCH 31. THIS REQUIREMENT IS NECESSARY TO AVOID AND MINIMIZE IMPACTS TO FEDERALLY AND STATE LISTED BAT 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.



Preparers and Approvals

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Supporting Form Preparer(s): Lorie Feudner
Robert Lang
Hunter Durbin
Katherine Wellert

Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Edward Deley (PROGRAM ADMIN 3)	7/3/2024



Appendix

General

Aerial Map.pdf

County Map.pdf

Stage 3 Design.pdf

USGS Quadrangle Topographical Map.pdf

RMR

Regulated Materials Review Form.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Photographs.pdf

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Environmental Justice

Census Mapping.pdf

Public Involvement

Press Release.pdf

Property Owner Notification Letter.pdf

Public Comments Received-1.pdf

Public Comments Received.pdf

Public Meeting Exhibits.pdf

Public Meeting Notification.pdf

Public Meeting Sign In Sheet.pdf

Response to Public Comments.pdf

Permits

FEMA FIRM 2.pdf

FEMA FIRM.pdf