



Record of Decision

FHWA-MO-EIS-06-01-F INTERSTATE 29/35

**From Just North of M-210/Armour Road in Clay County, Missouri
to the Northwest Corner of the CBD Loop in Jackson County, Missouri
including the North Side of the CBD Loop**

A. Decision

The Federal Highway Administration (FHWA) approves the selection of the Preferred Alternative which includes a combination of the North Build Alternative, River Crossing Build Alternative A or B (B-1 or B-2) and North CBD Loop Build Alternative A. The Selected Alternative extends approximately 4.7 miles (7.6 kilometers), from just north of Missouri Route 210/Armour Road (approximately 0.5 miles) in Clay County and continues south on I-29/35/US 71, to the northwest corner of the central business district (CBD) freeway loop in downtown Kansas City, Missouri. The project includes the north side of the CBD Loop, designated as both I-35/70 and US 24/40. The Selected Alternative consists of adding capacity to the existing I-29/35 roadway and bridge corridor from the northern terminus at M-210 (Armour Road) to a connection with the existing CBD freeway loop which encompasses downtown Kansas City, Missouri – the southern terminus. Included in the Selected Alternative, improvement of the crossing over the Missouri River will be either the rehabilitation of the existing Paseo Bridge crossing which currently carries I-29/35 over the Missouri River and constructing a new companion bridge or replacing the existing bridge with an entirely new structure or structures. This Selected Alternative includes modifying the corridor's connection to the CBD Loop and the connection of the Broadway Extension (US 169) with the downtown street and freeway loop system. The northern side of the CBD Loop, designated as I-35/70 and US 24/40, is included in the Selected Alternative.

B. Purpose and Need for the Project

The Purpose and Need was originally developed in support of the regional goals and objectives defined in Transportation Outlook 2030 and the Northland~Downtown MIS as well as the City of Kansas City's Comprehensive Plan titled "Focus". A Major Investment Study (MIS), the Northland~Downtown MIS, completed in 2002 described transportation problems and identified a recommended strategy, including capacity and operational modifications to I-29/35 and to the Missouri River crossing. Additionally, the corridor is listed in the Kansas City area Long Range Transportation Plan as a regionally significant project.

These previous study efforts served as background and context for developing the purpose and need in this EIS. The goals and objectives addressed in the Northland~Downtown MIS were; System Preservation, Personal Mobility and Quality of Life, Safety, Land Use and Development, Regional Economy, System Management and Efficiency and Cost Effectiveness. The Downtown Northland MIS studied all three river crossings to the CBD and the "Preferred

Strategy” in that report concluded that the I-29/I-35 (Paseo Crossing) is where additional highway capacity needs to be added. The transit and non-motorized strategies were identified in the MIS on other existing or proposed bridges to the CBD and were undertaken by the Kansas City Area Transportation Authority (KCATA), the transit service provider within the corridor. The initiative to fund a major transit capacity project that included a bicycle and pedestrian crossing of the Missouri River was defeated by voters. Since that time, the KCATA has implemented bus rapid transit from downtown Kansas City to the Plaza area. Planning is underway to expand bus rapid transit in the area. In a recent election an initiative to implement light rail was passed by Kansas City voters. Additional planning is necessary before final decisions are made on an alignment for light rail. The City of Kansas City will lead the planning effort. Multimodal issues are considered in this EIS.

The purpose and need of this project is to efficiently and safely move people, goods and service from north and south of the river along this 4.7 mile (7.6 kilometer) section of I-29/35. The proposed action would address several needs:

- Replace the deteriorating infrastructure and modify interchanges to improve traffic operations and decrease accidents.
- Improve traffic safety.
- Improve the interstate system linkage across the Missouri River.
- Provide sufficient vehicle capacity and improve traffic operation to accommodate travel demands across the Missouri River and within the study corridor.
- Improve access to the Kansas City Central Business District (CBD) and other major activity centers.
- Facilitate the movement of trucks.

C. Alternatives Considered

The process used leading to a Selected Alternative involved the consideration of a variety of initial concepts. The initial concepts considered were:

- **No-Build Concept** – Maintain the existing pavement and bridges in the corridor.
- **Reconstruction Concept** – Reconstruct the existing corridor in-kind.
- **Parallel Arterials Concept** – Rebuild or modify other Downtown river bridges and approaches.
- **Transportation System and Travel Demand Management Concept** – Reduce cross-river traffic through car pools, low-cost transit service improvements, and improved traffic flow with low-cost improvements.
- **High Capacity Transit Concept** – Construct fixed guideway, high capacity transit improvements extending from Downtown, over the Missouri River, into the Northland.
- **Bicycle and Pedestrian Concept** – Provide improved bicycle and pedestrian facilities across the Missouri River, better connecting Downtown with the Northland.
- **Build Concepts** – Construct highway and bridge widening within the study corridor.

Following the initial concept screening, the concepts were further refined in order to develop a set of alternatives that were carried forward into the detailed EIS evaluation process.

As shown in Table 1, the alternatives are comprised of the selected build concepts and the No-Build Concept for comparison.

Table 1 – Screening of the Initial Concepts

Initial Concepts	Purpose and Need							Other Impacts					
	Roadway Deficiencies	Traffic Safety	System Linkage	Transportation Capacity	Traffic Operation	Economic Development	Intermodal/NAFTA	Built Environment	Natural Areas	Social Environment	Section 4(f) Properties	Project Cost	
No-Build	x	x	o	x	x	-	-	o	o	o	o	L	
Reconstruction	x	o	o	x	x	o	o	o	o	o	o	L	
Parallel Arterials	x	o	o	x	-	-	x	-	o	o	o	M	
Travel Demand Management	x	x	o	x	o	o	o	o	o	o	o	L	
Transportation System Management	x	●	o	x	o	o	o	o	o	o	o	L	
High Capacity Transit	x	x	o	x	x	o	x	o	o	o	o	M	
Bicycle and Pedestrian	x	x	o	x	x	o	x	o	o	o	o	M	
BUILD CONCEPTS	1 Widen to Six Lanes *	●	●	●	◐	◐	●	-	o	o	-	H	
	2 Widen to Six Through Lanes / Reserve Two Additional*	●	●	●	●	●	●	-	o	o	-	H	
	3 Widen to Six Through Lanes / Reserve Two additional for HOV	●	●	●	●	◐	◐	●	-	o	o	-	H
	4 Reversible Lanes	●	◐	●	●	◐	◐	●	-	o	o	-	H
	5 New Alignment	●	●	●	o	●	◐	●	x	-	-	-	H
	6 Geometric Changes	●	●	●	x	x	o	◐	o	o	o	-	M

* Auxiliary lanes located between some interchanges.

o = Neutral, - = Negative Impact, ◐ = Moderately Addresses Needs, ● = Substantially Addresses Needs,

x = Determined Not to Meet Purpose and Need; Project Cost: L = Low, M = Medium, H = High.

Shaded concepts carried forward for further consideration (i.e. alternatives).

For evaluation purposes, the study corridor was divided into three subcorridors – the North Subcorridor, the River Crossing Subcorridor and the CBD North Loop Subcorridor. The alternatives, by subcorridor, are summarized in the following section. A plan view of each alternative is included in Appendix C, Alternatives Plates in the Final Environmental Impact Statement (FEIS). A plan view of the Preferred Alternative is also included in Appendix C in the FEIS. The subcorridors are illustrated in Figure 1.

**1. NORTH SUBCORRIDOR
(M-210/Armour Road to 14th Avenue)**

a. No-Build Alternative

This alternative includes only minor short-term activities that would be completed throughout the life of the project (anticipated to be 30 years approximately between 2010 and 2040), including pavement overlays, routine maintenance and bridge repair.

b. Build Alternative

The Build Alternative includes widening the I-29/35 mainline to six through lanes and reserving for two additional lanes in the future and modifying the interchange at M-210/Armour Road and the half interchange at 16th Avenue.

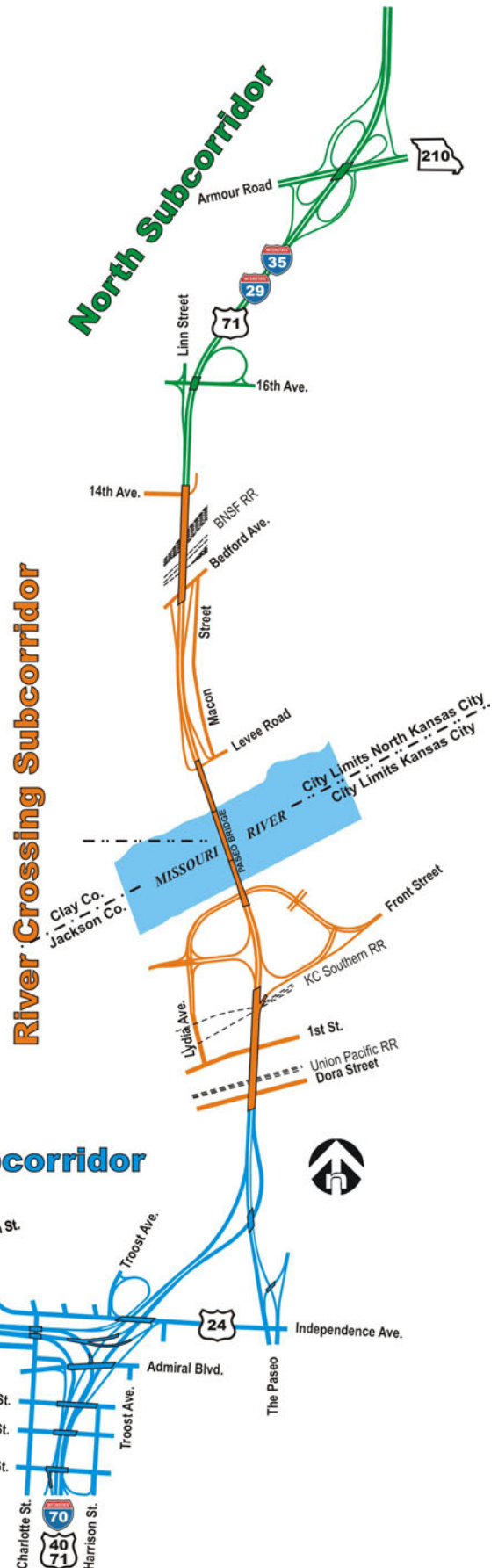
2. RIVER CROSSING SUBCORRIDOR (14th Avenue to Dora Street)

a. No-Build Alternative

Under this alternative, the I-29/35 Corridor would remain in its present configuration and location and a new bridge over the Missouri River would not be constructed. This alternative includes only minor short-term activities that would be completed throughout the life of the project, including pavement overlays, routine maintenance and bridge repair. The bridge repair would include the corridor roadway bridges, as well as a major rehabilitation plan that would extend the life of the existing I-29/35 Paseo Bridge. It would include pavement rehabilitation to maintain the driving surface of the interstate.

b. Build Alternatives

Within this subcorridor, the build alternative includes widening the I-29/35 mainline initially to six through lanes and reserving for two additional lanes in the future. It also includes improving or replacing the I-29/35 Paseo Bridge, as well as several corridor interchange design options. The build alternative combinations within this subcorridor include:



**Figure 1
I-29/35 Subcorridors**

Alternative A

Alternative A consists of rehabilitating the existing I-29/35 Paseo Bridge and converting it to a one-way bridge for southbound traffic. A new companion bridge would be constructed immediately adjacent to and downstream from the existing bridge due to navigational, property and environmental impacts. This build alternative includes widening the I-29/35 mainline and assumes constructing braided ramps at Bedford Avenue and Levee Road and a modified interchange at Front Street. Grade changes could make it cost prohibitive for certain interchange types at Front Street. Certain types of interchanges may not be feasible if the existing bridge is retained.

Alternative B

This alternative includes the construction of two new bridge structures, with one bridge carrying southbound traffic and one bridge carrying northbound traffic or one larger bridge constructed within the same project footprint. This build alternative includes widening the I-29/35 mainline and assumes constructing braided ramps at Bedford Avenue and Levee Road. Two different interchange types at Front Street, a modified existing and a SPUI have been identified as possible options, which are labeled in Chapter II, Section H. 2. b. as B-1 and B-2, respectively, in the Draft Environmental Impact Statement (DEIS). These two interchange types were used to determine the impacts for Alternative B. Grade changes could make it cost prohibitive for certain interchange types at Front Street.

Alternative C

This alternative includes the construction of one new bridge downstream of the existing Paseo Bridge carrying both northbound and southbound traffic. This build alternative also includes widening the I-29/35 mainline and assumes constructing braided ramps at Bedford Avenue and Levee Road and a modified or new interchange at Front Street. Grade changes could make it cost prohibitive for certain interchange types at Front Street.

**3. CBD NORTH LOOP SUBCORRIDOR
(Dora Street to Broadway Boulevard)****a. No-Build Alternative**

This alternative includes only minor short-term activities that would be completed throughout the life of the project, including pavement overlays, routine maintenance and bridge repair.

b. Build Alternatives

Within this subcorridor, the build alternatives include modifications to the north leg of the CBD Loop, as well as several corridor interchange design options. There are two build alternative combinations within this subcorridor.

Alternative A

This build alternative includes widening the I-29/35 mainline from Dora Street to the northeast corner of the CBD Loop. From there to just west of Broadway Boulevard, the mainline's current six-lane section would be maintained with minor ramp and lane modifications to improve operations and safety. The exit ramps from north bound I-35 to US 24/Independence Avenue and from I-70 WB at Admiral, as indicated in the Preferred Alternative, are being removed due to the short weave distances between the exit and entrance ramps in this location. Other access points are available nearby to accommodate individuals who desire to exit the interstate system in this corner of the Loop. The US 24/Independence Avenue, M-9 and Main Street interchanges would remain in their current configurations.

The existing Paseo Boulevard left-hand entrance and exit is shown to be converted to a right-hand entrance and exit. The Broadway Boulevard interchange could potentially be converted to a Single Point Urban Interchange (SPUI) and the I-29/35 mainline ramps to and from the north would be removed.

Alternative B

This build alternative includes widening the I-29/35 mainline from Dora Street to the northeast corner of the CBD Loop. The mainline from the northeast corner of the CBD Loop to just west of Broadway Boulevard maintains the current six-lane mainline section, but includes ramp and lane modifications to improve operations and safety.

Within this alternative, access from the US 24/Independence Avenue westbound loop ramp to I-35 southbound/I-70 westbound is shown to be relocated as US 24/Independence Avenue is converted to a continuous frontage road from the northeast corner of the CBD Loop to the Broadway Boulevard interchange. Direct access from Sixth Street to I-29/35 northbound is added. The M-9 directional interchange would be converted to an at-grade interchange. The existing Paseo Boulevard left-hand entrance and exit is shown to be converted to a right-hand entrance and exit. Operations and impacts were assessed assuming that in this alternative the Broadway Boulevard interchange would be converted to a Single Point Urban Interchange (SPUI).

4. ALTERNATIVE EVALUATION

In order to evaluate and compare alternatives for the entire project length, the subcorridor alternatives were combined to create project alternatives. The combination of alternatives within each subcorridor yielded eight distinct project alternatives. These refinements are reflected in the FEIS. These are defined in Table 2.

Table 2 – Project Alternatives

Project Alternative	Subcorridor Alternative		
	North	River Crossing	CBD North Loop
No-Build	No-Build	No-Build	No-Build
Alternative I	Build Alternative	Alternative A (Companion Bridge)	Alternative A
Alternative II	Build Alternative	Alternative A (Companion Bridge)	Alternative B
Alternative III	Build Alternative	Alternative B-1 (Two New Bridges or New Single Bridge)	Alternative A
Alternative IV	Build Alternative	Alternative B-1 (Two New Bridges or New Single Bridge)	Alternative B
Alternative V	Build Alternative	Alternative B-2 (Two New Bridges or New Single Bridge)	Alternative A
Alternative VI	Build Alternative	Alternative B-2 (Two New Bridges or New Single Bridge)	Alternative B
Alternative VII	Build Alternative	Alternative C (New Single Bridge)	Alternative A
Alternative VIII	Build Alternative	Alternative C (New Single Bridge)	Alternative B

Note: Selected Alternatives shown as shaded. Alternative A or B is the Selected Alternative for the River Crossing. This means that A, B-1 or B-2 could be selected.

Based upon three primary considerations – 1) the effectiveness of the alternative in accomplishing the purpose and need of the proposed action; 2) the comparison of the alternative's overall social, economic and environmental impacts and benefits; and 3) input from the public and review agencies, the Missouri Department of Transportation (MoDOT) identified the combination of the North Build Alternative, River Crossing Build Alternative A or B (B-1 or B-2) and CBD North Loop Alternative A as the Preferred Alternative.

D. Impacts

Exhibits 1a and 1b provide an overall evaluation of the key factors that define and characterize the No-Build and Build Alternatives. Exhibits 2 through 4 give a more detailed evaluation of the key factors by each subcorridor. Wherever possible, these issues have been defined using quantifiable measures. In other cases, more subjective assessments have been summarized using a rating scale. In the development of these alternatives and the determination of their respective impacts, all reasonable measures have been incorporated to avoid, minimize and mitigate their adverse impacts. In view of this, Selected Project Alternatives I, III and V as shown in Table 2 are considered to be the “environmentally preferred” in accordance with the Council on Environmental Quality Regulations.

E. Section 4(f) Evaluation

The Paseo Bridge is the only known Section 4(f) resource that could be impacted by the project. A Programmatic Section 4(f) Evaluation that addresses the removal of the bridge is included in Appendix E of the FEIS. The Programmatic Section 4(f) Evaluation will be applicable if the Paseo Bridge is removed by this project.

F. Measures to Minimize Harm

All practical measures to minimize harm have been incorporated into the identification of the Selected Alternative. FHWA and MoDOT are using a design-build contractual arrangement to have I-29/35 widened in accordance with the Final Environmental Impact Statement (FEIS) and this Record of Decision. All such commitment measures that were considered in the identification of the Selected Alternative will be incorporated into all appropriate construction specifications and contracts. The following is a list of commitments for the Selected Alternative for the I-29/35 project:

1. MoDOT is responsible for implementing Intelligent Transportation Systems (ITS) strategies as part of the Kansas City Scout project. As part of the Preferred Alternative, MoDOT will incorporate suitable and reasonable ITS elements consistent with KC Scout programs and projects.
2. The contractor will coordinate with MoDOT to develop maintenance of traffic plans for the construction phases. Some interchange ramps and cross roads will be closed and temporary detours required. In addition, the possibility that the Paseo Bridge or other portions of the I-29/35 Study Corridor be closed during all or part of the construction period for this project may be considered. Construction schedules, road closures and detours will be coordinated with local officials, police forces and emergency services to reduce impacts to response times of these agencies. MoDOT's communication with the cities and their emergency services during construction will be imperative in order to facilitate the planning of temporary alternate routes for emergency vehicles.
3. MoDOT will coordinate with area businesses regarding access issues, via direct communication throughout the construction period.

4. MoDOT will coordinate with local public service and utility service providers during the final design phase of the project and during the construction.
5. MoDOT will ensure that any right-of-way acquisition and relocations will be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation assistance under this program will be made available to all relocated persons without discrimination. MoDOT will examine ways to further minimize property impacts throughout the corridor, without compromising the safety of the proposed facility, during subsequent design phases.
6. During construction, MoDOT's specifications or other specifications approved by MoDOT, Missouri Department of Natural Resources (MDNR) Solid Waste Management Program, and MoDOT's Sediment and Erosion Control Program will all be followed. MoDOT will require that all contractors comply with all applicable state and federal laws and regulations relating to noise levels permissible within and adjacent to the project construction site. To minimize impacts associated with construction, pollution control measures outlined in MoDOT's specifications or other specifications approved by MoDOT will be used. These measures pertain to air, noise and water pollution as well as traffic control and safety measures.
7. Through MoDOT's approved Pollution Prevention Plan for the National Pollutant Discharge Elimination System (NPDES), the control of water pollution will be accomplished. The plan specifies berms, slope drains, ditch checks, sediment basins, silt fences, rapid seeding and mulching and other erosion control devices or methods as needed. In addition, all construction and project activities will comply with all conditions of appropriate United States Army Corps of Engineers (USACE) and MDNR permits and certifications.
8. MoDOT will continue to coordinate with the USACE, Environmental Protection Agency (EPA), and MDNR to develop appropriate mitigation strategies that are deemed necessary as compensation for project impacts to Waters of the U.S.
9. The project construction will incorporate those features necessary to meet National Flood Insurance Program (NFIP) standards, Federal Emergency Management Agency (FEMA), and State Emergency Management Agency (SEMA) guidelines.
10. MoDOT will minimize lighting impacts. Efficient lighting and equipment will be installed, where appropriate, to optimize the use of light on the road surface while minimizing stray light intruding on adjacent properties.
11. MoDOT will continue to coordinate with the State Historic Preservation Office (SHPO) and comply with the National Historic Preservation Act.
12. Future design and construction of bridge piers will be discussed with the U.S. Fish and Wildlife Service (USFWS), United States Coast Guard and the Missouri Department of Conservation (MDC) during the design phase to consider seasonal patterns of habitat use, potential habitat areas and existing habitat of the pallid sturgeon and other threatened or endangered species that might be present. See MoDOT's letter of June 15, 2006 located in Appendix G of the FEIS.
13. Plans for suitable pedestrian and bicycle access upon streets crossing I-29/35 and I-35/70 will be considered during the design of the interchanges and bridges where warranted. Existing sidewalks will be replaced.

14. MoDOT is committed to letting for construction a reasonable and safe bicycle/pedestrian facility crossing the Missouri River along Missouri Route 9 between 10th Avenue in North Kansas City and 3rd Street in Kansas City via the Heart of America Bridge by 2012. Since the study area in this National Environmental Policy Act (NEPA) document does not include Missouri Route 9 north across the Missouri River, the appropriate environmental documentation and clearances will be completed as this bicycle/pedestrian project moves forward. MoDOT will continue to work with Mid-America Regional Council (MARC) and the community on an appropriate design for the improvements to the Heart of America corridor. MoDOT will include a provision in the design-build Request for Proposals (RFP) that enough design work be completed on a new Paseo Bridge to allow for the addition of a bicycle/pedestrian facility to be designed and built, if desired and funded, on the structure in the future.
15. The MoDOT Noise Policy will be used to address noise impacts. Noise abatement measures will be considered that are deemed reasonable, feasible and cost effective. Where appropriate, possible noise abatement measures will be presented, discussed and decided with the benefited residents during the design phase.
16. Public outreach efforts during future project phases will be made through a variety of publications to increase awareness of the project and encourage comments from all communities, including minority communities.
17. Access to residences, businesses and local streets in the M-210 interchange area will be further coordinated with the City of North Kansas City during the project design process.
18. MoDOT will work with the appropriate city governments and stakeholders to develop an appropriate context sensitive urban design approach allowing the integration of enhancements along the corridor and to determine financial and maintenance responsibilities. The design and physical appearance of future bridges, retaining walls and other barriers will be explored as part of an integrated context sensitive urban design approach for the corridor to ensure the appearance from the roadway as well as from the residential areas will complement the visual character of the surrounding area.
19. MoDOT will coordinate with the Kansas City Area Transportation Authority, MARC, and other appropriate agencies as they analyze current and planned transit services in the EIS study area, separate from this NEPA document, to identify opportunities to enhance transit service/transit operations in the corridor. MoDOT will discuss the location of piers on structures south of Front Street relative to the potential commuter rail.
20. Prior to any future decision to expand the I-29/I-35 corridor beyond 6 lanes, MoDOT will coordinate with MARC, the Kansas City Area Transportation Authority, and other appropriate agencies and local governments to analyze a broad range of options for the additional lanes, including, but not limited to High Occupancy Vehicle Lanes.
21. As reflected in the design-build project goals, FHWA and MoDOT are committed to involving the public in successfully developing and delivering the project through the design-build process. Prior to awarding the design-build contract, public involvement activities will include a project Web site, newsletters and communications with adjacent property owners. MoDOT also will work with an advisory group of community representatives, appointed by elected and civic leaders. This group will help the project team identify and capture public priorities for various aspects of the project. These ideas will be summarized and broadly shared with members of the project team, prospective contractors and the public. MoDOT is committed to including the Community Advisory Group in design-build discussions and proposal evaluations regarding the aesthetics of

the Missouri River bridge. In addition, MoDOT will hold a public meeting prior to awarding the design-build contract to capture and document the public's priorities for the project. MoDOT also will seek out public events where project information and team members can be made available.

Once a contractor is selected, MoDOT will hold a second public meeting where the selected contractor will be available to answer questions, share their design, and get input from the public on that design. Outreach through the project's Web site and newsletter, as well as outreach to impacted property owners will continue after awarding the design-build contract. Finally, MoDOT will work with the selected contractor to develop and implement plans to inform the public of property impacts, including traffic management plans.

22. MoDOT will construct a landmark bridge that the community can support, within the budgetary and scheduling constraints of the design-build project.
23. If demolition of the existing suspension bridge is chosen, MoDOT and FHWA will work with the USFWS and the contractor to monitor the river with tracking equipment for any radio tagged sturgeon during demolition activities. If bridge demolition is necessary, MoDOT will conduct a survey of the bridge for the presence of migratory birds. If any nests are present, they will need to be removed outside of the breeding season (April 15 to August 1) prior to demolition. If necessary, a federal permit will be obtained by MoDOT to remove the nests.
24. The proposed action will conform to all applicable state floodplain protection standards.
25. A drilling and blasting program will be prepared, during design development, which will place limits or controls on drilling and blasting activities.

G. Monitoring and Enforcement

Permits and related approvals required in subsequent project phases are identified in the Final EIS, in Chapter IV, Environmental Consequences. The proposed improvement will require an individual Section 401 Water Quality Certification from MDNR, a USACE Section 404 permit, a Section 9 permit from the Coast Guard for the construction of any new bridge, a floodplain development permit from SEMA and a "no-rise" certificate.

MoDOT, in coordination with MDNR, has developed a Temporary Erosion and Sedimentation Control Program to protect the adjacent environment from sedimentation and construction material pollutants discharged from construction activities. This agreement satisfies the requirement for a National Pollutant Discharge Elimination System (NPDES) permit, Section 402 of the federal Clean Water Act and the Missouri Clean Water Act. MoDOT operates under the provisions of the Missouri State Operating Permit MO-R 100007 (or subsequent operating permit), which is a general permit issued for road construction statewide.

A Memorandum of Agreement (MOA) and Information to Accompany (ITA) the MOA for the Paseo Bridge and other properties in or eligible for inclusion in the National Register have been signed and were included in Appendix F of the FEIS. MoDOT and FHWA will fulfill its stipulations.

Ongoing coordination with the public, stakeholders, organizations and resource agencies will continue to implement appropriate mitigation measures and commitments as well as project coordination into the future during project design and construction.

For example, conceptual design analysis is currently examining Missouri River bridge options for permitting purposes. Related analyses to fulfill Commitment 9 above related to a no-rise requirement with FEMA and SEMA and to assure the integrity of the levees along the Missouri River are underway. Exhibit 5 shows a concept that represents a scenario of greatest impacts that might be caused by one bridge concept that would displace the greatest volume of water. This has FHWA and MoDOT already working on Commitments 7, 8, 9, 11, 12, 23 and 24 related to a concept for foreshore excavation on the north bank of the Missouri River to accommodate the displaced waters caused by added bridge piers and temporary levees. FHWA and MoDOT are collaborating with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, FEMA and other agencies to conduct studies and consider permits for possible work in these areas and to anticipate and fulfill the commitments specified above.

Environmental factors associated with these areas might include potential wetlands, the possibility of threatened and endangered species and natural habitat, and also possible cultural resources. Regarding potential wetlands, National Wetland Inventory (NWI) mapping reveals forested wetlands in the area of possible foreshore excavation. However, similar NWI mapping within the adjoining Paseo corridor examined in the EIS were countered by wetland delineation that revealed no jurisdictional wetlands. That analysis might also be confirmed within the possible foreshore excavation areas. If the areas are to be affected by the construction, wetland delineations will be conducted.

Regarding threatened and endangered species, coordination with the U.S. Fish and Wildlife Service indicates that any foreshore excavation that creates shallow water aquatic habitat is acceptable. Any deforestation of these areas will require an assessment of whether there are possible impacts to Indiana bats. No additional habitat assessment is needed for pallid sturgeon if any foreshore excavation is above ordinary high water prior to excavation and after installation of temporary levees, if any. The possible temporary levee on the south bank of the river might require further assessment of whether any pallid sturgeon habitat might be affected. FHWA and MoDOT will continue coordination with the USFWS and other agencies on possible threatened and endangered species matters.

FHWA and MoDOT are examining the likelihood of finding any significant cultural resources in either the possible areas of foreshore excavation or the areas of possible temporary levees. Other than a possibility of sunken rivercraft, there are only very remote possibilities for prehistoric and historic cultural resources. We have examined the records of steamboat wrecks in the Missouri River, and in the vicinity of this possible work, none are recorded there. Regardless, the Memorandum of Agreement (MOA) about cultural resources for the Paseo project (Appendix F of the Final EIS) covers measures to address cultural resources including continued coordination with the Missouri State Historic Preservation Office.

H. Public Comments on the Final EIS

A total of 781 public comments were received during the comment period for the FEIS. Comments received from agencies, municipalities and other local organizations are addressed later in this document.

Public Comment	Count
1. Support bicycle and pedestrian facilities on the Heart of America and Paseo bridges.	756
2. A bicycle and pedestrian crossing on Paseo would not be safe or draw enough users.	1
3. Sidewalk under I-29/35 at M-210/Armour Rd. should be wider, there should be crossing signals at all traffic lights and should be separated from the roadway by some kind of barrier.	1

Public Comment	Count
4. Noise remediation should include high concrete walls that are visually appealing.	1
5. Bridge over M-210/Armour road should be made visually appealing through landscaping, architecture, etc. to make this less of a barrier.	1
6. MoDOT should fund enhanced bus service during construction as was done during the last rehab project.	1
7. Save the intersection at Front and Lydia and do not construct over the rugby fields to the south.	1
8. Should not encourage increased speed for southbound traffic.	1
9. Concerns about access, utility availability and impacts of pollution during construction and the possibility of having to relocate because of these issues.	2
10. Quebec street will be more congested due to the closing of Macon, at a minimum the circle at 12 th Avenue and Quebec should be removed.	1
11. Use of Macon street should be maintained during construction and in some manner after completion.	1
12. Fire and police need uninterrupted access to the Paseo Industrial District at all times.	2
13. Concern that construction of additional highway and ramp area could overload the existing drainage system.	2
14. Bridge traffic must be maintained across the Missouri River at all times during construction of the new bridge.	1
15. MoDOT should spend money on improvements to the entire corridor rather than spending all of the money on a bridge that is expensive and "pretty". Maximize funding on improvements while enhancing the bridge to provide it with its own identity.	1
16. Box culvert just north of M-210 should be widened and accommodate a proposed trail along the toe levee of the North Kansas City levee district. This trail will connect with the River Trail at the Antioch/210 intersection and the River trail near the Kansas City Water Works plant.	1
17. Sidewalks need to be accommodated through all interchanges.	1
18. Encourage MoDOT to look at true traffic needs of the local streets.	1
19. The proposed interchange at M-210 is needed.	1
20. Concern about removal of the Admiral ramps.	1
21. The ramp from 6 th Street to NB I-35 that was shown in the DEIS was a good idea and should not have been removed from the Preferred.	1
22. Leaving M-9 as it currently exists is a wise choice.	1
23. Broadway interchange would cost a lot and does not solve the problem.	1

1. Support bicycle and pedestrian facilities on the Heart of America and Paseo bridges –

Response: A great deal of work and collaboration has taken place since October 2005 regarding the bicycle/pedestrian crossing issue. MoDOT is working to address the issues of concern to the public. Based on the analysis done in the Feasibility Study for Downtown Bicycle/Pedestrian River Crossing and the recommendations from the Mid-America Regional Council (MARC), MoDOT is committed to the following:

Heart of America Crossing

MoDOT is committed to letting for construction a reasonable and safe bicycle/pedestrian facility crossing the Missouri River along Missouri Route 9 between 10th Avenue in North Kansas City and 3rd Street in Kansas City via the Heart of America Bridge by 2012.

MoDOT will continue to work with MARC and the community on an appropriate design for the improvements to the Heart of America corridor.

We have received requests to accelerate this project so that it can be completed as soon as possible. However, with our existing project commitments in the Statewide Transportation Improvement Program (STIP), funding is not available to accelerate the Heart of America bicycle/pedestrian crossing project before state fiscal year 2012.

Paseo Crossing

MoDOT is committed to achieving the goals of the kclCON (design-build) project:

- Deliver the I-29/I-35 corridor improvements within the total program budget of \$245 million.
- Construct a landmark Missouri River bridge(s) that can be reasonably maintained to provide more than a century of useful service.
- Maximize safety, mobility, aesthetics and capacity improvements in the corridor.
- Engage stakeholders and the community to successfully develop and deliver the project.
- Meet or beat the project completion date of October 31, 2011.

MoDOT will continue to work with the community to prioritize the needs for this project within the allocated budget.

MoDOT will include a provision in the RFP that enough design work be completed on a new Paseo Bridge to allow for the addition of a reasonable and safe bicycle/pedestrian facility to be designed and built, if funded, on the structure in the future.

MoDOT will continue to raise concerns about the safety and connectivity for bicyclists and pedestrians at this crossing due to the industrial land use north of the river and the high truck volume.

Other River Crossings

MoDOT will continue to work with MARC and the region to further explore other crossing opportunities to increase bicycle/pedestrian travel across the Missouri River.

2. A bicycle and pedestrian crossing on Paseo would not be safe or draw enough users –

Response: MoDOT is committed to letting for construction a reasonable and safe bicycle/pedestrian facility crossing the Missouri River along Missouri Route 9 between 10th Avenue in North Kansas City and 3rd Street in Kansas City via the Heart of America Bridge by 2012.

MoDOT continues to be concerned about the safety and connectivity for bicyclists and pedestrians at the Paseo crossing due to the industrial land use north of the river and the high truck volume.

3. **Sidewalk under I-29/35 at M-210/Armour Rd. should be wider, there should be crossing signals at all traffic lights and should be separated from the roadway by some kind of barrier –**

Response: At the Armour Road interchange, sidewalks currently exist on the north side of Armour Road and continue through the interchange, but there is no sidewalk on the south side of Armour through the interchange and eastward. Existing sidewalks would be replaced through the interchange to provide pedestrian connections along Armour Road. The specifics of this replacement will be determined during detailed design. More discussion about pedestrian and bicyclist considerations is located in Chapter IV, Section F of the DEIS.

4. **Noise remediation should include high concrete walls that are visually appealing –**

Response: The MoDOT Noise Policy will be used to address noise impacts. Noise abatement measures will be considered that are deemed reasonable, feasible and cost effective. These locations are shown in Exhibit IV-4 in the FEIS. Should the majority of benefited residents concur that noise abatement is desired at these locations, then MoDOT will consider noise abatement. At these locations, possible noise abatement measures will be presented and discussed with the benefited residents during the design phase. If the majority of the benefited residents decide that they do not desire noise abatement for the reasons stated in this comment or others, this will be taken into consideration as to whether abatement will be provided.

5. **Bridge over M-210/Armour road should be made visually appealing through landscaping, architecture, etc. to make this less of a barrier –**

Response: MoDOT is committed to working with the municipalities and the public to develop a context sensitive urban design approach to allow integration of enhancements and determine financial and maintenance responsibilities.

6. **MoDOT should fund enhanced bus service during construction as was done during the last rehab project –**

Response: A maintenance of traffic plan will be developed for the construction phase of the project. The EIS has identified the possibility that the Paseo Bridge or other portions of the corridor could be closed during all or part of the construction period subject to the details that will be worked out during the design-build process. Public involvement and opportunity for input will continue into the design-build phase of the project when more information related to the design is available. MoDOT will continue to work with the public and appropriate agencies regarding access issues and management of congestion, including additional transit options.

7. **Save the intersection at Front and Lydia and do not construct over the rugby fields to the south –**

Response: MoDOT is coordinating with the Port Authority regarding the interchange layout at Front Street based on the plans that the Port Authority has put together for

future development on their property at this location. Port Authority property includes the land currently being leased for use as rugby fields.

8. Should not encourage increased speed for southbound traffic –

Response: Comment noted.

9. Concerns about access, utility availability and impacts of pollution during construction and the possibility of having to relocate because of these issues –

Response: A discussion of considerations during construction is included in the DEIS, Chapter IV and in Section S. of Chapter IV in this FEIS. Efforts to minimize and mitigate environmental impacts are discussed in Chapter IV of the DEIS and the FEIS.

10. Quebec street will be more congested due to the closing of Macon, at a minimum the circle at 12th Avenue and Quebec should be removed –

Response: Quebec and 12th Avenue are local streets. Changes to local streets would require coordination with North Kansas City, Missouri. MoDOT has no jurisdiction for local streets.

11. Use of Macon Street should be maintained during construction and in some manner after completion.

Response: The interchange designs shown in the DEIS are illustrative of the possible options for that location. Through discussions with stakeholders and through public comments, it was determined to be desirable to maintain access at both Bedford and Levee Road. Braided ramps are shown in the conceptual designs. Braided ramps were considered in order to eliminate a traffic weave at a location where the crash rate exceeds the statewide average for similar facilities (Table I-3 in the DEIS). However, the space required for the braided ramps requires the removal of Macon Street at this location. Access to the properties adjacent to Macon Street would be provided by the network of local streets serving this area. The public will continue to have the opportunity to provide input on the project design into the design-build process when further details related to design will be available.

12. Fire and police need uninterrupted access to the Paseo Industrial District at all times –

Response: A maintenance of traffic plan will be developed for the construction phase of the project. The EIS has identified the possibility that the Paseo Bridge or other portions of the corridor could be closed during all or part of the construction period subject to the details that will be worked out during the design-build process. Public involvement and opportunity for input will continue into the design-build phase of the project when more information related to the design is available. MoDOT will coordinate with area businesses and emergency service providers regarding access issues, via direct communication throughout the construction period.

13. Concern that construction of additional highway and ramp area could overload the existing drainage system –

Response: MoDOT has discussed drainage issues with the North Kansas City Levee District and with the cities of Kansas City and North Kansas City. An assessment of existing drainage features has been made within the corridor. Stormwater facilities will be designed so as not to cause increased runoff for already overloaded collection systems.

14. Bridge traffic must be maintained across the Missouri River at all times during construction of the new bridge –

Response: MoDOT is committed to continuing discussions with the public and key stakeholders regarding community priorities, which includes input regarding closures during construction. A maintenance of traffic plan will be developed for the construction phase of the project. The EIS has identified the possibility that the Paseo Bridge or other portions of the corridor could be closed during all or part of the construction period subject to the details that will be worked out during the design-build process. Public involvement and opportunity for input will continue into the design-build phase of the project when more information related to the design is available. MoDOT will coordinate with area businesses regarding access issues, via direct communication throughout the construction period.

15. MoDOT should spend money on improvements to the entire corridor rather than spending all of the money on a bridge that is expensive and “pretty”. Maximize funding on improvements while enhancing the bridge to provide it with its own identity –

Response: MoDOT is committed to achieving the goals of the kclCON (design-build) project:

- Deliver the I-29/I-35 corridor improvements within the total program budget of \$245 million.
- Construct a landmark Missouri River bridge(s) that can be reasonably maintained to provide more than a century of useful service.
- Maximize safety, mobility, aesthetics and capacity improvements in the corridor.
- Engage stakeholders and the community to successfully develop and deliver the project.
- Meet or beat the project completion date of October 31, 2011.

MoDOT will continue to work with the community to prioritize the needs for this project within the allocated budget. MoDOT is committed to including the Community Advisory Group in making the decision regarding the bridge type. The Community Advisory Group will receive 20 out of 100 points to evaluate the architectural style and aesthetic designs proposed by design-build teams competing to construct a new Missouri River bridge(s).

16. Box culvert just north of M-210 should be widened and accommodate a proposed trail along the toe levee of the North Kansas City levee district. This trail will connect with the River Trail at the Antioch/210 intersection and the River trail near the Kansas City Water Works plant –

Response: Sidewalks that currently exist will be replaced. Other pedestrian access will be considered during design. MoDOT is committed to getting input from the community related to their interests and concerns related, but not limited to, community cohesion, connectivity and access; multimodal transportation; system performance and operations; and design and aesthetic considerations.

17. Sidewalks need to be accommodated through all interchanges –

Response: Sidewalks that currently exist will be replaced. Other pedestrian access will be considered during design. MoDOT is committed to getting input from the community related to their interests and concerns related, but not limited to, community cohesion, connectivity and access; multimodal transportation; system performance and operations; and design and aesthetic considerations.

18. Encourage MoDOT to look at true traffic needs of the local streets –

Response: A traffic model done in conjunction with the City of Kansas City, Missouri has been used to examine the impacts of the project in the area.

19. The proposed interchange at M-210 is needed –

Response: Comment noted.

20. Concern about removal of the Admiral ramps –

Response: The interchanges shown in the DEIS and FEIS are illustrative concepts used to develop a project footprint and estimate impacts. The Admiral ramp is shown as being removed due to safety concerns. Having said that, the EIS does not preclude leaving the Admiral ramps as they currently exist today.

21. The ramp from 6th Street to NB I-35 that was shown in the DEIS was a good idea and should not have been removed from the Preferred –

Response: The ramp from 6th Street to NB I-35 does not currently exist today but was part of CBD North Loop Subcorridor Alternative B which was the Preferred Alternative in the Draft EIS. MoDOT has re-examined the Preferred Alternative in the CBD North Loop Subcorridor since the DEIS. Because of the concerns from Columbus Park, North Kansas City and others, and the additional costs associated with Alternative B, the Preferred Alternative for the CBD North Loop Subcorridor became Alternative A. Alternative A does not include the ramp from 6th Street to NB I-35.

22. Leaving M-9 as it currently exists is a wise choice –

Response: Modifications to M-9 were considered as part of CBD North Loop Subcorridor Alternative B which was the Preferred Alternative in the Draft EIS. MoDOT has re-examined the Preferred Alternative in the CBD North Loop Subcorridor since the DEIS. Because of the concerns from Columbus Park, North Kansas City and others, and the additional costs associated with Alternative B, the Preferred Alternative for the CBD North Loop Subcorridor became Alternative A. Alternative A leaves route M-9 as it currently exists today.

23. Broadway interchange would cost a lot and does not solve the problem –

Response: The interchanges shown in the DEIS and FEIS are illustrative concepts used to develop a project footprint and estimate impacts of conceptual design. Having said that, the EIS does not preclude an interchange type different from the SPUI proposed at Broadway.

I. Agency and Organization Comments on the Final EIS

The Final EIS was approved for circulation on November 8, 2006. It was furnished to the agencies and individuals included on the circulation list. The notice of availability was published in the Federal Register on November 17, 2006, and comments were requested by December 18, 2006. Comments on the FEIS were received from the following entities:

- State of Missouri Office of Administration – December 4, 2006
- Clay County Economic Development Council – December 5, 2006
- Kansas City, Missouri Office of the Mayor – December 7, 2006
- City of North Kansas City – December 13, 2006
- Missouri River Crossing Committee – December 14, 2006
- Northland Regional Chamber of Commerce – December 14, 2006
- Clay County, Missouri – December 15, 2006
- Housing Authority of Kansas City, Missouri – December 15, 2006
- Regional Transit Alliance, Downtown Council, American Institute of Architects – Kansas City Chapter and Kansas City Design Center Joint Response – December 15, 2006
- Kansas City Bicycle Club – December 17, 2006
- City of Kansas City, Missouri – December 18, 2006
- Mid-America Regional Council – December 18, 2006
- Missouri Bicycle Federation, Inc. – December 18, 2006
- Sierra Club – December 18, 2006
- U.S. Department of Housing and Urban Development – December 18, 2006
- U.S. Environmental Protection Agency – December 18, 2006

The comment letters and written responses can be found in the Appendix of this Record of Decision.

J. Conclusion

The Selected Alternative was arrived at following a collaborative decision-making process that included a thorough consideration of all social, economic and environmental factors (see Exhibits 1 through 4) with an extensive outreach of agency coordination and public involvement. The environmental consequences associated with its selection are accurately presented in the Final EIS.

FHWA and MoDOT have worked to avoid, minimize and mitigate impacts throughout the NEPA process and will continually monitor and assess the proposed design-build alternative to make sure it does not introduce significant impacts that aren't covered in this document. If necessary, a re-evaluation will be completed by FHWA and MoDOT in accordance with 23 CFR 771.129(b) to determine if this FEIS is valid for the design advanced to construction.