THE CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 153

Approved March 24, 2003

WHEREAS, the prospective reconstruction of the I-195 requires the relocation of portions of the existing structure;

WHEREAS, said relocation requires the cooperation of the City in transferring certain property interests and maintaining certain rights of way and the like;

WHEREAS, the City wishes to cooperate with these endeavors.

NOW THEREFORE BE IT RESOLVED, that His Honor the mayor is authorized to execute a transfer of real estate for nominal compensation for that realty as the same is described and annexed hereto in Exhibit "A" provided however that:

a.) said real estate shall be utilized by the State of Rhode Island and the Department of Transportation in the rehabilitation of I-195;

b.) the State of Rhode Island and the Department of Transportation adhere to the language contained in the Record Decision and the Environmental Impact Study (copies attached hereto as Exhibits "B" and "C" respectively);

c.) the State of Rhode Island and the Department of Transportation will use all reasonable efforts to identify those parcels earlier acquired from the City of Providence for the construction of I-195 in order that the City may make an informed decision with respect to reacquiring the same;

d.) the final form of the Agreement shall be reviewed and assented to by the City Solicitor;

e.) by undertaking any act arising from this Resolution and any subsequent agreement, the Department of Transportation and the State of Rhode Island agree that all documents submitted and comments made to various municipal boards, agencies and committees are by reference hereto binding upon the parties as if the same were set out in full.

IN CITY COUNCIL
JAN 16 2003
READ AND PASSED

PRES.

CLERK

APPROVED

3/24/03

MAYOR

IN CITY COUNCIL
MAR 12 2003
READ AND PASSED, AS AMENDED

PRES.

CLERK

IN CITY COUNCIL
FEB 6 2003

And Referred Back
To The Committee on Public Works + City Property - Jointly

Michael R. Clement CLERK

THE COMMITTEE ON
PUBLIC WORKS + City Property, Jointly
Approves Passage of
The Within Resolution as amended
Anne M. Stelton
2-24-03 Clerk

IN CITY COUNCIL
SEP 5 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS + City Property Jointly
Michael R. Clement CLERK
Ams

THE COMMITTEE ON
Public Works + City Property
Recommends - Continue Jointly
Anne M. Stelton CLERK
12-17-02
2-12-03

THE COMMITTEE ON
PUBLIC WORKS + City Property, Jointly
Approves Passage of
Within Resolution
Anne M. Stelton
12-30-02 Clerk

Exhibit 'A'

I-195 RELOCATION PROJECT (THE "PROJECT")

MAINTENANCE AND ACCESS AGREEMENT

BY AND BETWEEN THE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
ACTING BY AND THROUGH THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION

AND THE

CITY OF PROVIDENCE

This Agreement entered into by and between the State of Rhode Island and Providence Plantation acting by and through the Rhode Island Department of Transportation (the "State") and the City of Providence (the "City").

WITNESSETH:

WHEREAS, the State, in cooperation with the City, has selected the above referenced Project is the city of Providence, for improvements under provisions established in the Federal – Aid Policy Guide ("FAPG") of the United State Department of Transportation, Federal Highway Administration, and

WHEREAS, the State will accomplish said improvements with funds appointed to the State under the Federal-Aid Highway Act, as amended and supplemented, and from other sources available for the purpose, subject to various conditions including that the City shall permit the State to access maintain the highway from certain city streets over which the highway shall be constructed and maintained.

NOW THEREFORE, the State and the City hereby agree as follows:

1. The State, through its contractor will construct improvements in accordance with Plans and specification for the Project.

2. The City will allow the State to enter onto those City Streets described on Exhibit A attached hereto (the "City Streets") for the purpose of constructing the Project and the improvements.

3. The City does hereby grant to the State such rights as necessary to maintain the interstate highway over the City Streets.

4. Upon completion of the construction of the Project, the City shall permit the State access on the City Streets for the purpose of maintaining and repairing the interstate highway and its appurtenant structures.

5. Dated and attested copies of amendments to City ordinances necessary for the enforcement of any specific provision of this Agreement will be forwarded by the City to the State.

6. All necessary ordinances applicable to this project shall be in effect prior to the commencement of construction of the Project.

7. All work performed under the Project is subject to approval and inspection of the State and Federal authorities in accordance with the provisions of the Federal-Aid Highway Act and the regulations, including the FAPG, which is hereby made a part of this Agreement by reference.

8. This Agreement may be amended only after the prior approval of the Division Administration, Federal Highway Administration has been obtained to such proposed amendment.

In Witness Whereof, the State and the City have caused this Agreement to be executed by their duly authorized officials as of the _____ day of _____, 2001.

_____
Chief Engineer
Department of Transportation

By:_____
Title:

Approved as to form:

The City of Providence

_____
Chief Legal Counsel
Department of Transportation

By:_____
Duly Authorized

_____
Division Administration
U.S. Department of Transportation
Federal Highway Administration

APPROVED:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

By: _____
Director of Administration

By: _____
William D. Ankner, Ph.D.
Director of Transportation

APPROVED:

_____
Chairman
State Properties Committee

APPROVED:

_____
Public Member
State Properties Committee

APPROVED:

_____
Department of Administration

APPROVED:

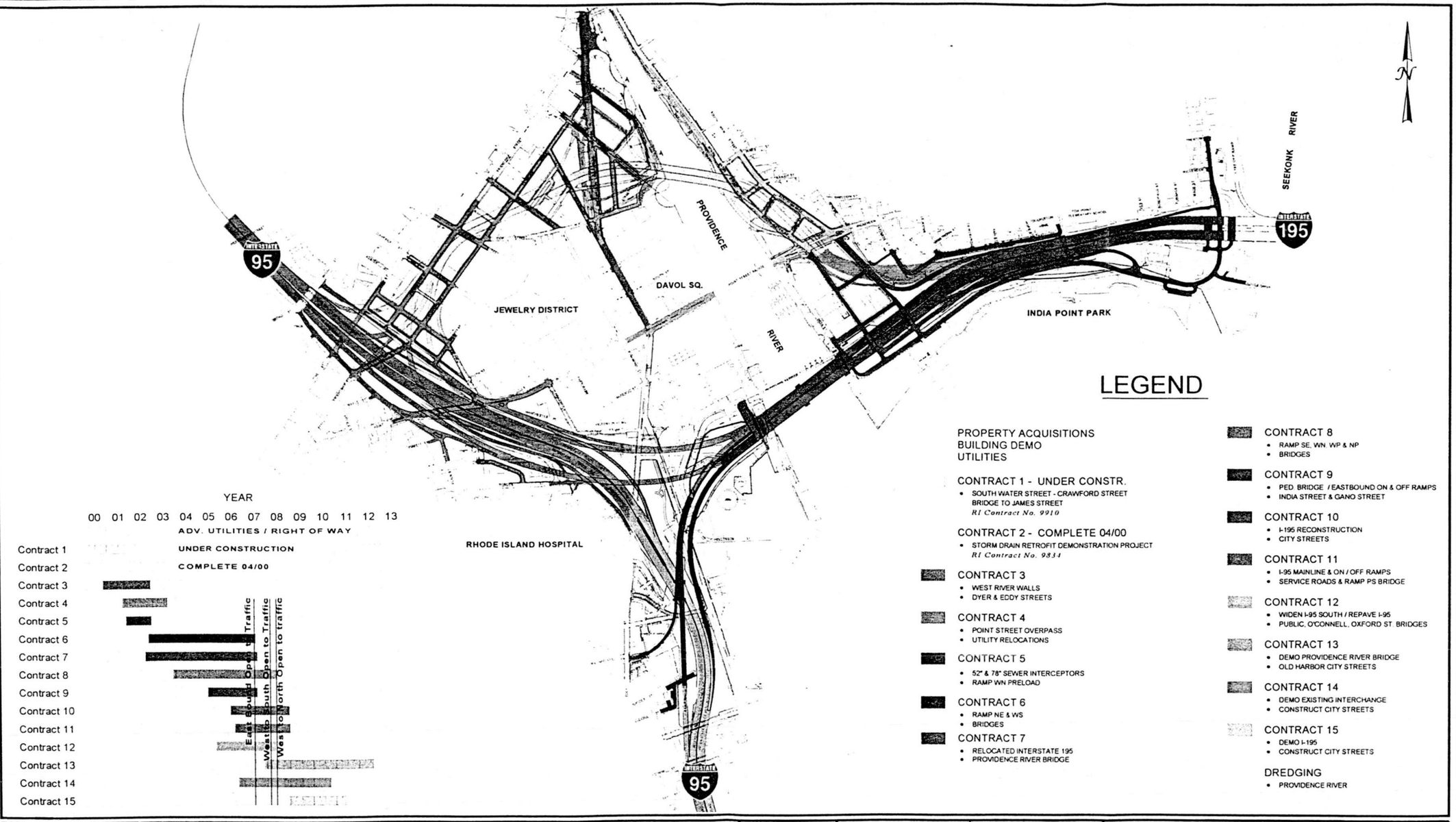
_____
Attorney General

EXHIBIT A

HIGHWAY MAINTENANCE AND ACCESS

STREETS

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate 95 Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor
Blackstone Street under proposed Interstate 95 Corridor
Allens Avenue under Proposed Ramps NE and PE
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor



Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

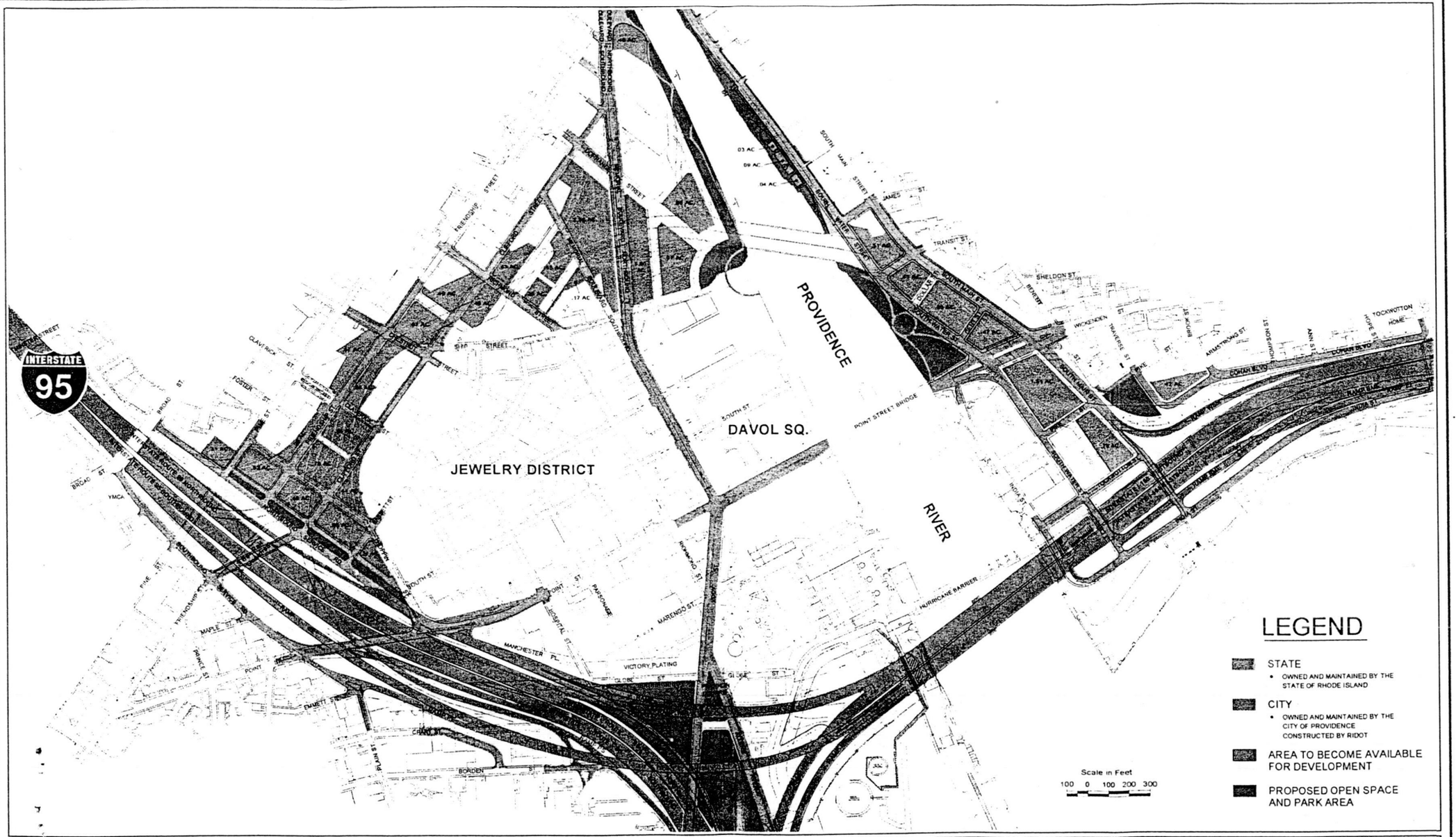
JUNE 7, 2001

200 0 200 400
Scale in Feet

UPDATE 07

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

CONSTRUCTION SEQUENCE
CONTRACTS 1-15



Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

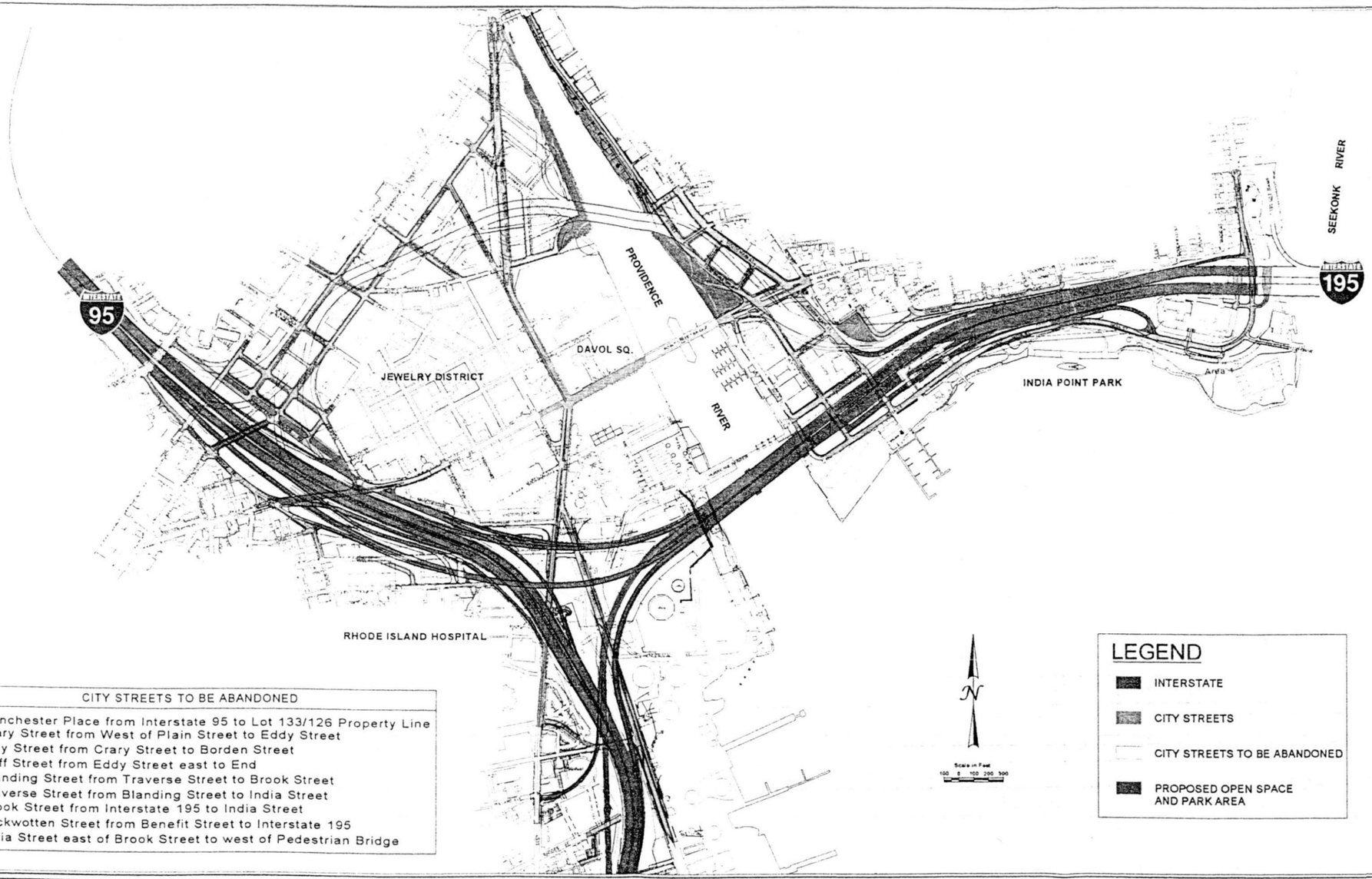
RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

NOVEMBER 19, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

PROPOSED DEVELOPMENT PARCELS



CITY STREETS TO BE ABANDONED
Manchester Place from Interstate 95 to Lot 133/126 Property Line
Crary Street from West of Plain Street to Eddy Street
Clay Street from Crary Street to Borden Street
Goff Street from Eddy Street east to End
Blanding Street from Traverse Street to Brook Street
Traverse Street from Blanding Street to India Street
Brook Street from Interstate 195 to India Street
Tockwotten Street from Benefit Street to Interstate 195
India Street east of Brook Street to west of Pedestrian Bridge

LEGEND

- INTERSTATE
- CITY STREETS
- CITY STREETS TO BE ABANDONED
- PROPOSED OPEN SPACE AND PARK AREA

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

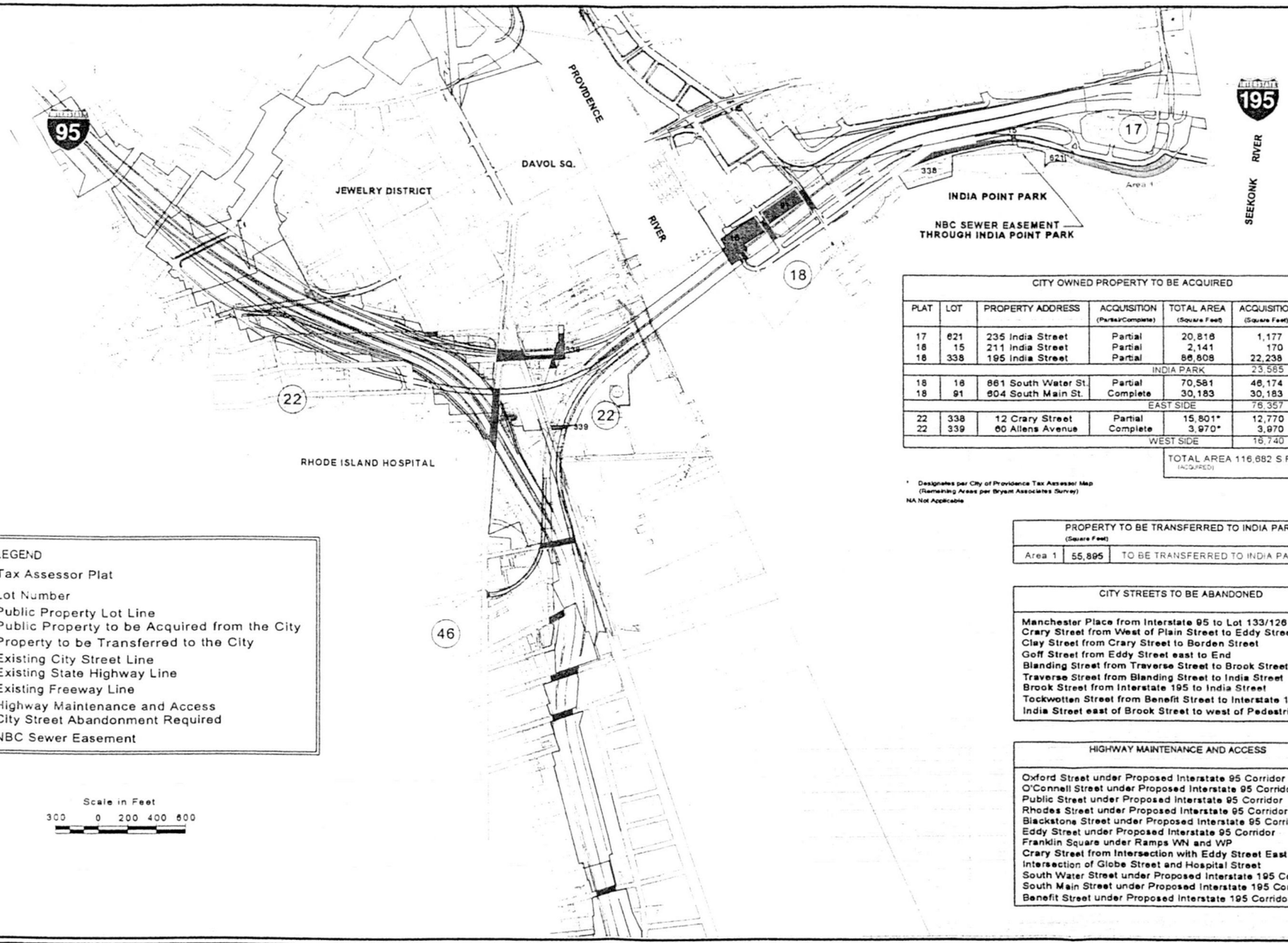
RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

DECEMBER 10, 2002

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

CITY STREET ABANDONMENTS



CITY OWNED PROPERTY TO BE ACQUIRED						
PLAT	LOT	PROPERTY ADDRESS	ACQUISITION (Partial/Complete)	TOTAL AREA (Square Feet)	ACQUISITION (Square Feet)	REMAINING (Square Feet)
17	621	235 India Street	Partial	20,816	1,177	19,639
18	15	211 India Street	Partial	2,141	170	1,971
18	338	195 India Street	Partial	86,808	22,238	64,570
				INDIA PARK	23,585	
18	16	661 South Water St.	Partial	70,581	46,174	24,407
18	91	604 South Main St.	Complete	30,183	30,183	0
				EAST SIDE	76,357	
22	338	12 Crary Street	Partial	15,801*	12,770	3,031
22	339	60 Allens Avenue	Complete	3,970*	3,970	0
				WEST SIDE	16,740	
				TOTAL AREA (ACQUIRED)	116,682 S F	

* Designates per City of Providence Tax Assessor Map
(Remaining Areas per Bryant Associates Survey)
NA Not Applicable

PROPERTY TO BE TRANSFERRED TO INDIA PARK		
	(Square Feet)	
Area 1	55,895	TO BE TRANSFERRED TO INDIA PARK

CITY STREETS TO BE ABANDONED

Manchester Place from Interstate 95 to Lot 133/126 Property Line
Crary Street from West of Plain Street to Eddy Street
Clay Street from Crary Street to Borden Street
Goff Street from Eddy Street east to End
Blanding Street from Traverse Street to Brook Street
Traverse Street from Blanding Street to India Street
Brook Street from Interstate 195 to India Street
Tockwotten Street from Benefit Street to Interstate 195
India Street east of Brook Street to west of Pedestrian Bridge

HIGHWAY MAINTENANCE AND ACCESS

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate 95 Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor
Blackstone Street under Proposed Interstate 95 Corridor
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor

LEGEND

- (18) Tax Assessor Plat
- xxx Lot Number
- Public Property Lot Line
- Public Property to be Acquired from the City
- Property to be Transferred to the City
- Existing City Street Line
- Existing State Highway Line
- Existing Freeway Line
- Highway Maintenance and Access
- City Street Abandonment Required
- NBC Sewer Easement

Scale in Feet
300 0 200 400 600

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

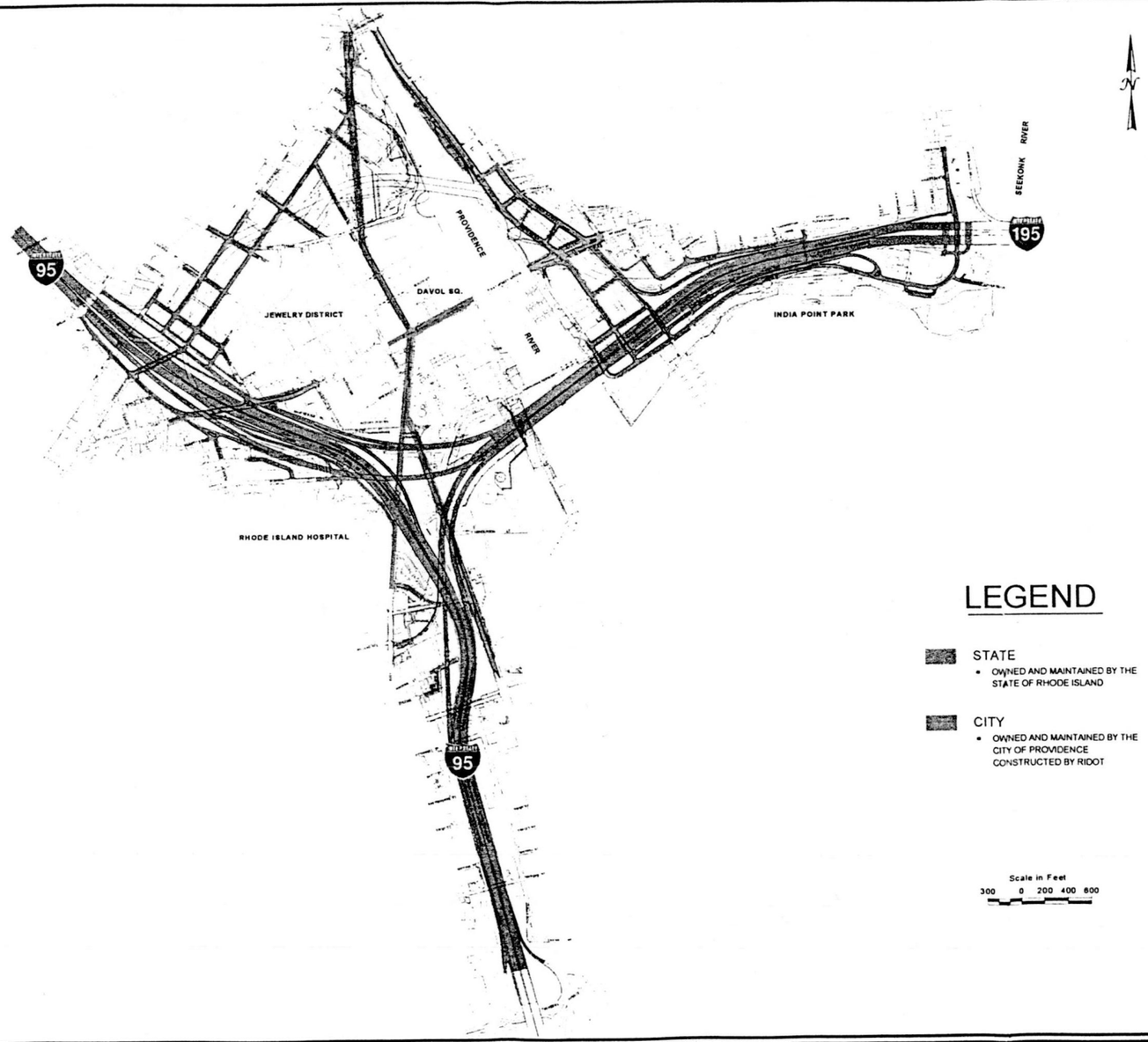
INTERSTATE 195

DECEMBER 10, 2002

IMPROVEMENTS TO INTERSTATE ROUTE 195

PROVIDENCE RHODE ISLAND

RIGHT-OF-WAY ACTIONS
CITY OF PROVIDENCE



LEGEND

STATE
- OWNED AND MAINTAINED BY THE STATE OF RHODE ISLAND

CITY
- OWNED AND MAINTAINED BY THE CITY OF PROVIDENCE CONSTRUCTED BY RIDOT

Scale in Feet
300 0 200 400 600

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

NOVEMBER 6, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

STREET OWNERSHIP
STATE / CITY

Exhibit 'B'

FEDERAL HIGHWAY ADMINISTRATION

RECORD OF DECISION

IMPROVEMENTS TO INTERSTATE ROUTE 195
PROVIDENCE, RHODE ISLAND

FHWA-RI-EIS-93-01-F

JANUARY 14, 1997

TABLE OF CONTENTS

RECORD OF DECISION

IMPROVEMENTS TO INTERSTATE ROUTE 195
WASHINGTON BRIDGE TO INTERSTATE ROUTE 95
PROVIDENCE (PROVIDENCE COUNTY), RHODE ISLAND
FHWA-RI-EIS-93-01-F

PROJECT OVERVIEW

This Record of Decision contains the rationale employed to reach a decision on implementation of a highway project alternative for the Improvements to Interstate Route 195 between the west end of the Washington Bridge and Interstate Route 95 in Providence, Rhode Island. It is issued under the requirements of 40 CFR 1502.2 and 23 CFR 771.127.

Periodic repairs and safety improvements have made it possible for I-195 to serve traffic needs for over 30 years. Despite recent repairs to the bridges, the existing I-195 through Providence is essentially beyond the end of its service life. It does not meet current design criteria, has poor operational and safety characteristics, and the bridge structures will continue to deteriorate.

The Rhode Island Department of Transportation (RIDOT), along with the Federal Highway Administration (FHWA), published a Notice of Intent to conduct an Environmental Impact Statement (EIS) for the proposed project in the October 31, 1991, Federal Register. Early coordination and identification of issues actually began two years earlier with the initiation of work on an Environmental Assessment (EA) in December 1989. The original focus of the EA was to evaluate alternatives to rehabilitate or improve the existing alignment. It was through the early EA coordination process that the concept of a Hurricane Barrier Alignment (HBA), one-half mile to the south of the existing viaduct, was forwarded by the Providence Foundation. Given the size and scope of the HBA, it was decided that a full EIS was warranted to rigorously explore and objectively evaluate the alternatives.

Key issues and areas of concern were identified through a formal scoping process. The scoping process included brochures and surveys mailed to Federal, State, and local agencies, interest groups, and property owners, as well as day and night public scoping sessions held on December 9, 1991. Section 7 of the Final Environmental Impact Statement (FEIS) documents the scoping and coordination process undertaken in the development and analysis of alternatives throughout the EIS process.

Three candidate alternatives were retained and evaluated through the EIS process. They are (1) the Reconstruction of Existing Alignment, (2) the North Alignment, and (3) the Hurricane Barrier Alignment. The Reconstruction of Existing Alignment was developed to represent the least cost alternative and to serve as the No-Build alternative. It includes the minimum level of reconstruction and rehabilitation of the existing six-lane facility needed to ensure the highway continues to function, but provides for no operational improvements. The North Alignment is an eight-lane alternative parallel and offset immediately to the north of the existing facility on new

alignment at the Providence River. It eliminates the Dyer Street ramps and makes other minor operational improvements at the I-95 interchange. It provides sufficient operational characteristics through the design year, though it retains the existing I-95 interchange with most of its poor operating characteristics. The Hurricane Barrier Alignment includes an all new eight-lane facility and interchange with I-95 located immediately south of the Providence Hurricane Barrier.

The Draft Environmental Impact Statement (DEIS) was published and approved in May 1993. The DEIS presented a detailed analysis for three candidate alternatives. A public hearing on the DEIS was held on June 30, 1993. FHWA and RIDOT received public comments at the hearing and by written correspondence throughout the public comment period. Substantive comments received on the DEIS and at the public hearing, together with appropriate responses, are included in Section 7 of the FEIS. Comments received on the FEIS are analyzed and addressed in this Record of Decision (see "Response to Comments on Final EIS").

The input received through coordination efforts was fully evaluated in reaching a decision on the preferred alternative. The input was integral to the consideration and implementation of design modifications to reduce traffic and environmental impacts. These design revisions are described in Sections 4.1.1 and 4.5.2 of the FEIS.

DECISION AND SUMMARY OF FINDINGS

The Hurricane Barrier Alignment (HBA) alternative was identified as the preferred alternative in the FEIS and has been selected for further project development and subsequent construction. FHWA has carefully reviewed all concerns in the course of approving the selected alternative. We have concluded that the selected alternative, based on a rigorous exploration and objective evaluation, reasonably maximizes transportation benefits and minimizes environmental harm, including harm to Section 4(f) resources.

Based upon the analysis contained in the EIS, the selected alternative clearly provides the best alternative to satisfy the project's purpose and need. The stated project purpose and need is " . . . *to provide a transportation improvement alternative to relieve present and future traffic demands on Interstate 195 between the west end of the Washington Bridge and Interstate 95 in Providence, RI. Additionally, the project shall provide for the implementation of the City of Providence's Old Harbor Plan between Crawford Street and Fox Point.*" The HBA received strong support from the general public and local business community, as well as local, State, and Federal agencies in the oral and written comments received on the DEIS.

MAJOR FACTORS INFLUENCING THE SELECTION OF ALTERNATIVES

The reasons for selecting the HBA include the following: it improves highway safety, reduces impacts on historic districts, allows for the fullest implementation of the city's Old Harbor Plan, has a net positive impact on India Point Park, provides improved access to Rhode Island Hospital, and incurs the least impact to traffic during construction. The HBA includes improvements to the alignment and operational characteristics of over one-half mile of I-95 and includes an all new interchange with I-95 that is a substantial improvement over the existing condition. The other two

alternatives considered, the Reconstruction of Existing Alignment (No-Build) and North Alignment, were generally less effective and desirable than the HBA. A thorough description of each of the considered alternatives is included in Section 2 of the FEIS. The following provides additional detail regarding the principal reasons for selecting the HBA:

Capacity and Safety

The HBA provides the best transportation improvements to relieve present and future traffic demands on Interstate 195. The proposed alignment provides the best configuration from a safety and capacity standpoint. The safety improvements afforded by the HBA include the following: all seven existing substandard weaves are eliminated, access to and from the Rhode Island Hospital and the Women and Infants Hospital is greatly improved, and the existing substandard interchange between I-95 and I-195 is replaced. The North Alignment eliminates all but two substandard weaves in the I-95 interchange, but does not improve access to the hospital.

As a result of the improved safety characteristics, the projected number of accidents over a 5-year period for the HBA is 655, substantially less than either of the other alternatives considered—half that of the Reconstruction of Existing Alignment alternative (1,156 accidents) and two-thirds that of the North Alignment (963 accidents). The new interchange and associated extended transportation benefits are a major reason for the cost differential between the HBA and the North Alignment alternative.

Constructability

The alignment of the HBA is largely independent of the existing alignment; therefore, the HBA is the easiest alternative to construct without affecting traffic flow on the existing interstate. Three lanes in each direction can be maintained throughout the construction period. The other alternatives considered would require extensive detours and lane closures and would result in substantial congestion and delays during the estimated 5-year construction period.

Implementation of the Old Harbor Plan

Of the alternatives considered, the HBA is the most compatible with the city of Providence's Old Harbor Plan. The Old Harbor Plan, adopted by City Ordinance in 1994, is an element in their Comprehensive Plan. In fact, the plan envisions the relocation of I-195 as a key element. The HBA allows for the most complete implementation of the Old Harbor Plan among the three alternatives. The Old Harbor Plan itself will have a number of positive benefits including: improved waterfront access in the form of pedestrian walkways along the shore of the Providence River from Crawford Street south to the Hurricane Barrier; improved water transportation; increased public park land; and economic development opportunities. Along with the redevelopment of the surplus right-of-way, the Old Harbor Plan allows for the reuniting of the Downtown Central Business District with the Jewelry District.

Historic Resources

Implementation of the HBA and the Old Harbor Plan results in a net positive benefit to historic resources in the city. Removal of the existing I-195 on the west side of the Providence River substantially reduces the noise and visual impact on both the Downtown and Jewelry Manufacturing National Register Historic Districts. Although implementation of the HBA requires the acquisition and demolition of three buildings on or eligible for the National Register of Historic Places, it reduces the overall length of Interstate 195 through the College Hill National Register Historic District from 3,200 feet to 2,000 feet and moves the highway from between 500 and 1000 feet from the highest concentration of historic structures in the district. Coordination efforts indicate that the Rhode Island State Historic Preservation Officer (RISHPO) and Blackstone River Valley National Heritage Corridor Commission (BRVNHCC) support the implementation of the HBA and the Old Harbor Plan. A copy of the executed Section 106 Memorandum of Agreement is included in the Section 5 of the FEIS.

India Point Park

The HBA has a net positive effect on India Point Park. Construction will require the acquisition of a narrow strip (21,382 square feet) along the northwest edge of the park. As mitigation, the elimination of the existing Gano Street on-ramp allows for 51,908 square feet of additional park land—a net increase of over 30,000 square feet. The existing narrow pedestrian overpass will be replaced with a 50-foot wide landscaped pedestrian bridge. This connection will greatly improve the connection between India Point Park and the Fox Point Neighborhood. Although not considered a mitigation, removal of the ramps also makes possible the creation of a landscaped parking area on the five acres immediately northeast of the park, under the I-195 viaduct at Gano Street. The ramp modifications in the vicinity of India Point Park will change India Street from a little used street to a relatively busy street. The increased traffic will occur on India Street primarily during the morning and evening rush hours, which are not peak usage times for the park.

SECTION 4(F)/6(F)

Where historic and/or park resources are affected by a proposed project, a determination is necessary, pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, that there is no feasible and prudent alternative to the use of the historic and park resources and that all possible planning to minimize harm to the affected resources is employed. Also, the acquisition of park land for which Land and Water Conservation Fund Act (LCWF) funds have been used, called "Section 6(f) lands," requires replacement lands be provided in consultation with the National Park Service.

Based upon the information in the Section 4(f) Evaluation contained in the FEIS, and for the reasons discussed below, FHWA has determined that there are no feasible or prudent alternatives to the use of land from public parks and historic districts or structures for the Hurricane Barrier Alternative and that the selected alternate includes all possible planning to minimize harm to these resources.

While the Reconstruction of Existing Alignment alternative would have no new 4(f) impact, it does not satisfy the basic transportation objective of the project and is therefore not considered a feasible or prudent alternative. In addition, the Reconstruction alternative does not allow for the net positive benefits attributable to the HBA; specifically, the relocation of the existing highway away from high concentration of historic buildings in the College Hill National Register Historic District, and the reunification of the Downtown and Jewelry Manufacturing National Register Historic Districts.

The HBA involves unavoidable impacts to 4(f) and 6(f) resources. The impacts and mitigation measures are discussed in Section 5 of the FEIS. It has been determined that after mitigation, of the practicable alternatives, the HBA incurs the least harm to 4(f) and 6(f) resources. Central to this conclusion is the concurrence of the RISHPO that the HBA has a net positive benefit on historic resources in the project area. This net positive benefit is obtained though the relocation of the highway away from the most sensitive concentrations of historic buildings in three National Register Historic Districts. The other alternatives considered have comparable impacts upon the same historic districts as the HBA, without any of the associated positive benefits.

With respect to the Section 6(f) resource, India Point Park, the State Liaison Officer and the National Parks Service have agreed to the designated conversion of replacement land.

MEASURES TO MINIMIZE HARM OF THE SELECTED ALTERNATIVE

FHWA will ensure that all practical measures to avoid or minimize adverse environmental impact, which are related to the selected alternative, will be implemented. The following measures, described in more detail in the referenced sections of the FEIS, have been identified. At the time implementation of any of these measures becomes appropriate, responsibility for funding will be assigned by agreement among the concerned parties in accordance with normal FHWA procedures. The first section below describes the mitigation program for the HBA (Section 4.9, page 4-314) of the FEIS, which has been developed to address the impacts of the selected alternative in conjunction with Federal and State regulatory agencies and the Providence Parks Department.

FHWA has determined that the measures described below in the Interstate Route 195 Mitigation Program are adequate to mitigate the impacts for the selected alternative and to meet the legal requirements of other statutes mandating the consideration of or provision for mitigation of environmental impacts, such as Section 4(f) of the Department of Transportation Act. Therefore, the measures constitute those which must be implemented and those which will be encompassed by FHWA approvals. (See 23 CFR Part 630, Subpart C, Appendix A.)

INTERSTATE ROUTE 195 MITIGATION PROGRAM

- **Traffic and Transportation**

Local Street Pattern: An urban street pattern will be established across the vacated right-of-way to provide for adequate traffic circulation, access, and complement the proposed land uses. New and reconstructed streets will include amenities, such as 8-foot wide pedestrian sidewalks, standard city street lighting, and street trees (generally 100 feet apart).

Landscaping: Landscaping and architectural treatment of retaining walls will be employed to provide a buffer to adjacent land uses.

Bridge Piers: The pier spacing for the Providence River Bridge in the HBA includes mitigation and avoidance considerations for navigation impacts. The new bridge will be designed to maintain the existing navigation clearances.

Aesthetics: Special architectural treatment to soften the visual impacts and increase compatibility with the surrounding urban and historical districts have been considered for the proposed bridge over the Providence River. A Bridge Technical Committee (BTC) and a Public Advisory Committee (PAC) were formed to develop and review alternatives for the bridge. The PAC reviewed alternatives for the bridge over the Providence River (see Appendix A of the FEIS) developed by the BTC.

These alternatives were all considered to be visually compatible. The Arch style structure was shown in the FEIS because the PAC favored an Arch style structure and recommended it to RIDOT.

RIDOT is completing alternate bridge designs of concrete and steel, which constitutes the first step in the final design of a major structure. This effort will better define the technical issues, constructability, and estimated cost of the concept presented in the FEIS. In the course of final design and development of the preferred alternative, RIDOT may consider a range of other types of long span bridges that are visually compatible. In the event that the Arch style is not selected, RIDOT and FHWA will coordinate the decision with the PAC.

Pedestrian: The existing 8-foot wide pedestrian overpass between George Cohan Boulevard and India Point Park will be replaced with a 50-foot wide overpass.

- **Land Use**

Vacated Right-of-Way: The vacated parcels shall be seeded as an interim measure to mitigate the visual impact of demolishing the highway and abandoning the existing right-of-way.

Parking: (1) Impacted *private* parking stalls will be replaced either by reconfiguration of the impacted lot or by replacement on adjacent excess right-of-way, or (2) owners of the private parking spaces which are not replaced will be compensated for their loss.

Parks: In kind replacement will be provided for acquired land at India Point Park. Disturbed areas will be fully restored. The existing pedestrian overpass will be demolished and replaced by a landscaped, 50-foot wide park bridge.

Memorials: All impacted memorials will be relocated in an equivalent or more prominent setting in areas adjacent to their present location.

- **Cultural Resources**

Historic Districts and Buildings: The Hurricane Barrier Alternative will require acquisition of three buildings on or eligible for the National Register of Historic Places. Mitigation measures per Section 106 of the National Historic Preservation Act of 1966, as amended, will include data recovery and documentation in accordance with the Historic American Building Survey (HABS) prior to building demolition. Additionally, the RISHPO and BRVNHCC shall be given an opportunity to review and approve the final design plans and specifications prior to their implementation. In accordance with the Section 106 Memorandum of Agreement (MOA), FHWA has agreed to ensure that the redevelopment of the excess or surplus right-of-way parcels shall be carried out under the review and approval of the RISHPO. In the MOA, the RISHPO has agreed to allow the city of Providence to fulfill the role of developing and administering the design review of the surplus right-of-way through the Old Harbor Plan. The RISHPO reserves the right to terminate the city's review and revert back to RISHPO review and approval.

Archaeological Resources: Mitigation for the Central Wharf archaeological site shall consist of the development of an appropriate Phase 3 data recovery strategy (in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, 48 FR 44734-37) in cooperation with the RISHPO and the ACHP to be executed prior to construction or disturbance.

- **Environmental and Coastal Resources**

Water Quality: No stormwater management controls are in place for the existing I-195 facility. Best Management Practices (BMP) will be used to minimize water quality impacts of the proposed project. Sedimentation basins, or equivalent treatment, will be used in conjunction with the selected alternative. Appropriate interim measures will be taken during construction in accordance with the guidance contained in the Rhode Island Department of Environmental Management's (RIDEM) Soil Erosion and Sediment Control Handbook. All reasonable and feasible measures were examined to obtain the Rhode Island Coastal Resource Management Council (CRMC) standard of 80 percent total suspended solid (TSS) removal rates projectwide. The water quality section of the FEIS demonstrates that a TSS removal rate of approximately 63 percent is reasonably obtainable. A waiver from the CRMC standard, which is allowed for under CRMC policy, will be sought as part of the CRMC application process.

Wildlife Impacts: After consultation with the Army Corps of Engineers and the National Marine Fisheries Service, it has been agreed that impacts to shallow water aquatic habitat as

a result of modifications to riverwalls and riverbottom are to be mitigated by providing a 700-foot shallow water terraced area along the east shore of the Providence River.

Soils and Hazardous Materials: Measures shall be taken during construction to minimize exposure to contaminated materials, including soil, fugitive dust, and fumes. A contingency plan shall be designed and implemented as part of the final design to address actions to be taken in the event that contaminated material is discovered during construction.

Contaminated soils located in the Old Harbor portion of the project will require special handling, off-site disposal, and/or treatment. All other slightly contaminated soils are to be excavated prior to completion of the new highway embankments and will therefore be available for disposal in embankments or off-site disposal and treatment. All handling and disposal of this material is subject to review and approval by RIDEM in accordance with Rhode Island Solid Waste Regulations, and State and Federal Resource Conservation and Recovery Act (RCRA) regulations.

Prior to construction, and in order to facilitate clean-up plans, the nine contaminated and two hazardous sample locations shall be further characterized by a detailed remedial site investigation. The detailed remedial site investigation will include a Health Risk Assessment for each of these locations to ensure worker safety in accordance with Occupational Safety and Health Administration standards. The investigation will provide information necessary to determine clean-up costs, assist in determining the potentially responsible person(s), and will provide the information needed to design a clean-up strategy for review and approval by RIDEM.

A Risk Assessment will be conducted for all locations where sample concentrations exceed RIDEM's soil and groundwater contamination criteria (DEM Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases DEM-DSR-01-93). The Health Risk Assessment should specify measures to be taken, if necessary, to minimize worker exposure to contaminated materials. The health risk assessment will include recommendations for the monitoring of soils during construction. The risk assessment will include consideration of not only worker exposure, but also potential exposure to site visitors and adjacent communities.

Demolition and removal of the existing bridge structures for the HBA will involve cutting and removal of steel painted with lead-based paint. Precautions to avoid the generation of lead fumes include the proper removal of paint prior to cutting, in accordance with applicable State regulations.

- **Social and Economic Factors**

Right-of-Way Acquisition: Acquisition of property and relocation assistance will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources will be available to all residential and business relocatees without discrimination.

Public Facilities and Utilities: RIDOT will continue to coordinate on the relocation of the existing helicopter pad on South Main Street. Utilities will be relocated in kind as required without interruption of service.

- **Construction Impacts**

Traffic: Measures will be included to maintain traffic flow as efficiently as possible during construction. These include staged construction, traffic control devices, enforcement of reduced speeds, and incident management.

Water Quality: Measures will be taken to protect water quality during construction, in accordance with the guidance in the RIDEM Soil Erosion and Sediment Control Handbook. These measures include the use of hay bales or filter fabric along earth embankments and temporary vegetative cover on bare ground if it is to be exposed for long periods. New detention ponds to be built for final water quality will be constructed early on to act as temporary retention ponds for eroded materials. Special actions for construction over the water will include the use of nets with fabric to contain fine material during demolition. Construction in the water will include using cofferdams at pier excavation sites, containing excavated materials, and placing clean material as backfill if it is required.

Dredging materials will be handled and disposed of appropriately. Adverse impacts of dredging will be minimized through the implementation of the following procedures as determined and further refined in consultation with the Army Corps of Engineers, National Marine Fisheries Service, CRMC, and RIDEM as part of the Section 404 permit process, CRMC assent, and Water Quality Certification process.

- Selection of proper dredge equipment
- Employment of silt curtains to contain suspended solid transport
- On-site inspection and water monitoring by RIDOT during dredging
- Observance of seasonal restrictions (October 1 through January 1) on dredging.

Noise: Construction noise will be attenuated through proper use of mufflers and limitation of excessive noise producing activities to normal working hours.

Other: Rodent control measures will be designed as part of the project final design.

MONITORING AND ENFORCEMENT PROGRAM

The FHWA's Rhode Island Division Office will monitor further project development of the HBA through its day-to-day administration of the Federal-aid program. This monitoring will ensure that all practicable mitigation measures, as summarized above and as described in Section 4.9 of the FEIS, will be included in the final project design. The staff will also perform periodic inspections during the construction phase to ensure that these measures are constructed in accordance with plans and specifications.

To facilitate effective monitoring, a system will be developed to enable FHWA to comprehensively track the fulfillment of project-related mitigation and enhancement commitments. A detailed list of all commitments made in the FEIS will be prepared. Each commitment shall be keyed to the appropriate design contract, as applicable, to ensure its implementation. The Department will report on the status of each commitment when the preliminary design and Plans, Specifications, and Estimates (PS&E) documents are submitted to FHWA. A commitment database will be developed for use by RIDOT and FHWA to track the assignment and status of each commitment. The commitment database shall indicate responsibility for each of the implementation commitments, such as the project engineer, for each of these design sections.

RESPONSE TO COMMENTS ON FINAL EIS

Comments on the FEIS were received from Federal and State Agencies, local governments, affected landowners, and a variety of neighborhood, transportation, and other citizen organizations as well as some individuals. To a great extent, these comments reflect issues previously raised by many of the same organizations in comments on the draft. The majority of comments (76 of 88 letters received) indicate general support for the selected alternative, satisfaction with the resolution of relevant environmental issues presented in the FEIS, particularly the mitigation program for the HBA, and a desire to move forward with the project.

FHWA has carefully reviewed all comments received on the FEIS and is generally satisfied that the substantive issues raised have been fully responded to. FHWA has considered all FEIS comments in reaching the decisions documented in this Record of Decision.

The following discussions highlight the various comments regarding issues which generated a high level of interest.

- **Cost and Finance**

Several comments were made regarding the impacts of financing such a large project on the statewide transportation program. Concern was expressed that other projects may be eliminated or reduced in scope in order to fund the I-195 project. One commentor noted that the HBA may require a toll road which would require the issuance of revenue bonds possibly by the Rhode Island Turnpike Authority instead of financing the project with general obligation bonds.

The cost of the project is a consideration in the evaluation and selection of the preferred alternative. The EIS documents many benefits of the HBA that tend to compensate for the cost differential. Among these benefits are increased tax revenue from the sale of excess right-of-way, improved safety, longer sections of I-95 are repaired/replaced, and the replacement of the I-95/I-195 Interchange. In addition, there are several intangible benefits, such as the reduced impact to historic districts, improved opportunities for tourism and access to the waterfront, and the economic redevelopment of the excess right-of-way.

Construction spending for the preferred alternative will have an influence upon the funding of other transportation projects throughout the State. The State's transportation priorities are

delineated in the Transportation Improvement Program (TIP), which is prepared by the Rhode Island Department of Administration, Division of Planning in conjunction with RIDOT, and a Transportation Advisory Committee through a public discussion of the priorities. In developing priorities for transportation projects in the TIP, planners strive to balance and spread out the spending to maximize benefits and minimize negative impacts. RIDOT, in cooperation with FHWA, is investigating additional funding sources that may help alleviate the cost burden that the project will have upon the State's transportation program. Regardless of additional sources of funding, RIDOT believes that the project can be adequately funded within existing resources by the careful scheduling of construction phases over a number of years.

FHWA notes that the FEIS does not specifically indicate that tolls will be used to finance the construction of this project. If the State of Rhode Island concludes that tolls are the primary tool with which to finance this project, then a supplemental EIS might be required to evaluate the impacts of tolls.

RIDOT has agreed to submit a funding plan for the project for FHWA review and approval prior to proceeding with the construction of elements of the project that do not have independent utility.

- **Navigation**

The U.S. Coast Guard asked how the city's proposal to "fix" the Point Street Bridge is compatible with the Old Harbor Plan. Reconstructing the Point Street Bridge so that it is no longer able to open will have relatively little impact on the desire and need to facilitate navigation in the river north of the bridge. There are initiatives underway to establish water taxi and commuter/tour boat services on the Providence River with the existing navigation constraints (including the Point Street bridge which currently cannot be opened). Also, it is expected that Old Harbor will become a destination for smaller recreational boats. RIDOT is constantly coordinating with the city of Providence as they are a proponent of the Old Harbor Plan.

- **Historic Resources**

The SHPO has noted that the HBA has the least severe effects on historic resources and districts. It removes the physical and visual intrusion on existing districts and reunites them. FHWA has determined that there is no feasible and prudent alternative to the use of land from public parks and historic structures for the Hurricane Barrier Alternative, based upon the information in the Section 4(f) Evaluation in the FEIS. The preferred alternative includes all possible planning to minimize harm to these resources as described in the Section 106 MOA.

- **Impacts on Traffic Operations--Gano Street/Gano Street On-Ramp**

Several comments expressed concern with the existing high traffic volumes and operations on Gano Street and concern with how the project would impact Gano Street in the future. They identified an increase in traffic of up to 75 percent.

Gano Street currently serves as the primary access route in Providence to and from I-195 for a considerable portion of the east side of Providence including Fox Point, Wayland Square, Blackstone Boulevard, Brown University, Rochambeau Avenue, Waterman and Angell Streets. These neighborhoods include dense residential, professional office, and commercial zones, as well as large institutions such as Brown University, Butler Hospital, and several public and private schools. Because there are no other through streets which access the interstate, Gano Street serves as a collector-distributer street for this area.

A comparison of projected traffic volumes for Gano Street, for both the Reconstruction and Hurricane Barrier Alternatives as shown on Attachments 1 and 3 (the maps in the pocket at the back of the FEIS), indicate the traffic impacts of the HBA on Gano Street are predicted to be negligible when compared to the Reconstruction Alternative, with a small decrease in AM volumes and no change for the PM volumes.

The increases in traffic discussed in the comments are on the Gano Street on-ramp to I-195 Westbound, as shown in FEIS Tables 4-2 and 4-3. The traffic on this ramp is predicted to increase from 380 vehicles per hour (VPH) in the Reconstruction Alternative to 665 VPH or 75 percent in the AM peak hour and from 489 VPH to 991 VPH or 103 percent in the PM peak hour. These increases are just on the on-ramp, and they result from the fact that the Gano Street on-ramp will be the only direct access point to I-195 westbound from the East Side. The reasons why traffic volumes on Gano Street are predicted to remain relatively stable are related to the changes in the eastbound access. The direct access to Gano Street from I-195 eastbound is relocated to India Street, allowing traffic to access the East Side via Gano or South Main Streets. The on-ramp to I-195 eastbound from Gano Street has been eliminated, thereby making it less attractive for most of the traffic on Gano Street destined for I-195 east; although, Gano Street can still be used to access I-195 east via India Street.

Although it is not considered a mitigation for effects of this project, RIDOT has indicated it will work with the city of Providence to investigate ways to both improve existing operations and reduce the impacts of *existing* traffic on the quality of life in the neighborhood. However, because there are no readily identifiable or feasible alternative routes for Gano Street, it will continue to provide access to I-195 and function much as it does today.

- **Interstate Access to and from the East Side of Providence**

According to several commentors, access to the interstate from the east side of Providence will be reduced by the HBA. In the westbound direction, two off-ramps will remain, but the number of on-ramps will drop from two to one. Eastbound, the number of off-ramps will drop from two to one, and on-ramps from three to one. The commentors expressed concern over the impacts of reduced access.

Access to the east side will be reduced; however, the need for access will be reduced as well. The studies for EIS revealed that almost all of the traffic entering westbound I-195 is destined for I-95. Presently, there is no convenient access directly to I-95 from the east side. Under the HBA, convenient, direct access to I-95 north and south will be provided via Point Street.

Conversely, eastbound traffic exiting at Wickenden Street and Gano Street is originating from I-95. Traffic from I-95 northbound can access Wickenden Street by exiting directly to Point Street under the HBA, and southbound I-95 traffic can use the newly completed Memorial Boulevard to get to College Hill and South Main Street, which was previously all but impossible to do. The proposed India Street exit from I-195 eastbound will still provide access to Gano Street and Wickenden Street via South Main Street.

Much of the traffic entering I-195 eastbound at Point Street is coming from the hospital via the Point Street Bridge. That traffic will be served via a proposed on-ramp to I-195 east from Plain Street, which will obviate the need for it to use Point Street. Traffic from Downtown and Gano Street will still use the proposed on-ramp from South Water Street and India Street, which will not need to merge with the mainline traffic, but will have its own lane across the Washington Bridge. In addition, traffic from Downtown can use the on-ramp from Plain Street or the Civic Center Interchange.

These changes in access will not result in increased traffic in Fox Point. They will not "induce" new traffic to travel through Fox Point, but they may change travel patterns through the east side. For instance, trips originating on Hope Street may choose to access I-195 east via Wickenden and South Water Streets instead to Gano Street. Traffic headed for I-95 may use Angell Street and Memorial Boulevard instead of Wickenden Street. Trips to Hope Street from I-95 north may use Point Street instead of the Wickenden Street exit. Traffic originating from areas such as Wayland Square will experience an increased travel time to access I-195 eastbound of about 1½ minutes.

- **Wickenden Street at South Water and South Main Streets--Fox Point**

The Fox Point Citizens Association expressed concern that the proposed intersections at Wickenden Street and South Water and South Main Streets will become congested during the peak hours resulting in traffic diverting to local streets. They asked that construction of a ramp be considered over Wickenden Street.

Providing the at-grade intersections is in keeping with the goal of removing the barrier between different parts of the city that the existing I-195 now creates. Removing the highway will link Wickenden Street with the waterfront, improve the aesthetics of the area, and is more sensitive to the historic nature of the neighborhood. The design notwithstanding, FHWA and RIDOT are sensitive to the changes the immediate neighborhood might experience and are willing to work with the residents and the city to evaluate alternatives and/or provide additional mitigation if warranted.

The proposed intersections are designed to handle the projected traffic and reduce congestion. This dictates the size of the intersections. The intersection at Wickenden and South Main/Benefit Streets is especially critical because traffic backups out to the interstate are unacceptable. This intersection is predicted to have a level of service (LOS) D during the peak hours with a 39-second average delay in the AM peak and a 31-second average delay in the PM peak. At Wickenden and South Water Streets, the LOS is predicted at B in the AM peak and predicted LOS at the PM peak is E with an average delay of 44 seconds. LOS D is acceptable in an urban area

where there are relatively high volumes of traffic. The fact that South Main and Water Streets are one-way should make these intersections work efficiently. Coordinating the signals between the two intersections will reduce delay as well.

- **Environmental Issues and Review Process--Water Quality**

The U.S. Environmental Protection Agency (USEPA), RIDEM, and CRMC all commented on the stormwater quality mitigation in that it does not meet the standard set by CRMC's Coastal Management Program Section 300.6.B.6 to reduce total suspended solids (TSS) from stormwater by 80 percent. They (USEPA) indicate that there are other technologies available or there should be some documentation as to why full compliance cannot be achieved. CRMC acknowledged the efforts RIDOT expended to use "best management practices" on the complex urban site.

There were also specific comments from RIDEM and USEPA regarding the concentrations of various metals and exceedance of criteria and the need for RIDOT to commit to a maintenance program.

RIDOT is aware that this project does not meet the 80 percent removal standard; however, there are several issues which make the treatment of stormwater challenging on this project. Constraints imposed by existing land use, proposed land use, the densely developed downtown core, topography, the Providence River, and underground utilities all had to be considered. The Department has met and coordinated with the two State agencies, RIDEM and CRMC, responsible for regulating stormwater quality several times, the latest being in October and July of 1995.

The proposed "best management practices" developed to date for the project will remove an estimated equivalent of 63 percent of the TSS from stormwater from the project. This was accomplished through a series of twelve proposed wet sedimentation basins. Wet sedimentation basins are an effective method for treating stormwater. Other methods were considered but deemed unworkable. Roadside swales were used on a very limited basis, but were not possible in most cases because the expanded cross section needed to accommodate swales would have imposed additional impacts on existing land uses along the right-of-way. It should be noted that currently there are no stormwater management practices in place for the I-195 and I-95 drainage in the project area.

The Department has taken steps to mitigate the lack of treatment in the project area by treating runoff from beyond the project limits in other areas. Approximately 25 acres of watershed beyond the project limits will be included in the drainage systems for treatment. This contributes to the 63 percent TSS removal achieved with the project mitigations. In addition, a total of 67 acres of watershed was removed from the combined sanitary and storm sewer system. This was accomplished by capturing runoff that was already routed through the State highway drainage systems or that crossed the interstate to get to the river. Removal from the runoff from the combined systems was accomplished where systems were parallel or where new drainage had to be constructed to serve reconnected city streets. This will reduce the frequency and amount of overflows into the Providence River after large storms.

Infiltration basins were not used because the inverts of the drainage systems are typically at or below mean high water and below the water table. In addition, the industrial, commercial, impervious nature of the urban district would generate higher sediment and pollutant loads. In any case, sedimentation basins were employed wherever infiltration basins could have been used. Porous pavement designs for interstate highways are generally not applicable because they will not provide the required integrity under the weather and load conditions they are designed for. The project was divided into three areas for water quality purposes: the area east of the Providence River and south of James Street, the area west of the Providence River and along the I-95 corridor, and the Old Harbor/Downtown area which includes the land adjacent to the river and the existing I-195 corridor. The first two areas are each served with six proposed wet basins. The third area, the Old Harbor/Downtown has no proposed treatment. All six inverts, on the west side of the river, of the drainage systems are below mean high water, ranging from -7.4 feet to -3.8 with one at -1.3 feet. With the ground at elevation +5 or 6 feet, the sedimentation basins for these systems would be up to 14 feet deep and below the water table. The reason why the drainage systems are so low is that there is a large existing utility corridor in Dyer Street under which the drainage systems must cross. In addition, the city objected to sedimentation ponds of this magnitude in an area that holds so much potential for positive redevelopment.

As stated in the comments from RIDEM and CRMC, the details of the best management practices will need to be worked out to the satisfaction of these agencies before they issue permits. The Department will ask for a waiver from the standard, as provided for under Coastal Resource Management Program Section 120; however as CRMC noted, a considerable good faith effort has been made to meet the removal requirement. As part of the permit process, the Department will determine the maintenance requirements with the agencies and will make the commitment to maintain these facilities. The project will conform to the RIDEM Stormwater Design Standards Manual, and additional steps will be taken, where feasible, to minimize the impacts of stormwater. In addition, as a requirement for receiving Federal-aid highway funds, RIDOT must maintain the facilities, including stormwater quality management facilities, as part of the standard Construction and Maintenance Agreement.

USEPA and RIDEM commented on the exceedance of copper and zinc dissolved concentration criteria in the treated stormwater and also indicated that the criteria were incorrectly stated. Errata has been included in this Record of Decision to correct the concentrations of metals. As suggested by RIDEM, the level of dissolved metals will be calculated per the new RIDEM regulations during the Storm Water Quality Certification process, which may result in fewer violations. RIDOT will work closely with RIDEM during the Water Quality Certification process to explore alternate measures to refine stormwater treatment.

RIDEM expressed concern about the lack of discussion on contingencies if it is determined that containment booms are not effective during dredging. If this situation arises, RIDOT will determine the reasons for increased turbidity and take the appropriate measures to remedy the problems.

- **Hazardous and Contaminated Material**

The USEPA commented on the status of hazardous material contingency plans. All hazardous and contaminated material will be handled in accordance with the appropriate State and Federal regulations, including the Resource and Conservation and Recovery Act (RCRA) regulations. Specific contingency plans will be drafted upon completion of a more detailed remedial site investigation at the sites identified in Section 4.5.3, Soils and Hazardous Materials, of the FEIS.

- **Alternative Transportation Mode**

Several comments were made indicating that the resources dedicated to this project would be used more productively on mass transit improvements.

Decisions on long range funding for highway improvements versus mass transit improvements are made during the statewide planning process as opposed to the project level planning process. At the project level however, mass transit improvements for the corridor *were* analyzed to comply with Clean Air Act requirements and FHWA policy, because the project increased single occupancy vehicle (SOV) capacity in a carbon monoxide or ozone nonattainment area.

The alignment deficiencies and condition of the bridges for this section of I-195 must to be addressed in order to at least maintain even the lowest level of highway service for the future. Making improvements to mass transit systems will not address these issues. Concepts for transit improvements have been evaluated by the Department on a regional basis. More specifically, the Department is currently embarking on a separate project to evaluate improved commuter rail service on the Amtrak mainline between Providence and Westerly.

The Metropolitan Providence Transportation Improvement Project evaluated various mass transit alternatives for the east-west corridor that I-195 serves. That study provided part of the analysis to satisfy the Clean Air Act requirements for SOV increases noted above. It concluded that none of the alternatives, including rail through the east side tunnel, High Occupancy Vehicle (HOV) lanes on the existing highway system, or a combination thereof, reduced single occupancy vehicle trips sufficiently to warrant the costs. Only a two percent reduction in the number of vehicles was predicted. Even if these alternatives are implemented, alignment improvements and bridge replacement would still be required on I-195. The safety issues and number of accidents would not be affected by a two percent volume reduction. The HBA does, however, make strategies, such as HOV lanes, more feasible in the future by providing full ten-foot wide shoulders through this area. HOV lanes on the existing facility are not feasible due to width and alignment restrictions.

The project also advances the possibilities for water transportation by dredging the Providence River and providing places for boats to access the banks of the river south of Crawford Street.

Bus service for East Providence and the east bay communities will be enhanced by providing a safer, more efficient highway and additional opportunities for servicing Fox Point and lower South

Water Street by making stops in those neighborhoods instead of passing over or by them as the existing facility does.

- **Public Participation**

One comment was made indicating that the scoping process was not accessible and the public process was not sufficient. Two scoping meetings were held on December 9, 1991. One at 10 AM and one at 6 PM. Approximately 150 notices were sent to representatives of local, State, and Federal agencies, community groups, businesses, institutions, and owners of properties which could be potentially affected. The sessions were advertised in the Federal Register.

During the preparation of the DEIS and development of the alternatives, two public workshops where held at the Fox Point School, one each in May and November of 1992. A public hearing was held to receive comments on the DEIS on June 30, 1993. All of these meetings were advertised in the Providence Journal and were well attended. In addition, there have been several feature articles in the Providence Journal and on television news broadcasts which indicated the scope and estimated cost of the HBA; the most recent was September 5, 1996.

- **Major Investment Study**

One commentor objected to the waiver of the formal Major Investment Study (MIS) requirements under 23 CFR Part 450.318. It was the conclusion of the Federal Transit Administration; the Federal Highway Administration; the Rhode Island Department of Administration, Planning Division; the Rhode Island Public Transit Authority; and the Rhode Island Department of Transportation that the studies documented in the DEIS, the public participation on the EIS, and the strong public support for the preferred alternative fulfilled the requirements for a MIS and signed a Memorandum of Understanding on December 14, 1994. A copy of the Memorandum can be found in Section 7 of the FEIS immediately after page 7-23.

- **Executive Order 12898--Environmental Justice**

One commentor referred to the HBA as a "Racist Transportation Policy" since she believes it "clearly discriminates against the economically disadvantaged, often composed of minorities." This comment falls under the purview of Executive Order 12898 as it relates to environmental justice in minority and low income populations. This recent executive order directed every Federal agency, to the greatest extent practicable, to make achieving environmental justice part of its mission by identifying and addressing as appropriate "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities" on those populations. While the Executive Order itself does not purport to create any new substantive right, we will clarify our position given the fact that it is a relatively recent issuance.

As noted earlier, decisions regarding integrating Mass Transit elements into the TIP and STIP to address the transportation concerns of all the traveling public, including the economically disadvantaged, are appropriately addressed on a Statewide Planning level, rather than at the level of a specific project. However, we have analyzed such strategies for the corridor to comply with

the requirements of the Clean Air Act. None of the congestion management strategies, including mass transit, were found to satisfy the purpose and need of the project or substantially reduce SOV trips. Commitments were made to further study of incident management and ramp metering, and to implement incident management in the corridor.

After careful analysis, FHWA has concluded that the impacts, benefits, and mitigation for the I-195 project will not result in "disproportionately high" adverse environmental effect to low income or minority groups. See Section 4.6.3 of the FEIS for more discussion on this issue.

- **Old Harbor Plan--Land Use**

One comment was made regarding the land use plans for the waterfront along the Providence River and the commitment to establish riverwalks. The Old Harbor Plan, which has been formally adopted as part of the city's Comprehensive Plan, includes provisions for riverwalks and some open space along the rivers. RIDOT is committed to accommodating the Old Harbor Plan, and some of its elements, such as the riverwalks, have been included in the project as enhancements. As part of the Section 106 Case Report Memorandum of Agreement, FHWA is committed to ensure that the Rhode Island State Historic Preservation Officer (RISHPO) reviews and approves the development of the surplus right-of-way.

Another comment specifically quoted from the FEIS is the area of land that will be dedicated to particular land uses. The long term redevelopment of surplus right-of-way is based on the city's current Old Harbor Plan. RIDOT and FHWA are not committed to the scope and size of new development, other than ensuring that the RISHPO has the opportunity to review and approve the redevelopment.

- **Errata to the FEIS**

Several comments pointed out errors in the FEIS. They are as follows:

Pages 3-105 and 3-109--The existing classification of the waters in the Providence River are incorrectly listed as "SD" when it should be "SC."

Pages 4-169 (Table 4-29), 4-173 (Table 4-31), and 4-175 (Table 4-33)--The USEPA Acute Criteria for pollutants is not consistent among these tables. They should be as follows: Copper--.0029mg/l; lead--.140 mg/l; and zinc--.095 mg/l.

These changes do not change the analysis or conclusions on Water Quality.

- **Other Comments**

Comment: Senator Rooney suggested installing a dam at the Hurricane Barrier to control the level of river.

Response: The I-195 project does not preclude consideration of a control dam as a separate project some time in the future.

Comment: The Narragansett Bay Commission (NBC) stated their requirement for a 30-foot wide easement centered on their lines and their concern for the integrity of the 48-inch siphon under the Providence River near the proposed Providence River Bridge.

Response: The Department acknowledges the easement requirements. The Department is also aware of the need to maintain the integrity of the siphon. Concepts for ensuring the integrity will be developed and finalized during final design.

Comment: Was widening the existing structure to eight lanes and/or making other safety improvements evaluated.

Response: Yes, this was considered but not evaluated as a build alternative because it would not meet one of the purposes of the project--to improve the substandard geometrics and safety. However, the North Alignment alternative was derived from this. See Section 2 of the FEIS for a more detailed discussion of the alternatives considered.

CONCLUSION

Based on the analysis and evaluation in the FEIS and after careful consideration of the social, economic, and environmental factors and input from the public involvement process, it is my decision to adopt the recommended alternative, the HBA, as the proposed action for this project.

Date: 1/14/97

Stephen Moreno, Director
Office of Planning and Program Development

Exhibit C

MAIN OFFICE

FHWA-RI-EIS-93-01-F

Final
Environmental Impact Statement
& Final Section 4(f)/6(f) Evaluation

Improvements to I-195
Providence, Rhode Island

RHODE ISLAND DEPARTMENT OF TRANSPORTATION
AND
US DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

LINCOLN ALMOND
GOVERNOR

AUGUST 1996

INTERGOVERNMENTAL
MEMORANDUM OF AGREEMENT
Between
The STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION
And
The CITY OF PROVIDENCE

For
Land Development within
Right-of-way within the City of Providence, Rhode Island
resulting from the Relocation of Interstate 195

WITNESS THIS AGREEMENT (hereafter referred to as the "AGREEMENT") entered into by and between the State of Rhode Island Department of Transportation (hereafter referred to as "RIDOT") and the City of Providence, Rhode Island (hereafter referred to as the "City") for the purposes of determining land development within certain right-of-ways resulting from the relocation of Interstate 195 through Providence (hereafter referred to as "I-195 RELOCATION PROJECT").

WHEREAS, RIDOT is relocating a portion of Interstate Route 195 within the City of Providence to provide transportation improvements to relieve present and future traffic demands on Interstate 195 between the west end of the Washington Bridge and Interstate 95 in the City of Providence; and

WHEREAS, the relocation of the highway provides for the implementation of the City of Providence *Old Harbor Plan* between Crawford Street and Fox Point; and

WHEREAS, the Record of Decision prepared by the Federal Highway Administrative dated January 14, 1997, in connection with improvements to Interstate Route 195 (the "Record of Decision") provides that the reasons for selecting the proposed hurricane barrier alignment for the highway ("HBA") include the following: "it improves highway safety, reduces impacts on historic districts, allows for the fullest implementation of the City's *Old Harbor Plan*, has a net positive impact on India Point Park, provides improved access to Rhode Island Hospital and incurs the least impact on traffic congestion."; and

WHEREAS, the Record of Decision further provides:

> Of the alternatives considered, the HBA is the most compatible with the City of Providence's *Old Harbor Plan*. The *Old Harbor Plan*, adopted by the City Ordinance in 1994, is an element in their Comprehensive Plan. In fact, the plan envisions the relocation of I-195 as a key element. The HBA allows for the most complete implementation of the *Old Harbor Plan* among the three alternatives. The *Old Harbor Plan* itself will have a number of positive benefits including: improved waterfront access in form of pedestrian walkways along the shore of the Providence River from Crawford Street south to the Hurricane Barrier; improved

water transportation; increased public park land; and economic development opportunities. Along with the redevelopment of the surplus right-of-way, the *Old Harbor Plan* allows for the reuniting of the Downtown Central Business District with the Jewelry District.; and

WHEREAS, the development of the parcels within the surplus right-of-way as shown on the plan entitled "Proposed Development Parcels" dated November 19, 2001 attached hereto as Exhibit A (the "Development Parcel Plan") after Interstate 195 is relocated is of major concern to both the City and the State of Rhode Island (the "State"); and

WHEREAS, such development shall be a cooperative effort between the City and the RIDOT, and

WHEREAS, providing for a range of uses and the intensity of those uses within the surplus right-of-way appropriate to the character of the City is within the City's zoning and land use powers and an area of local concern, and

WHEREAS, the RIDOT is planning to reconnect the street system consistent with the Development Parcel Plan, the Final Environmental Impact Statement and Final Section 4(F)/6(F) Evaluation for Improvement to I-195 Providence, Rhode Island dated August 1996 ("FEIS") and *Old Harbor Plan*, as amended, recognizing that certain adjustments may be necessary to accommodate natural or economic concerns; and

WHEREAS, the land use plan for the land available after the highway is relocated shall be subject to the City's Comprehensive Plan and City's Zoning Ordinance, and

WHEREAS, the parties acknowledge that the disposal of the real property within the surplus right-of-way is subject to certain constitutional and statutory rights, including without limitation, Section 19 of Article 6 of the Rhode Island Constitution and R.I.G.L. §37-7-3 and that the transfer of any said property may be subject to such provisions (the "Resale Restrictions"); and

WHEREAS, the development of a portion of the surplus right-of-way is subject to the provisions of Chapter 22 of Title 37 of the General Laws of the State of Rhode Island entitled the "I-195 Redevelopment Act of 2002" (the "Redevelopment Act"); and

WHEREAS, the City will have a role in platting the parcels within the surplus right-of-way and regulating the uses thereof through its subdivision regulations and zoning ordinance, and

WHEREAS, State enabling legislation empowers the City Plan Commission to approve such plats, and

WHEREAS, subject to the provisions of the Resale Restrictions and the Redevelopment Act, after the land is replatted by the City, it is the intention of the RIDOT to sell the land within the surplus right-of-way for development and to apply the proceeds of any such sales to the cost of the project in accordance with federal and state laws relating to the same; and

WHEREAS, the RIDOT, the City and other parties have entered into an Amended Section 106 Memorandum of Agreement dated February 20, 2000 to ensure that the uncontrolled redevelopment of the surplus right-of-way does not have an adverse effect on the historic character of the City and it provides, inter alia, that the City shall amend the Old Harbor Design Plan to include a provision requiring design review by the City for consistency with the *Old Harbor Plan*, as amended for that portion of the surplus right-of-way on the east side of Providence River; and

WHEREAS, the City shall review development proposals to be consistent with the design imperatives in the *Old Harbor Plan*, as amended, and

WHEREAS, in an effort to achieve the completion of the I-195 RELOCATION PROJECT in a timely fashion, the parties agree to share the responsibilities described below:

STATEMENT OF PURPOSE

1. The RIDOT agrees to submit construction plans for the streets to be constructed within the surplus right-of-way to the City for review and comment.

2. The RIDOT shall construct all local roads and parks within the surplus right-of-way consistent with the Development Parcel Plan, the FEIS and the *Old Harbor Plan*, as amended, subject to adjustment as necessary to accommodate natural and economic concerns.

3. In order to complete the construction of the relocated I-195, the City shall transfer to the State approximately 119,500 sq. ft. of streets (abandoned by the City Council) and approximately 120,000 sq. ft. of land, (approved by resolution of the City Council) as more particularly described on Exhibit B attached hereto. Upon the completion of the relocated I-195, the State shall provide the City approximately 55,000 sq. ft. of land at India Point Park, (approved by the State Properties Committee) and approximately 384,000 sq. ft. of streets (approved by the State Properties Committee) within the surplus right-of-way as the same is generally shown on the Development Parcel Plan.

4. The City, through City Council action, shall undertake the following additional actions necessary for the relocation of I-195, which actions are more particularly described on Exhibit B attached hereto:

   (a) Relocate the Hurricane Barrier easement as necessary for the relocation of I-195; and

   (b) Provide the State with a temporary and permanent sewer easement across land of the City at India Point Park made necessary by the relocation of I-195; and

   (c) Enter into maintenance and access agreements with the State with respect to certain bridges over city streets.

5. In addition to the foregoing, it is understood that the State will make the following infrastructure improvements within the City of Providence as a result of the I-195 Relocation Project, which improvements are more particularly described on Exhibit C attached hereto:

   (a) India Point Park Improvements, including a 50 foot pedestrian bridge;

   (b) Reconstruction of the City streets generally shown on the Development Parcel Plan;

   (c) Reconstruction of Providence River Walk;

   (d) Utility improvements; and

   (e) Hurricane Barrier modifications.

   It is estimated that the total costs of the foregoing improvements set forth in Section 5 will be approximately $38,960,000.

6. The RIDOT and City agree that development parcels within the I-195 right-of-way, once abandoned, would be platted and subdivided in accordance with Rhode Island General Laws Sections 45-23-25 through 45-23-74, (Rhode Island Land Development and Subdivision Review Enabling Act of 1992) and the City's Development Review Regulations, as amended.

7. The RIDOT and City agree that development parcels will be governed by the City's Comprehensive Plan, *Old Harbor Plan*, as amended, and the Providence Zoning Ordinance, as such Ordinances may be amended from time to time.

8. The RIDOT and City agree that the sale of parcels shall, subject to Resale Restrictions and the Redevelopment Act, be for the highest and best use of the land, subject to the Comprehensive Plan, *Old Harbor Plan*, as amended, and the Providence Zoning Ordinance, as such Ordinance may be amended from time to time.

9. The RIDOT and City agree that highest and best use of the land shall mean the land is platted consistent with the *Old Harbor Plan*, as amended, subject to the Resale Restrictions and the Redevelopment Act.

10. RIDOT and the City each agree to cooperate in connection with the relocation of the I-195 and each agree to use their best efforts to adopt any necessary resolutions or ordinances necessary to carry out the purposes of this Agreement.

11. Unless otherwise specified, any notice shall be in writing and shall be deemed given when delivered to either party or deposited in the U.S. Mail, first class, postage prepaid and addressed as follows:

To the City: Mayor
City of Providence
City Hall
25 Dorrance Street
Providence, RI 02903

With a copy to: City Solicitor
City of Providence
275 Westminster Street, Suite 200
Providence, RI 02903

To the RIDOT: Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

With a copy to: General Counsel
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

12. If any provision of the AGREEMENT is found to be unenforceable or void, then both parties shall be relieved of all obligation under that provision. The remainder of the AGREEMENT shall continue in force and effect.

IN WITNESS WHEREOF, the CITY and the RIDOT have caused this AGREEMENT to be executed by their duly authorized officials on the _____ day of March, 2003.

By:

_____
Mayor
City of Providence

Approved as to Form
and Correctness

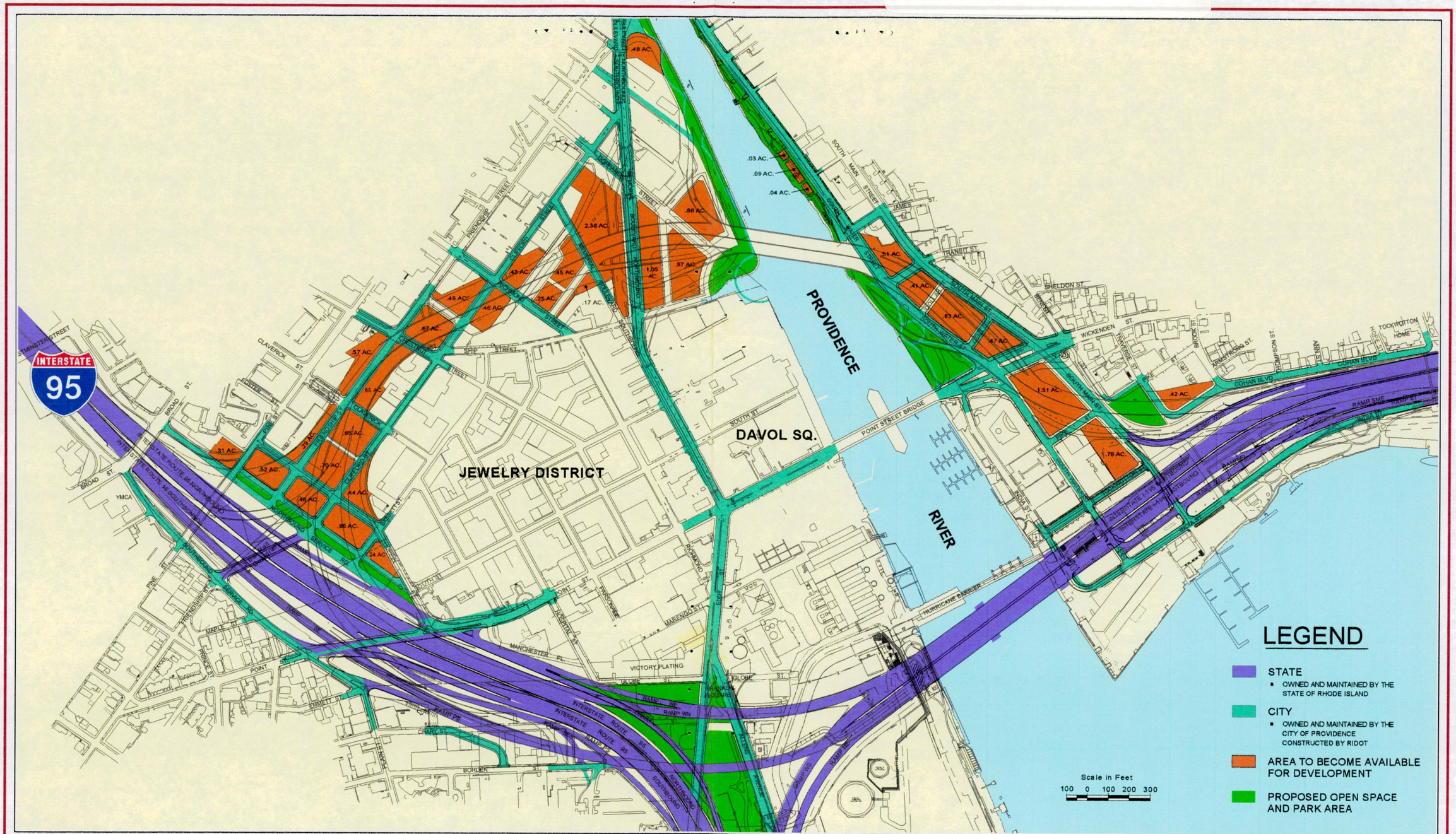
_____
City Solicitor
City of Providence

Approved:

_____
Director
Department of Transportation

_____

EXHIBIT A



Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

NOVEMBER 19, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

PROPOSED DEVELOPMENT PARCELS

EXHIBIT B

CITY OWNED PROPERTY TO BE
TRANSFERRED TO THE STATE

PLAT/LOT	PROPERTY ADDRESS	ACQUISTION (Partial/Complete)	TOTAL AREA (Square Feet)	ACQUISTION (Square Feet)	REMAINING (Square Feet)
17/621	235 India St.	Partial	20,816	1,177	19,639
18/15	211 India St.	Partial	2,141	170	1,971
18/338	195 India St.	Partial	86,808	22,238	64,570
INDIA PARK				23,585	
18/16	661 South Water St.	Partial	70,581	46,174	24,407
18/91	604 South Main St.	Complete	30,183	30,183	0
EAST SIDE				76,357	
22/338	12 Crary St.	Complete	15,801	15,801	0
22/339	60 Allens Ave.	Complete	3,970	3,970	0
WEST SIDE				19,771	
				TOTAL AREA 119,713 Square Feet	

STREET ABANDONMENTS FOR THE BENEFIT OF STATE

* a portion of Manchester Place;
* a portion of Traverse Street;
* a portion of Clay Street;
* a portion of Crary Street;
* a portion of Goff Street;
* a portion of Brook Street;
* a portion of India Street;
* a portion of Tockwotten Street;
* a portion of Crary Street;
* a portion of Blanding Street; and
* a portion of Manchester Place.

SEWER EASEMENTS

City to provide temporary and permanent easement over city lots at India Point Park identified as Lot 621 on Assessor's Plat 17 and Lots 14 and 338 on Plat 18.

MAINTENANCE AND ACCESS AGREEMENT

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor

Blackstone Street under Proposed Interstate 95 Corridor
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor

HURRICANE BARRIER EASEMENT

The State will grant to City an easement for the Hurricane Barrier and upon completion of the roadway, the City will terminate existing easement which is no longer needed due to realignment.

RIDOT/I-195/Memo of Understanding 2.24.03 Clean

EXHIBIT C

PROPOSED BENEFITS TO THE CITY OF PROVIDENCE AS A RESULT OF THE IMPROVEMENTS TO INTERSTATE ROUTE 195 PROJECT

Introduction

Proposed benefits to the City of Providence as a result of the I-195 project include improvements park lands, city streets, riverwalls and walkways, utilities, and the hurricane barrier. Enhancements to India Point Park as well as the construction of a new pedestrian bridge connecting the East Side to the park will serve to benefit the city and its residents. Improvements to city streets will occur as a result of the construction of the new alignment and the demolition of the existing I-195 corridor. Modifications to the hurricane barrier will serve to benefit all who live and work in the city through the addition of new barrier walls and vehicle gates. The following is a description of proposed improvements and estimated construction costs associated with the improvements.

India Point Park

As proposed in the Environmental Impact Statement (EIS) under requirements of the Section 4(f) and 6(f) Evaluation, the proposed alignment provides an opportunity to replace 23,585 square feet of park land to be acquired with comparable replacement land of equal value, location, and usefulness. The existing RIDOT owned India Street right-of-way to be transferred to India Point Park totals 55,895 square feet. Proposed replacement land has been approved by the Providence Department of Public Parks as well as the State Liaison Officer and National Park Service in accordance with the requirements of Section 6(f).

The City of Providence will also benefit from the construction of a new wider landscaped India Point Park Pedestrian Bridge linking the Fox Point neighborhood to the park. RIDOT will provide the city with access to State owned parking areas under the highway in the vicinity of Gano Street for patrons of the park. The Overlook Park/Brown Boat House area will also be reconstructed as part of the India Point Park improvements.

ACTIVITY DESCRIPTION	TOTAL COST (Approximate $)
India Point Park Pedestrian Bridge	6,300,000
India Point Park	1,500,000
India Point Playground	260,000
Overlook Park/Brown Boat House	280,000
TOTAL PARK IMPROVEMENTS	$8,340,000

November 14, 2001

I-195 Reconstruction of City Streets

Approximately, $17.79 million worth of improvements to city streets have been incorporated into the I-195 project. Many existing streets will be reconstructed and several new streets will be created as a result of the relocation and demolition of the existing interstate. This demolition will also allow for the development of approximately 35 acres of prime real estate within the city center. The new streets, totaling approximately 8,110 linear feet of roadway are as follows;

New Streets	*Linear Feet*
South Main Street	2,143
Pike Street	480
Transit Street	150
Cent Street	153
Clifford Street	1,460
Friendship Street	1,262
Pine Street	153
Claverick Street	158
NB Service Road	1,310
Crary Street Connector	468
Dudley Street Connector	373

Reconstructed city streets totaling approximately 27,500 linear feet, will be redeveloped as a result of the project. Below is a list of the streets to be reconstructed in conjunction with the project;

Reconstructed Streets	*Linear Feet*
India Street	3,778
Gano Street	974
South Main Street (North of Wickenden)	1,222
South Main Street (South of Wickenden)	921
South Water Street (North of Wickenden)	2,515
South Water Street (South of Wickenden)	1,165
Tockwotten Street	505
Cohan Blvd.	1,640
Wickenden Street	700
Point Street	2,174
Eddy Street (North of Point)	765
Eddy Street (South of Point)	2,180
Dyer Street	1,920
Clifford Street	987
Chestnut Street	523
Richmond Street	680
SB Service Road	1,545
Plain Street	47
Eudora Street	238
Allens Avenue	2,383
Rhodes Street	262
Borden Street	384

The City of Providence will benefit from approximately 35,600 linear feet of city street improvements as compared to the 2,500 linear feet of abandoned streets a result of the Improvements to I-195 Project.

I-195 Reconstruction of Providence River Walls

This includes;

Contract 1 - A $4.44 million construction project, which is currently almost complete , along South Water Street from the Crawford Street Bridge to James Street replacing river walls east of the river.

Contract 3 - Reconstruction of the west river walls along with the proposed improvements to Dyer Street and Eddy Street north of Point Street, totaling $4.2 million.

Contract 13 - Completion of riverwalls on the west shore.

Utility Improvements

Utility relocations and upgrades throughout the project area which will serve to benefit the City and its residents are already under construction. The recently completed installation of the new $0.94 million Storm Drain Retrofit Demonstration Project will serve as a continual benefit to the water quality in the Seekonk River.

Hurricane Barrier Modifications

Modifications to the Providence Hurricane Barrier will also result in long term benefits to the city. A series of walls and gates will be installed in conjunction with the proposed Interstate I-195 east of the Providence River. They include: new retaining walls and dike between South Water and South Main streets; new retaining walls east of South Main Street to hold up the highway and act as the hurricane barrier; and two new vehicle gates at South Water and Benefit streets. The existing gate at South Main Street will be replaced. Existing hurricane barrier rip rap from the East Dike will be removed east of the river.

The existing barrier across the Providence River will remain in place. West of the Providence River modifications will include: a new dike section will be constructed between the west abutment of the Providence River Bridge and the existing dike and an armored slope will be constructed with the highway embankment between the west abutment at the existing dike near Allens Avenue. The existing dike will be removed. Gates on the west side of the Providence River at Allens Avenue and the Power Plant will remain in place.

ACTIVITY DESCRIPTION	TOTAL COST (Approximate $)
East of the Providence River	
Proposed Hurricane Barrier Walls	1,800,000
Vehicle Gates	350,000
West of the Providence River	
Proposed Hurricane Barrier Walls	1,100,000
TOTAL HURRICANE IMPROVEMENTS	$3,250,000

Summary

Proposed infrastructure improvements to the City of Providence as a result of the Improvements to I-195 Project total approximately $38.96 million, as outlined below. As required by the Section 4(f) and 6(f) Evaluation, the proposed alignment will result in the City gaining replacement park land for that which has been acquired for the project. As a result of the development of this alignment the state will provide the city with more than double the land that is required thereby providing another benefit to the city.

Approximate Construction Benefit Estimate

India Point Park	$ 8,340,000.00
I-195 Reconstruction of City Streets	
	$17,790,000.00
I-195 Reconstruction of Providence River Walls	$ 8,640,000.00
Utility Improvements	$ 940,000.00
Hurricane Barrier Modifications	$ 3,250,000.00
	Total $38,960,000.00

Mayor of Providence

David N. Cicilline

January 30, 2003

The Honorable Michael R. Clement
City Clerk
City Hall
Providence, Rhode Island 02903

Dear Mr. Clerk:

I am returning to you herewith the final papers generated at the City Council meeting of January 16, 2003, which I received from you on January 21, 2003 under cover of your memorandum of that date.

Pursuant to Sections 302(f) and 412 of the Providence Home Rule Charter of 1980, I have acted upon said final papers, with the exception of the resolutions described below.

I understand that, at its February 6, 2003 meeting, the City Council will rescind its prior actions with respect to the following resolutions, which were transmitted to me on January 21, 2003 (numbers correspond to the numbers from the docket for the January 16, 2003 Council meeting), then take them up again on February 6, 2003:

45. Resolution Granting the execution of that certain maintenance agreement be and between the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation and the City of Providence for highway maintenance and access with respect to various highway bridges and overpasses over certain streets as described in said maintenance agreement.

46. Resolution Granting the acquisition, for nominal consideration, of an easement from the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation for the erection and maintenance of a dam or barrier over and across the property in connection with the operation of the Providence Hurricane Barrier; such relocation of the existing easement being made necessary by the relocation of

City of Providence, Rhode Island 02903
Phone (401) 421-7740 Fax (401) 274-8240

Interstate Route 195; and upon the relocation of such easement to extinguish a portion of the existing Hurricane Barrier easement with Narragansett Electric Company dated April 10, 1961 and recorded in the City of Providence Land Evidence Records in Book 1108 at page 61.

47. Resolution Granting the waiver of compensation with respect to the condemnation by the State of Rhode Island of certain property owned by the City of Providence for highway purposes in connection with the relocation of Interstate Route 195 or, in the alternative, to authorize the conveyance, for nominal consideration, of fee title to said property to the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation for highway purposes.

48. Resolution Granting a waiver of compensation with respect to the condemnation by the State of Rhode Island of certain property owned by the City of Providence for a temporary and permanent sewer easement near India Street, or in the alternative, to authorize the granting, for nominal consideration, of a temporary and permanent sewer easement to the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation to install, construct, use, operate, repair, replace and maintain sewer facilities and appurtenant structures in, under, through, over and upon the property described in the propose grant of easements.

64. Resolution Requesting to amend Resolution Number 358, Approved June 26, 1998 to change the name of the "Special Commission to Study the Effect of Non-Taxable Institutions on Providence's Tax Base", to the "Special Commission to Study Tax Exempt Institutions" and also request the Council President to empanel said commission for the term ending 2007.

I have not acted on the foregoing resolutions with the understanding that they will not, as a result, take effect, and with the understanding that they may be transmitted to me again after the Council takes action on them on February 6, 2003.

Respectfully submitted,

David N. Cicilline
Mayor of Providence

Enclosures
cc: The Honorable John J. Lombardi (without enclosures)

THE CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 153

Approved March 24, 2003

WHEREAS, the prospective reconstruction of the I-195 requires the relocation of portions of the existing structure;

WHEREAS, said relocation requires the cooperation of the City in transferring certain property interests and maintaining certain rights of way and the like;

WHEREAS, the City wishes to cooperate with these endeavors.

NOW THEREFORE BE IT RESOLVED, that His Honor the mayor is authorized to execute a transfer of real estate for nominal compensation for that realty as the same is described and annexed hereto in Exhibit "A" provided however that:

a.) said real estate shall be utilized by the State of Rhode Island and the Department of Transportation in the rehabilitation of I-195;

b.) the State of Rhode Island and the Department of Transportation adhere to the language contained in the Record Decision and the Environmental Impact Study (copies attached hereto as Exhibits "B" and "C" respectively);

c.) the State of Rhode Island and the Department of Transportation will use all reasonable efforts to identify those parcels earlier acquired from the City of Providence for the construction of I-195 in order that the City may make an informed decision with respect to reacquiring the same;

d.) the final form of the Agreement shall be reviewed and assented to by the City Solicitor;

e.) by undertaking any act arising from this Resolution and any subsequent agreement, the Department of Transportation and the State of Rhode Island agree that all documents submitted and comments made to various municipal boards, agencies and committees are by reference hereto binding upon the parties as if the same were set out in full.

IN CITY COUNCIL
JAN 16 2003
READ AND PASSED

PRES.

CLERK

APPROVED

3/24/03

MAYOR

IN CITY COUNCIL
MAR 12 2003
READ AND PASSED, AS AMENDED

PRES.

CLERK

BK 5712 PG 32A

A true copy,
Attest:
Michael R. Clement
Michael R. Clement
City Clerk

INTERGOVERNMENTAL
MEMORANDUM OF AGREEMENT
Between
The STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION
And
The CITY OF PROVIDENCE

For
Land Development within
Right-of-way within the City of Providence, Rhode Island
resulting from the Relocation of Interstate 195

WITNESS THIS AGREEMENT (hereafter referred to as the "AGREEMENT") entered into by and between the State of Rhode Island Department of Transportation (hereafter referred to as "RIDOT") and the City of Providence, Rhode Island (hereafter referred to as the "City") for the purposes of determining land development within certain right-of-ways resulting from the relocation of Interstate 195 through Providence (hereafter referred to as "I-195 RELOCATION PROJECT").

WHEREAS, RIDOT is relocating a portion of Interstate Route 195 within the City of Providence to provide transportation improvements to relieve present and future traffic demands on Interstate 195 between the west end of the Washington Bridge and Interstate 95 in the City of Providence; and

WHEREAS, the relocation of the highway provides for the implementation of the City of Providence *Old Harbor Plan* between Crawford Street and Fox Point; and

WHEREAS, the Record of Decision prepared by the Federal Highway Administrative dated January 14, 1997, in connection with improvements to Interstate Route 195 (the "Record of Decision") provides that the reasons for selecting the proposed hurricane barrier alignment for the highway ("HBA") include the following: "it improves highway safety, reduces impacts on historic districts, allows for the fullest implementation of the City's *Old Harbor Plan*, has a net positive impact on India Point Park, provides improved access to Rhode Island Hospital and incurs the least impact on traffic congestion."; and

WHEREAS, the Record of Decision further provides:

> Of the alternatives considered, the HBA is the most compatible with the City of Providence's *Old Harbor Plan*. The *Old Harbor Plan*, adopted by the City Ordinance in 1994, is an element in their Comprehensive Plan. In fact, the plan envisions the relocation of I-195 as a key element. The HBA allows for the most complete implementation of the *Old Harbor Plan* among the three alternatives. The *Old Harbor Plan* itself will have a number of positive benefits including: improved waterfront access in form of pedestrian walkways along the shore of the Providence River from Crawford Street south to the Hurricane Barrier; improved

water transportation; increased public park land; and economic development opportunities. Along with the redevelopment of the surplus right-of-way, the *Old Harbor Plan* allows for the reuniting of the Downtown Central Business District with the Jewelry District.; and

WHEREAS, the development of the parcels within the surplus right-of-way as shown on the plan entitled "Proposed Development Parcels" dated November 19, 2001 attached hereto as Exhibit A (the "Development Parcel Plan") after Interstate 195 is relocated is of major concern to both the City and the State of Rhode Island (the "State"); and

WHEREAS, such development shall be a cooperative effort between the City and the RIDOT, and

WHEREAS, providing for a range of uses and the intensity of those uses within the surplus right-of-way appropriate to the character of the City is within the City's zoning and land use powers and an area of local concern, and

WHEREAS, the RIDOT is planning to reconnect the street system consistent with the Development Parcel Plan, the Final Environmental Impact Statement and Final Section 4(F)/6(F) Evaluation for Improvement to I-195 Providence, Rhode Island dated August 1996 ("FEIS") and *Old Harbor Plan*, as amended, recognizing that certain adjustments may be necessary to accommodate natural or economic concerns; and

WHEREAS, the land use plan for the land available after the highway is relocated shall be subject to the City's Comprehensive Plan and City's Zoning Ordinance, and

WHEREAS, the parties acknowledge that the disposal of the real property within the surplus right-of-way is subject to certain constitutional and statutory rights, including without limitation, Section 19 of Article 6 of the Rhode Island Constitution and R.I.G.L. §37-7-3 and that the transfer of any said property may be subject to such provisions (the "Resale Restrictions"); and

WHEREAS, the development of a portion of the surplus right-of-way is subject to the provisions of Chapter 22 of Title 37 of the General Laws of the State of Rhode Island entitled the "I-195 Redevelopment Act of 2002" (the "Redevelopment Act"); and

WHEREAS, the City will have a role in platting the parcels within the surplus right-of-way and regulating the uses thereof through its subdivision regulations and zoning ordinance, and

WHEREAS, State enabling legislation empowers the City Plan Commission to approve such plats, and

WHEREAS, subject to the provisions of the Resale Restrictions and the Redevelopment Act, after the land is replatted by the City, it is the intention of the RIDOT to sell the land within the surplus right-of-way for development and to apply the proceeds of any such sales to the cost of the project in accordance with federal and state laws relating to the same; and

WHEREAS, the RIDOT, the City and other parties have entered into an Amended Section 106 Memorandum of Agreement dated February 20, 2000 to ensure that the uncontrolled redevelopment of the surplus right-of-way does not have an adverse effect on the historic character of the City and it provides, inter alia, that the City shall amend the Old Harbor Design Plan to include a provision requiring design review by the City for consistency with the *Old Harbor Plan*, as amended for that portion of the surplus right-of-way on the east side of Providence River; and

WHEREAS, the City shall review development proposals to be consistent with the design imperatives in the *Old Harbor Plan*, as amended, and

WHEREAS, in an effort to achieve the completion of the I-195 RELOCATION PROJECT in a timely fashion, the parties agree to share the responsibilities described below:

STATEMENT OF PURPOSE

1. The RIDOT agrees to submit construction plans for the streets to be constructed within the surplus right-of-way to the City for review and comment.

2. The RIDOT shall construct all local roads and parks within the surplus right-of-way consistent with the Development Parcel Plan, the FEIS and the *Old Harbor Plan*, as amended, subject to adjustment as necessary to accommodate natural and economic concerns.

3. In order to complete the construction of the relocated I-195, the City shall transfer to the State approximately 119,500 sq. ft. of streets (abandoned by the City Council) and approximately 120,000 sq. ft. of land, (approved by resolution of the City Council) as more particularly described on Exhibit B attached hereto. Upon the completion of the relocated I-195, the State shall provide the City approximately 55,000 sq. ft. of land at India Point Park, (approved by the State Properties Committee) and approximately 384,000 sq. ft. of streets (approved by the State Properties Committee) within the surplus right-of-way as the same is generally shown on the Development Parcel Plan.

4. The City, through City Council action, shall undertake the following additional actions necessary for the relocation of I-195, which actions are more particularly described on Exhibit B attached hereto:

   (a) Relocate the Hurricane Barrier easement as necessary for the relocation of I-195; and

   (b) Provide the State with a temporary and permanent sewer easement across land of the City at India Point Park made necessary by the relocation of I-195; and

   (c) Enter into maintenance and access agreements with the State with respect to certain bridges over city streets.

5. In addition to the foregoing, it is understood that the State will make the following infrastructure improvements within the City of Providence as a result of the I-195 Relocation Project, which improvements are more particularly described on Exhibit C attached hereto:

   (a) India Point Park Improvements, including a 50 foot pedestrian bridge;

   (b) Reconstruction of the City streets generally shown on the Development Parcel Plan;

   (c) Reconstruction of Providence River Walk;

   (d) Utility improvements; and

   (e) Hurricane Barrier modifications.

   It is estimated that the total costs of the foregoing improvements set forth in Section 5 will be approximately $38,960,000.

6. The RIDOT and City agree that development parcels within the I-195 right-of-way, once abandoned, would be platted and subdivided in accordance with Rhode Island General Laws Sections 45-23-25 through 45-23-74, (Rhode Island Land Development and Subdivision Review Enabling Act of 1992) and the City's Development Review Regulations, as amended.

7. The RIDOT and City agree that development parcels will be governed by the City's Comprehensive Plan, *Old Harbor Plan*, as amended, and the Providence Zoning Ordinance, as such Ordinances may be amended from time to time.

8. The RIDOT and City agree that the sale of parcels shall, subject to Resale Restrictions and the Redevelopment Act, be for the highest and best use of the land, subject to the Comprehensive Plan, *Old Harbor Plan*, as amended, and the Providence Zoning Ordinance, as such Ordinance may be amended from time to time.

9. The RIDOT and City agree that highest and best use of the land shall mean the land is platted consistent with the *Old Harbor Plan*, as amended, subject to the Resale Restrictions and the Redevelopment Act.

10. RIDOT and the City each agree to cooperate in connection with the relocation of the I-195 and each agree to use their best efforts to adopt any necessary resolutions or ordinances necessary to carry out the purposes of this Agreement.

11. Unless otherwise specified, any notice shall be in writing and shall be deemed given when delivered to either party or deposited in the U.S. Mail, first class, postage prepaid and addressed as follows:

To the City: Mayor
City of Providence
City Hall
25 Dorrance Street
Providence, RI 02903

With a copy to: City Solicitor
City of Providence
275 Westminster Street, Suite 200
Providence, RI 02903

To the RIDOT: Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

With a copy to: General Counsel
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

12. If any provision of the AGREEMENT is found to be unenforceable or void, then both parties shall be relieved of all obligation under that provision. The remainder of the AGREEMENT shall continue in force and effect.

IN WITNESS WHEREOF, the CITY and the RIDOT have caused this AGREEMENT to be executed by their duly authorized officials on the _____ day of March, 2003.

By:

_____
Mayor
City of Providence

Approved as to Form
and Correctness

_____
City Solicitor
City of Providence

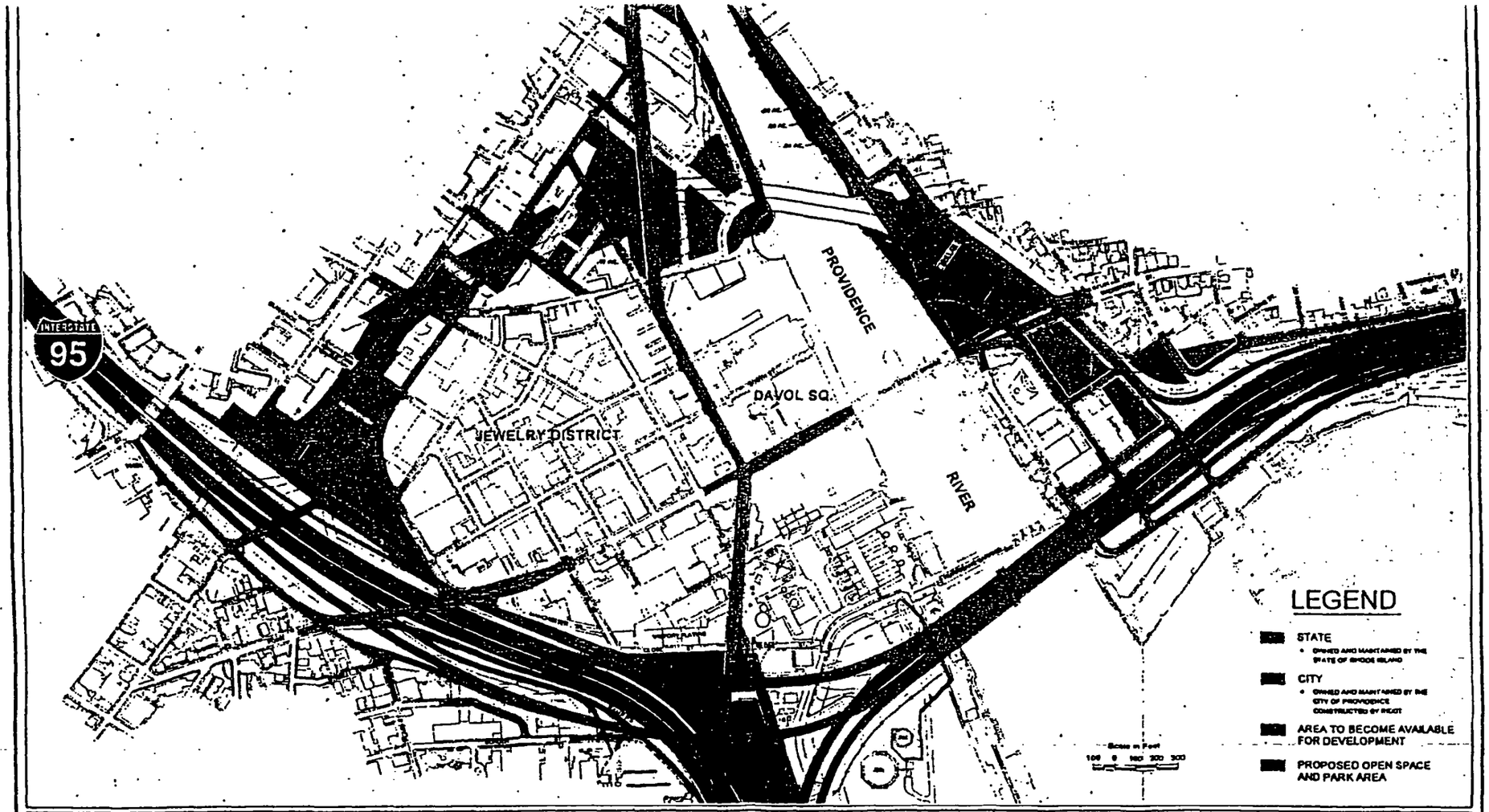
Approved:

_____
Director
Department of Transportation

_____

BK5712PG038

EXHIBIT A



Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

NOVEMBER 19, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

PROPOSED DEVELOPMENT PARCELS

EXHIBIT B

CITY OWNED PROPERTY TO BE TRANSFERRED TO THE STATE

PLAT/LOT	PROPERTY ADDRESS	ACQUISTION (Partial/Complete)	TOTAL AREA (Square Feet)	ACQUISTION (Square Feet)	REMAINING (Square Feet)
17/621	235 India St.	Partial	20,816	1,177	19,639
18/15	211 India St.	Partial	2,141	170	1,971
18/338	195 India St.	Partial	86,808	22,238	64,570
INDIA PARK				23,585	
18/16	661 South Water St.	Partial	70,581	46,174	24,407
18/91	604 South Main St.	Complete	30,183	30,183	0
EAST SIDE				76,357	
22/338	12 Crary St.	Complete	15,801	15,801	0
22/339	60 Allens Ave.	Complete	3,970	3,970	0
WEST SIDE				19,771	
				TOTAL AREA 119,713 Square Feet	

STREET ABANDONMENTS FOR THE BENEFIT OF STATE

* a portion of Manchester Place;
* a portion of Traverse Street;
* a portion of Clay Street;
* a portion of Crary Street;
* a portion of Goff Street;
* a portion of Brook Street;
* a portion of India Street;
* a portion of Tockwotten Street;
* a portion of Crary Street;
* a portion of Blanding Street; and
* a portion of Manchester Place.

SEWER EASEMENTS

City to provide temporary and permanent easement over city lots at India Point Park identified as Lot 621 on Assessor's Plat 17 and Lots 14 and 338 on Plat 18.

MAINTENANCE AND ACCESS AGREEMENT

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor

Blackstone Street under Proposed Interstate 95 Corridor
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor

HURRICANE BARRIER EASEMENT

The State will grant to City an easement for the Hurricane Barrier and upon completion of the roadway, the City will terminate existing easement which is no longer needed due to realignment.

RIDOT/I-195/Memo of Understanding 2.24.03 Clean

EXHIBIT C

PROPOSED BENEFITS TO THE CITY OF PROVIDENCE AS A RESULT OF THE IMPROVEMENTS TO INTERSTATE ROUTE 195 PROJECT

Introduction

Proposed benefits to the City of Providence as a result of the I-195 project include improvements park lands, city streets, riverwalls and walkways, utilities, and the hurricane barrier. Enhancements to India Point Park as well as the construction of a new pedestrian bridge connecting the East Side to the park will serve to benefit the city and its residents. Improvements to city streets will occur as a result of the construction of the new alignment and the demolition of the existing I-195 corridor. Modifications to the hurricane barrier will serve to benefit all who live and work in the city through the addition of new barrier walls and vehicle gates. The following is a description of proposed improvements and estimated construction costs associated with the improvements.

India Point Park

As proposed in the Environmental Impact Statement (EIS) under requirements of the Section 4(f) and 6(f) Evaluation, the proposed alignment provides an opportunity to replace 23,585 square feet of park land to be acquired with comparable replacement land of equal value, location, and usefulness. The existing RIDOT owned India Street right-of-way to be transferred to India Point Park totals 55,895 square feet. Proposed replacement land has been approved by the Providence Department of Public Parks as well as the State Liaison Officer and National Park Service in accordance with the requirements of Section 6(f).

The City of Providence will also benefit from the construction of a new wider landscaped India Point Park Pedestrian Bridge linking the Fox Point neighborhood to the park. RIDOT will provide the city with access to State owned parking areas under the highway in the vicinity of Gano Street for patrons of the park. The Overlook Park/Brown Boat House area will also be reconstructed as part of the India Point Park improvements.

ACTIVITY DESCRIPTION	TOTAL COST (Approximate $)
India Point Park Pedestrian Bridge	6,300,000
India Point Park	1,500,000
India Point Playground	260,000
Overlook Park/Brown Boat House	280,000
TOTAL PARK IMPROVEMENTS	$8,340,000

November 14, 2001

I-195 Reconstruction of City Streets

Approximately, $17.79 million worth of improvements to city streets have been incorporated into the I-195 project. Many existing streets will be reconstructed and several new streets will be created as a result of the relocation and demolition of the existing interstate. This demolition will also allow for the development of approximately 35 acres of prime real estate within the city center. The new streets, totaling approximately 8,110 linear feet of roadway are as follows;

New Streets	*Linear Feet*
South Main Street	2,143
Pike Street	480
Transit Street	150
Cent Street	153
Clifford Street	1,460
Friendship Street	1,262
Pine Street	153
Claverick Street	158
NB Service Road	1,310
Crary Street Connector	468
Dudley Street Connector	373

Reconstructed city streets totaling approximately 27,500 linear feet, will be redeveloped as a result of the project. Below is a list of the streets to be reconstructed in conjunction with the project;

Reconstructed Streets	*Linear Feet*
India Street	3,778
Gano Street	974
South Main Street (North of Wickenden)	1,222
South Main Street (South of Wickenden)	921
South Water Street (North of Wickenden)	2,515
South Water Street (South of Wickenden)	1,165
Tockwotten Street	505
Cohan Blvd.	1,640
Wickenden Street	700
Point Street	2,174
Eddy Street (North of Point)	765
Eddy Street (South of Point)	2,180
Dyer Street	1,920
Clifford Street	987
Chestnut Street	523
Richmond Street	680
SB Service Road	1,545
Plain Street	47
Eudora Street	238
Allens Avenue	2,383
Rhodes Street	262
Borden Street	384

The City of Providence will benefit from approximately 35,600 linear feet of city street improvements as compared to the 2,500 linear feet of abandoned streets a result of the Improvements to I-195 Project.

November 14, 2001

I-195 Reconstruction of Providence River Walls

This includes;

Contract 1 - A $4.44 million construction project, which is currently almost complete , along South Water Street from the Crawford Street Bridge to James Street replacing river walls east of the river.

Contract 3 - Reconstruction of the west river walls along with the proposed improvements to Dyer Street and Eddy Street north of Point Street, totaling $4.2 million.

Contract 13 - Completion of riverwalls on the west shore.

Utility Improvements

Utility relocations and upgrades throughout the project area which will serve to benefit the City and its residents are already under construction. The recently completed installation of the new $0.94 million Storm Drain Retrofit Demonstration Project will serve as a continual benefit to the water quality in the Seekonk River.

Hurricane Barrier Modifications

Modifications to the Providence Hurricane Barrier will also result in long term benefits to the city. A series of walls and gates will be installed in conjunction with the proposed Interstate I-195 east of the Providence River. They include: new retaining walls and dike between South Water and South Main streets; new retaining walls east of South Main Street to hold up the highway and act as the hurricane barrier; and two new vehicle gates at South Water and Benefit streets. The existing gate at South Main Street will be replaced. Existing hurricane barrier rip rap from the East Dike will be removed east of the river.

The existing barrier across the Providence River will remain in place. West of the Providence River modifications will include: a new dike section will be constructed between the west abutment of the Providence River Bridge and the existing dike and an armored slope will be constructed with the highway embankment between the west abutment at the existing dike near Allens Avenue. The existing dike will be removed. Gates on the west side of the Providence River at Allens Avenue and the Power Plant will remain in place.

ACTIVITY DESCRIPTION	TOTAL COST (Approximate $)
East of the Providence River	
Proposed Hurricane Barrier Walls	1,800,000
Vehicle Gates	350,000
West of the Providence River	
Proposed Hurricane Barrier Walls	1,100,000
TOTAL HURRICANE IMPROVEMENTS	$3,250,000

Summary

Proposed infrastructure improvements to the City of Providence as a result of the Improvements to I-195 Project total approximately $38.96 million, as outlined below. As required by the Section 4(f) and 6(f) Evaluation, the proposed alignment will result in the City gaining replacement park land for that which has been acquired for the project. As a result of the development of this alignment the state will provide the city with more than double the land that is required thereby providing another benefit to the city.

Approximate Construction Benefit Estimate

India Point Park	$ 8,340,000.00
I-195 Reconstruction of City Streets	$17,790,000.00
I-195 Reconstruction of Providence River Walls	$ 8,640,000.00
Utility Improvements	$ 940,000.00
Hurricane Barrier Modifications	$ 3,250,000.00
	Total $38,960,000.00

Exhibit A

BK5712PG045

I-195 RELOCATION PROJECT (THE "PROJECT")

MAINTENANCE AND ACCESS AGREEMENT

BY AND BETWEEN THE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
ACTING BY AND THROUGH THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION

AND THE

CITY OF PROVIDENCE

This Agreement entered into by and between the State of Rhode Island and Providence Plantation acting by and through the Rhode Island Department of Transportation (the "State") and the City of Providence (the "City").

WITNESSETH:

WHEREAS, the State, in cooperation with the City, has selected the above referenced Project is the city of Providence, for improvements under provisions established in the Federal – Aid Policy Guide ("FAPG") of the United State Department of Transportation, Federal Highway Administration, and

WHEREAS, the State will accomplish said improvements with funds appointed to the State under the Federal-Aid Highway Act, as amended and supplemented, and from other sources available for the purpose, subject to various conditions including that the City shall permit the State to access maintain the highway from certain city streets over which the highway shall be constructed and maintained.

NOW THEREFORE, the State and the City hereby agree as follows:

1. The State, through its contractor will construct improvements in accordance with Plans and specification for the Project.

2. The City will allow the State to enter onto those City Streets described on Exhibit A attached hereto (the "City Streets") for the purpose of constructing the Project and the improvements.

3. The City does hereby grant to the State such rights as necessary to maintain the interstate highway over the City Streets.

4. Upon completion of the construction of the Project, the City shall permit the State access on the City Streets for the purpose of maintaining and repairing the interstate highway and its appurtenant structures.

5. Dated and attested copies of amendments to City ordinances necessary for the enforcement of any specific provision of this Agreement will be forwarded by the City to the State.

6. All necessary ordinances applicable to this project shall be in effect prior to the commencement of construction of the Project.

7. All work performed under the Project is subject to approval and inspection of the State and Federal authorities in accordance with the provisions of the Federal-Aid Highway Act and the regulations, including the FAPG, which is hereby made a part of this Agreement by reference.

8. This Agreement may be amended only after the prior approval of the Division Administration, Federal Highway Administration has been obtained to such proposed amendment.

In Witness Whereof, the State and the City have caused this Agreement to be executed by their duly authorized officials as of the _____ day of _____, 2001.

_____
Chief Engineer
Department of Transportation

By:_____
Title:

Approved as to form:

The City of Providence

_____
Chief Legal Counsel
Department of Transportation

By:_____
Duly Authorized

_____
Division Administration
U.S. Department of Transportation
Federal Highway Administration

APPROVED:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

By: _____
Director of Administration

By: _____
William D. Ankner, Ph.D.
Director of Transportation

APPROVED:

_____
Chairman
State Properties Committee

APPROVED:

_____
Public Member
State Properties Committee

APPROVED:

_____
Department of Administration

APPROVED:

_____
Attorney General

EXHIBIT A

HIGHWAY MAINTENANCE AND ACCESS

STREETS

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate 95 Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor
Blackstone Street under proposed Interstate 95 Corridor
Allens Avenue under Proposed Ramps NE and PE
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor

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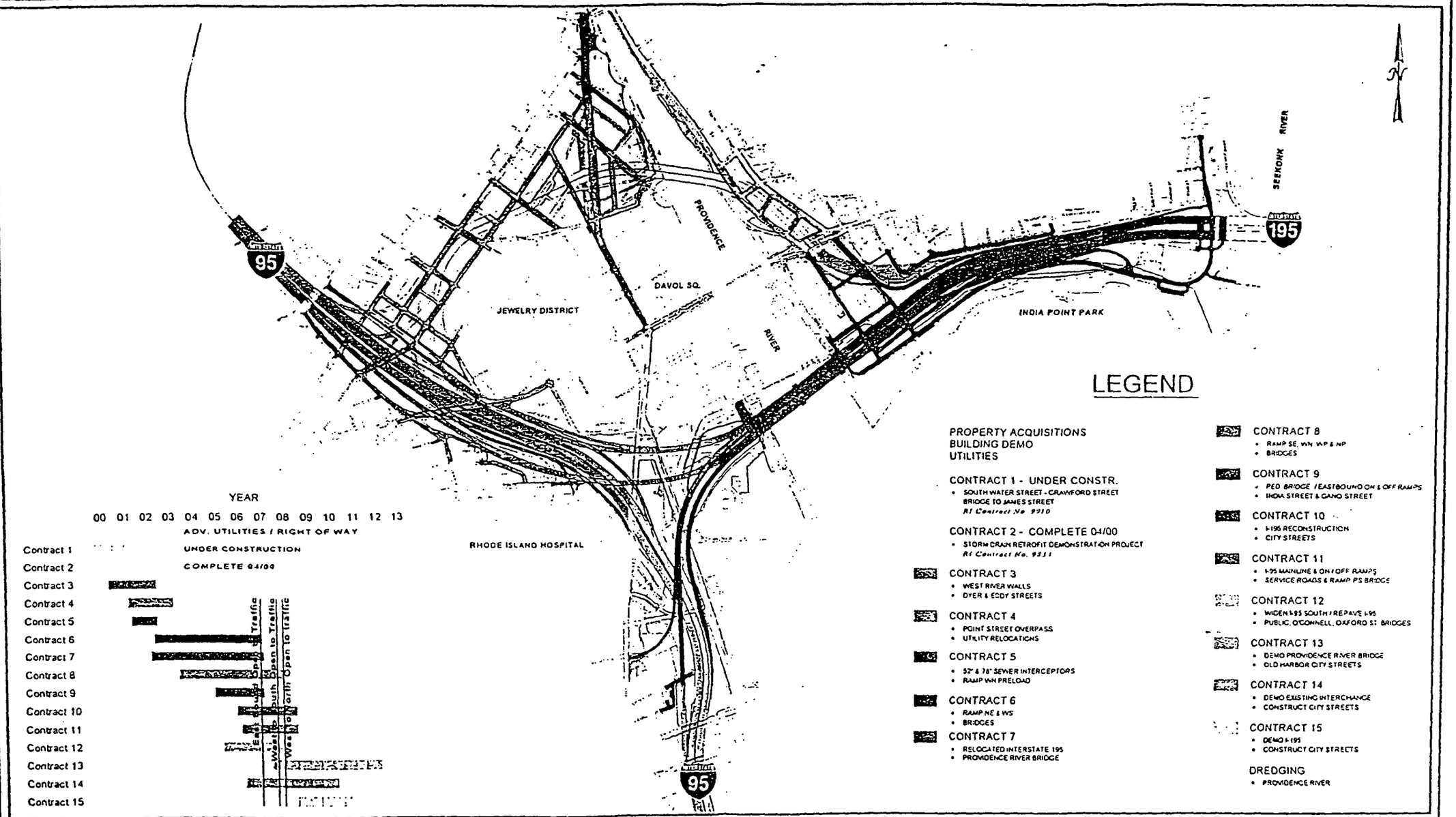


Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

JUNE 7, 2001

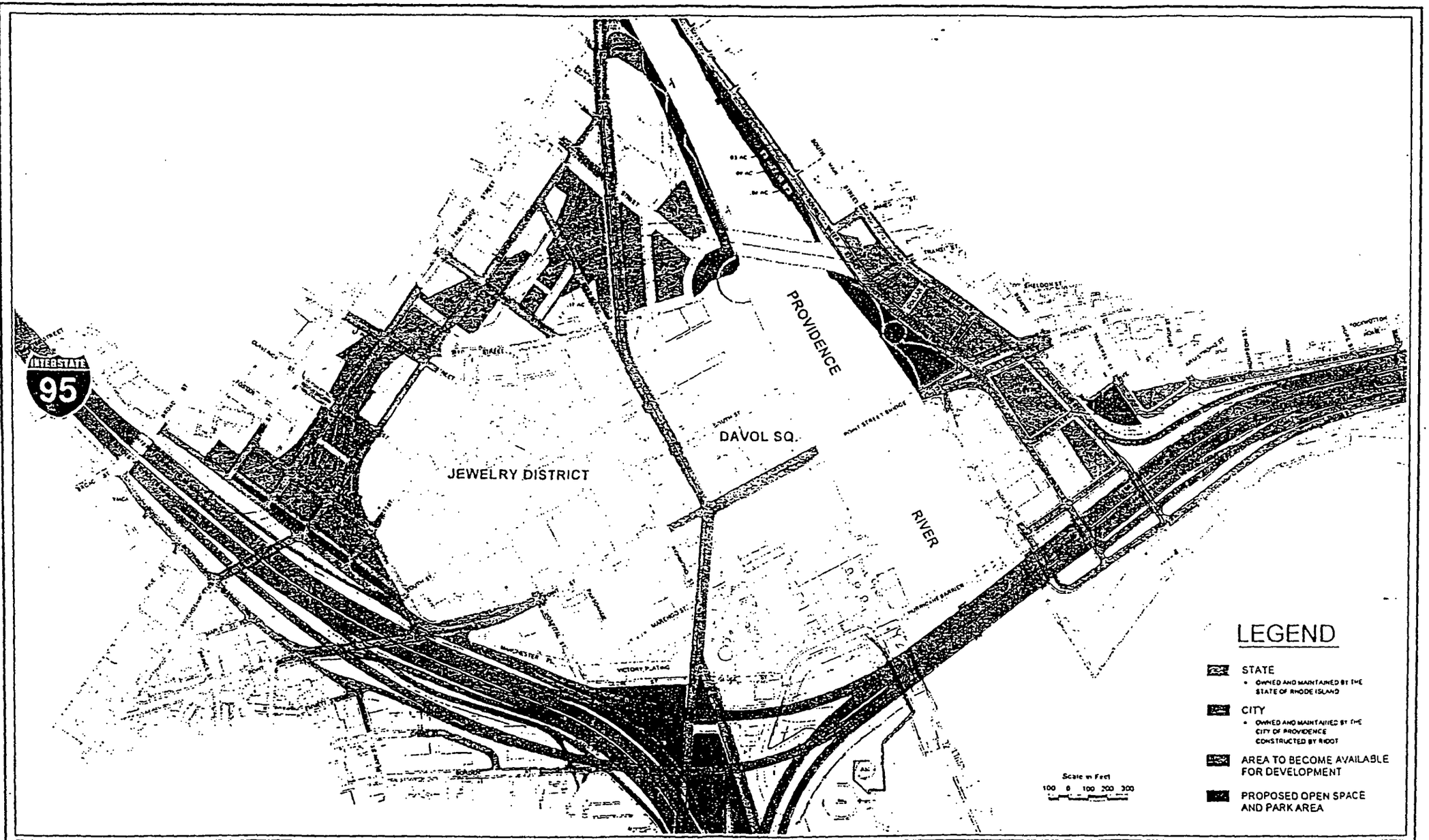
200 0 200 400
Scale In Feet

UPDATE 07

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

CONSTRUCTION SEQUENCE
CONTRACTS 1-15

BK 5712 PG 050



Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION.

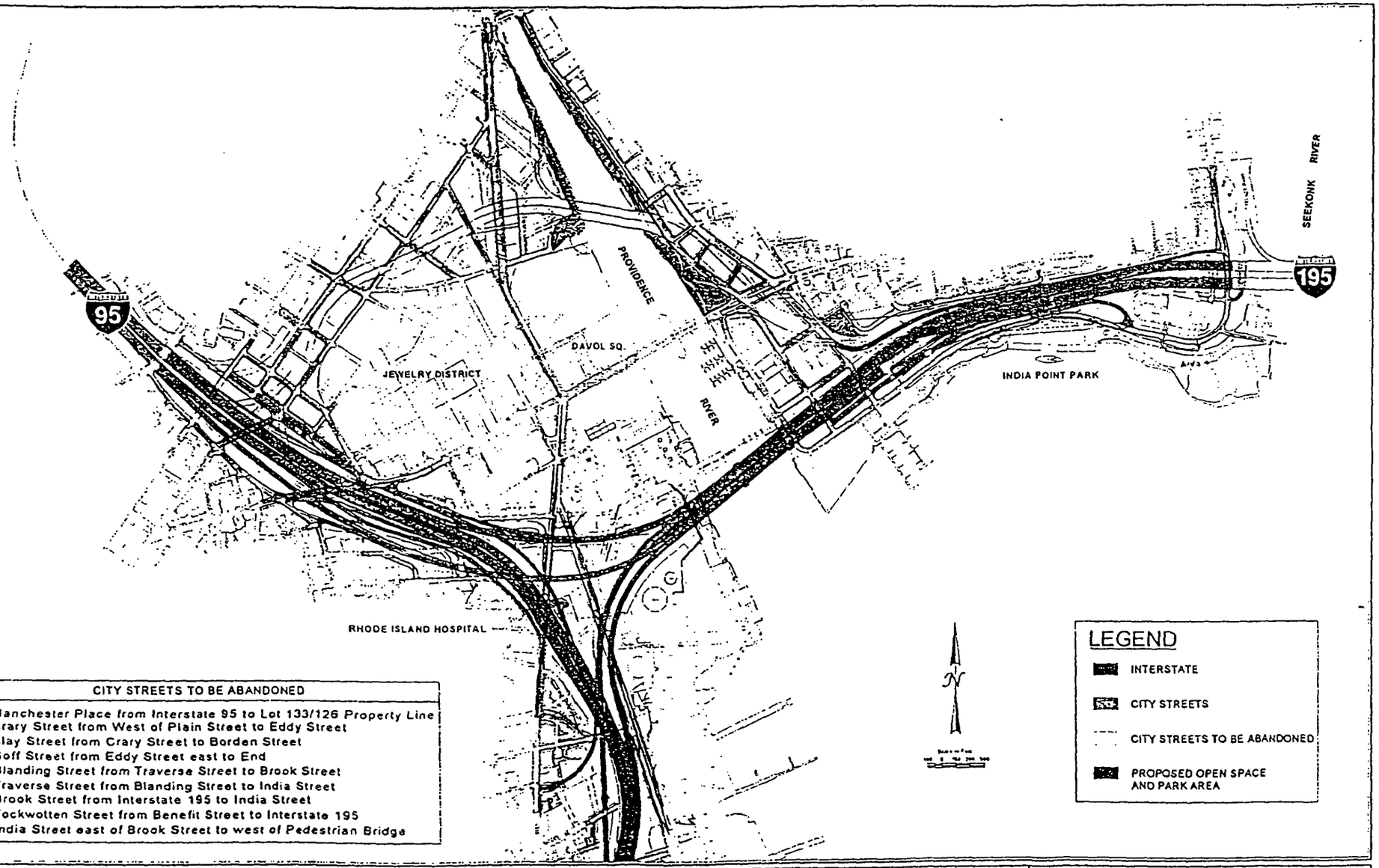
INTERSTATE 195

NOVEMBER 19, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

PROPOSED DEVELOPMENT PARCELS

BK 5712 PG 051



CITY STREETS TO BE ABANDONED
Manchester Place from Interstate 95 to Lot 133/126 Property Line
Crary Street from West of Plain Street to Eddy Street
Clay Street from Crary Street to Borden Street
Goff Street from Eddy Street east to End
Blanding Street from Traverse Street to Brook Street
Traverse Street from Blanding Street to India Street
Brook Street from Interstate 195 to India Street
Tockwotten Street from Benefit Street to Interstate 195
India Street east of Brook Street to west of Pedestrian Bridge

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

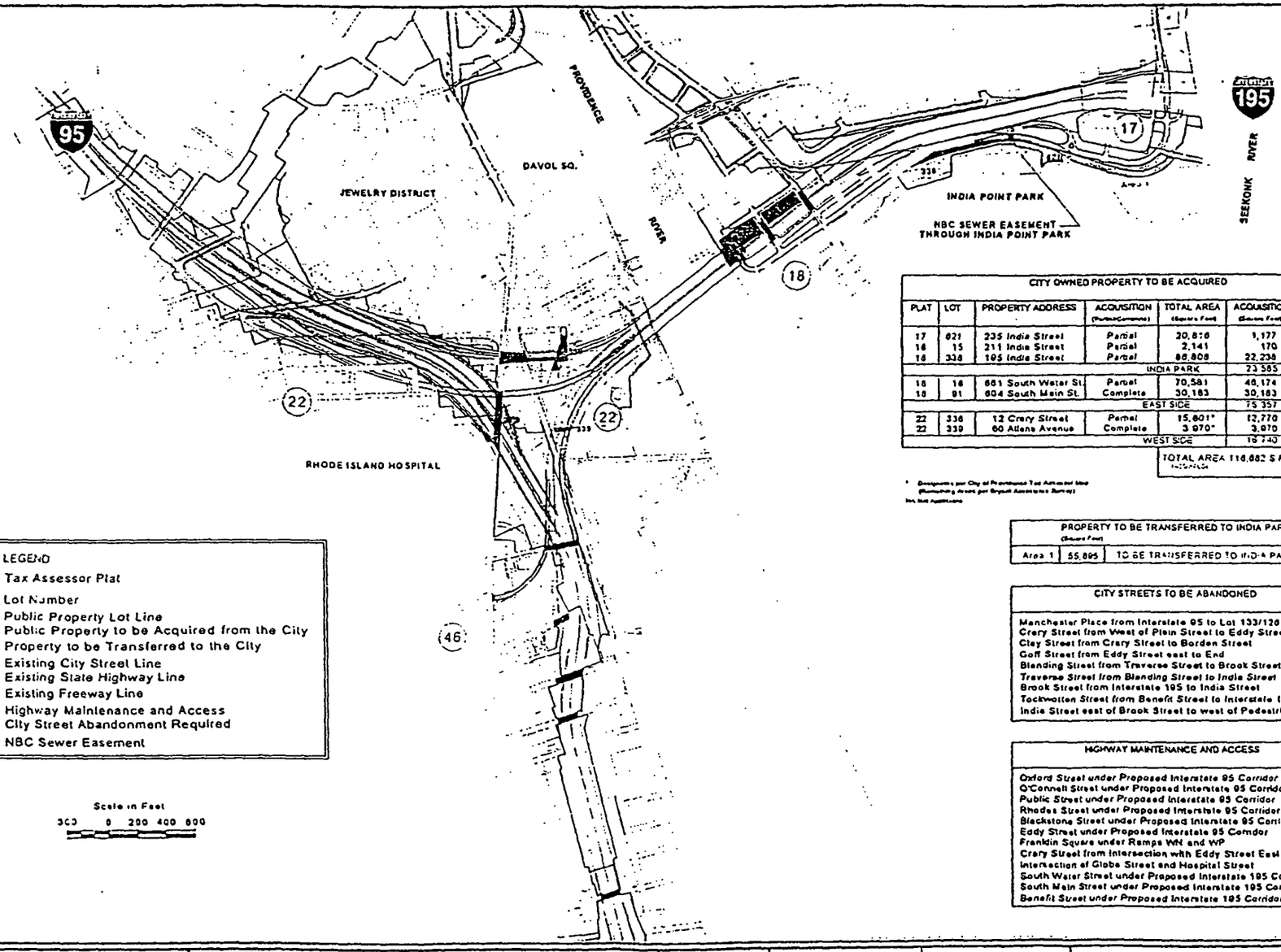
INTERSTATE 195

DECEMBER 10, 2002

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

CITY STREET ABANDONMENTS

BK5712PG052



CITY OWNED PROPERTY TO BE ACQUIRED

PLAT	LOT	PROPERTY ADDRESS	ACQUISITION	TOTAL AREA (Square Feet)	ACQUISITION (Square Feet)	REMAINING (Square Feet)
17	621	235 India Street	Partial	20,816	1,177	19,639
18	15	211 India Street	Partial	2,141	170	1,971
18	338	195 India Street	Partial	86,808	22,238	64,570
			INDIA PARK		23,585	
18	16	661 South Water St.	Partial	70,581	46,174	24,407
18	91	604 South Main St.	Complete	30,183	30,183	0
			EAST SIDE		75,357	
22	336	12 Crary Street	Partial	15,801*	12,770	3,031
22	339	60 Allens Avenue	Complete	3,970*	3,970	0
			WEST SIDE		16,740	
				TOTAL AREA 116,882 S.F.		

* Designations per City of Providence Tax Assessor Map (Remaining areas per Bryant Associates Survey)

Not Applicable

PROPERTY TO BE TRANSFERRED TO INDIA PARK

	(Square Feet)	
Area 1	55,895	TO BE TRANSFERRED TO INDIA PARK

CITY STREETS TO BE ABANDONED

Manchester Place from Interstate 95 to Lot 133/120 Property Line
Crary Street from West of Plain Street to Eddy Street
Clay Street from Crary Street to Borden Street
Goff Street from Eddy Street east to End
Blanding Street from Traverse Street to Brook Street
Traverse Street from Blanding Street to India Street
Brook Street from Interstate 195 to India Street
Tockwotten Street from Benefit Street to Interstate 195
India Street east of Brook Street to west of Pedestrian Bridge

HIGHWAY MAINTENANCE AND ACCESS

Oxford Street under Proposed Interstate 95 Corridor
O'Connell Street under Proposed Interstate 95 Corridor
Public Street under Proposed Interstate 95 Corridor
Rhodes Street under Proposed Interstate 95 Corridor
Blackstone Street under Proposed Interstate 95 Corridor
Eddy Street under Proposed Interstate 95 Corridor
Franklin Square under Ramps WN and WP
Crary Street from Intersection with Eddy Street East to End
Intersection of Globe Street and Hospital Street
South Water Street under Proposed Interstate 195 Corridor
South Main Street under Proposed Interstate 195 Corridor
Benefit Street under Proposed Interstate 195 Corridor

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

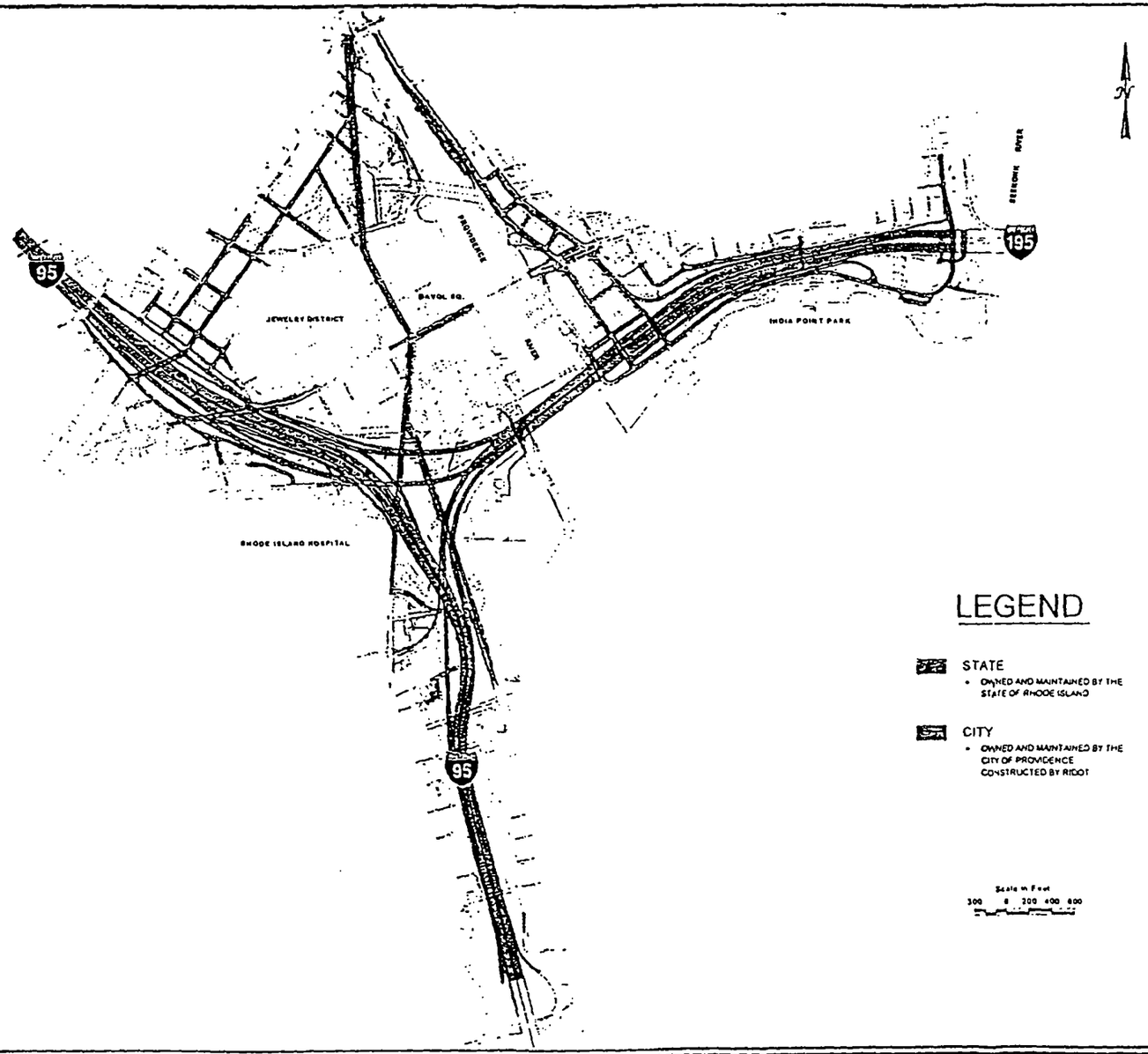
INTERSTATE 195

DECEMBER 10, 2002

IMPROVEMENTS TO INTERSTATE ROUTE 195

PROVIDENCE RHODE ISLAND

RIGHT-OF-WAY ACTIONS
CITY OF PROVIDENCE



LEGEND

STATE
- OWNED AND MAINTAINED BY THE STATE OF RHODE ISLAND

CITY
- OWNED AND MAINTAINED BY THE CITY OF PROVIDENCE CONSTRUCTED BY RIDOT

Scale in Feet
300 0 200 400 600

BK-5712 PG 053

BK5712PG053

Maguire Group Inc.
Architects/Engineers/Planners
225 Chapman Street

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

INTERSTATE 195

NOVEMBER 6, 2001

IMPROVEMENTS TO
INTERSTATE ROUTE 195
PROVIDENCE RHODE ISLAND

STREET OWNERSHIP
STATE / CITY

Exhibit 'B'

FEDERAL HIGHWAY ADMINISTRATION

RECORD OF DECISION

IMPROVEMENTS TO INTERSTATE ROUTE 195
PROVIDENCE, RHODE ISLAND

FHWA-RI-EIS-93-01-F

JANUARY 14, 1997

TABLE OF CONTENTS

RECORD OF DECISION

IMPROVEMENTS TO INTERSTATE ROUTE 195
WASHINGTON BRIDGE TO INTERSTATE ROUTE 95
PROVIDENCE (PROVIDENCE COUNTY), RHODE ISLAND
FHWA-RI-EIS-93-01-F

PROJECT OVERVIEW

This Record of Decision contains the rationale employed to reach a decision on implementation of a highway project alternative for the Improvements to Interstate Route 195 between the west end of the Washington Bridge and Interstate Route 95 in Providence, Rhode Island. It is issued under the requirements of 40 CFR 1502.2 and 23 CFR 771.127.

Periodic repairs and safety improvements have made it possible for I-195 to serve traffic needs for over 30 years. Despite recent repairs to the bridges, the existing I-195 through Providence is essentially beyond the end of its service life. It does not meet current design criteria, has poor operational and safety characteristics, and the bridge structures will continue to deteriorate.

The Rhode Island Department of Transportation (RIDOT), along with the Federal Highway Administration (FHWA), published a Notice of Intent to conduct an Environmental Impact Statement (EIS) for the proposed project in the October 31, 1991, Federal Register. Early coordination and identification of issues actually began two years earlier with the initiation of work on an Environmental Assessment (EA) in December 1989. The original focus of the EA was to evaluate alternatives to rehabilitate or improve the existing alignment. It was through the early EA coordination process that the concept of a Hurricane Barrier Alignment (HBA), one-half mile to the south of the existing viaduct, was forwarded by the Providence Foundation. Given the size and scope of the HBA, it was decided that a full EIS was warranted to rigorously explore and objectively evaluate the alternatives.

Key issues and areas of concern were identified through a formal scoping process. The scoping process included brochures and surveys mailed to Federal, State, and local agencies, interest groups, and property owners, as well as day and night public scoping sessions held on December 9, 1991. Section 7 of the Final Environmental Impact Statement (FEIS) documents the scoping and coordination process undertaken in the development and analysis of alternatives throughout the EIS process.

Three candidate alternatives were retained and evaluated through the EIS process. They are (1) the Reconstruction of Existing Alignment, (2) the North Alignment, and (3) the Hurricane Barrier Alignment. The Reconstruction of Existing Alignment was developed to represent the least cost alternative and to serve as the No-Build alternative. It includes the minimum level of reconstruction and rehabilitation of the existing six-lane facility needed to ensure the highway continues to function, but provides for no operational improvements. The North Alignment is an eight-lane alternative parallel and offset immediately to the north of the existing facility on new

alignment at the Providence River. It eliminates the Dyer Street ramps and makes other minor operational improvements at the I-95 interchange. It provides sufficient operational characteristics through the design year, though it retains the existing I-95 interchange with most of its poor operating characteristics. The Hurricane Barrier Alignment includes an all new eight-lane facility and interchange with I-95 located immediately south of the Providence Hurricane Barrier.

The Draft Environmental Impact Statement (DEIS) was published and approved in May 1993. The DEIS presented a detailed analysis for three candidate alternatives. A public hearing on the DEIS was held on June 30, 1993. FHWA and RIDOT received public comments at the hearing and by written correspondence throughout the public comment period. Substantive comments received on the DEIS and at the public hearing, together with appropriate responses, are included in Section 7 of the FEIS. Comments received on the FEIS are analyzed and addressed in this Record of Decision (see "Response to Comments on Final EIS").

The input received through coordination efforts was fully evaluated in reaching a decision on the preferred alternative. The input was integral to the consideration and implementation of design modifications to reduce traffic and environmental impacts. These design revisions are described in Sections 4.1.1 and 4.5.2 of the FEIS.

DECISION AND SUMMARY OF FINDINGS

The Hurricane Barrier Alignment (HBA) alternative was identified as the preferred alternative in the FEIS and has been selected for further project development and subsequent construction. FHWA has carefully reviewed all concerns in the course of approving the selected alternative. We have concluded that the selected alternative, based on a rigorous exploration and objective evaluation, reasonably maximizes transportation benefits and minimizes environmental harm, including harm to Section 4(f) resources.

Based upon the analysis contained in the EIS, the selected alternative clearly provides the best alternative to satisfy the project's purpose and need. The stated project purpose and need is "*. . . to provide a transportation improvement alternative to relieve present and future traffic demands on Interstate 195 between the west end of the Washington Bridge and Interstate 95 in Providence, RI. Additionally, the project shall provide for the implementation of the City of Providence's Old Harbor Plan between Crawford Street and Fox Point.*" The HBA received strong support from the general public and local business community, as well as local, State, and Federal agencies in the oral and written comments received on the DEIS.

MAJOR FACTORS INFLUENCING THE SELECTION OF ALTERNATIVES

The reasons for selecting the HBA include the following: it improves highway safety, reduces impacts on historic districts, allows for the fullest implementation of the city's Old Harbor Plan, has a net positive impact on India Point Park, provides improved access to Rhode Island Hospital, and incurs the least impact to traffic during construction. The HBA includes improvements to the alignment and operational characteristics of over one-half mile of I-95 and includes an all new interchange with I-95 that is a substantial improvement over the existing condition. The other two

alternatives considered, the Reconstruction of Existing Alignment (No-Build) and North Alignment, were generally less effective and desirable than the HBA. A thorough description of each of the considered alternatives is included in Section 2 of the FEIS. The following provides additional detail regarding the principal reasons for selecting the HBA:

Capacity and Safety

The HBA provides the best transportation improvements to relieve present and future traffic demands on Interstate 195. The proposed alignment provides the best configuration from a safety and capacity standpoint. The safety improvements afforded by the HBA include the following: all seven existing substandard weaves are eliminated, access to and from the Rhode Island Hospital and the Women and Infants Hospital is greatly improved, and the existing substandard interchange between I-95 and I-195 is replaced. The North Alignment eliminates all but two substandard weaves in the I-95 interchange, but does not improve access to the hospital.

As a result of the improved safety characteristics, the projected number of accidents over a 5-year period for the HBA is 655, substantially less than either of the other alternatives considered—half that of the Reconstruction of Existing Alignment alternative (1,156 accidents) and two-thirds that of the North Alignment (963 accidents). The new interchange and associated extended transportation benefits are a major reason for the cost differential between the HBA and the North Alignment alternative.

Constructability

The alignment of the HBA is largely independent of the existing alignment; therefore, the HBA is the easiest alternative to construct without affecting traffic flow on the existing interstate. Three lanes in each direction can be maintained throughout the construction period. The other alternatives considered would require extensive detours and lane closures and would result in substantial congestion and delays during the estimated 5-year construction period.

Implementation of the Old Harbor Plan

Of the alternatives considered, the HBA is the most compatible with the city of Providence's Old Harbor Plan. The Old Harbor Plan, adopted by City Ordinance in 1994, is an element in their Comprehensive Plan. In fact, the plan envisions the relocation of I-195 as a key element. The HBA allows for the most complete implementation of the Old Harbor Plan among the three alternatives. The Old Harbor Plan itself will have a number of positive benefits including: improved waterfront access in the form of pedestrian walkways along the shore of the Providence River from Crawford Street south to the Hurricane Barrier; improved water transportation; increased public park land; and economic development opportunities. Along with the redevelopment of the surplus right-of-way, the Old Harbor Plan allows for the reuniting of the Downtown Central Business District with the Jewelry District.

Historic Resources

Implementation of the HBA and the Old Harbor Plan results in a net positive benefit to historic resources in the city. Removal of the existing I-195 on the west side of the Providence River substantially reduces the noise and visual impact on both the Downtown and Jewelry Manufacturing National Register Historic Districts. Although implementation of the HBA requires the acquisition and demolition of three buildings on or eligible for the National Register of Historic Places, it reduces the overall length of Interstate 195 through the College Hill National Register Historic District from 3,200 feet to 2,000 feet and moves the highway from between 500 and 1000 feet from the highest concentration of historic structures in the district. Coordination efforts indicate that the Rhode Island State Historic Preservation Officer (RISHPO) and Blackstone River Valley National Heritage Corridor Commission (BRVNHCC) support the implementation of the HBA and the Old Harbor Plan. A copy of the executed Section 106 Memorandum of Agreement is included in the Section 5 of the FEIS.

India Point Park

The HBA has a net positive effect on India Point Park. Construction will require the acquisition of a narrow strip (21,382 square feet) along the northwest edge of the park. As mitigation, the elimination of the existing Gano Street on-ramp allows for 51,908 square feet of additional park land—a net increase of over 30,000 square feet. The existing narrow pedestrian overpass will be replaced with a 50-foot wide landscaped pedestrian bridge. This connection will greatly improve the connection between India Point Park and the Fox Point Neighborhood. Although not considered a mitigation, removal of the ramps also makes possible the creation of a landscaped parking area on the five acres immediately northeast of the park, under the I-195 viaduct at Gano Street. The ramp modifications in the vicinity of India Point Park will change India Street from a little used street to a relatively busy street. The increased traffic will occur on India Street primarily during the morning and evening rush hours, which are not peak usage times for the park.

SECTION 4(F)/6(F)

Where historic and/or park resources are affected by a proposed project, a determination is necessary, pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, that there is no feasible and prudent alternative to the use of the historic and park resources and that all possible planning to minimize harm to the affected resources is employed. Also, the acquisition of park land for which Land and Water Conservation Fund Act (LCWF) funds have been used, called "Section 6(f) lands," requires replacement lands be provided in consultation with the National Park Service.

Based upon the information in the Section 4(f) Evaluation contained in the FEIS, and for the reasons discussed below, FHWA has determined that there are no feasible or prudent alternatives to the use of land from public parks and historic districts or structures for the Hurricane Barrier Alternative and that the selected alternate includes all possible planning to minimize harm to these resources.

While the Reconstruction of Existing Alignment alternative would have no new 4(f) impact, it does not satisfy the basic transportation objective of the project and is therefore not considered a feasible or prudent alternative. In addition, the Reconstruction alternative does not allow for the net positive benefits attributable to the HBA; specifically, the relocation of the existing highway away from high concentration of historic buildings in the College Hill National Register Historic District, and the reunification of the Downtown and Jewelry Manufacturing National Register Historic Districts.

The HBA involves unavoidable impacts to 4(f) and 6(f) resources. The impacts and mitigation measures are discussed in Section 5 of the FEIS. It has been determined that after mitigation, of the practicable alternatives, the HBA incurs the least harm to 4(f) and 6(f) resources. Central to this conclusion is the concurrence of the RISHPO that the HBA has a net positive benefit on historic resources in the project area. This net positive benefit is obtained though the relocation of the highway away from the most sensitive concentrations of historic buildings in three National Register Historic Districts. The other alternatives considered have comparable impacts upon the same historic districts as the HBA, without any of the associated positive benefits.

With respect to the Section 6(f) resource, India Point Park, the State Liaison Officer and the National Parks Service have agreed to the designated conversion of replacement land.

MEASURES TO MINIMIZE HARM OF THE SELECTED ALTERNATIVE

FHWA will ensure that all practical measures to avoid or minimize adverse environmental impact, which are related to the selected alternative, will be implemented. The following measures, described in more detail in the referenced sections of the FEIS, have been identified. At the time implementation of any of these measures becomes appropriate, responsibility for funding will be assigned by agreement among the concerned parties in accordance with normal FHWA procedures. The first section below describes the mitigation program for the HBA (Section 4.9, page 4-314) of the FEIS, which has been developed to address the impacts of the selected alternative in conjunction with Federal and State regulatory agencies and the Providence Parks Department.

FHWA has determined that the measures described below in the Interstate Route 195 Mitigation Program are adequate to mitigate the impacts for the selected alternative and to meet the legal requirements of other statutes mandating the consideration of or provision for mitigation of environmental impacts, such as Section 4(f) of the Department of Transportation Act. Therefore, the measures constitute those which must be implemented and those which will be encompassed by FHWA approvals. (See 23 CFR Part 630, Subpart C, Appendix A.)

INTERSTATE ROUTE 195 MITIGATION PROGRAM

- Traffic and Transportation

Local Street Pattern: An urban street pattern will be established across the vacated right-of-way to provide for adequate traffic circulation, access, and complement the proposed land uses. New and reconstructed streets will include amenities, such as 8-foot wide pedestrian sidewalks, standard city street lighting, and street trees (generally 100 feet apart).

Landscaping: Landscaping and architectural treatment of retaining walls will be employed to provide a buffer to adjacent land uses.

Bridge Piers: The pier spacing for the Providence River Bridge in the HBA includes mitigation and avoidance considerations for navigation impacts. The new bridge will be designed to maintain the existing navigation clearances.

Aesthetics: Special architectural treatment to soften the visual impacts and increase compatibility with the surrounding urban and historical districts have been considered for the proposed bridge over the Providence River. A Bridge Technical Committee (BTC) and a Public Advisory Committee (PAC) were formed to develop and review alternatives for the bridge. The PAC reviewed alternatives for the bridge over the Providence River (see Appendix A of the FEIS) developed by the BTC.

These alternatives were all considered to be visually compatible. The Arch style structure was shown in the FEIS because the PAC favored an Arch style structure and recommended it to RIDOT.

RIDOT is completing alternate bridge designs of concrete and steel, which constitutes the first step in the final design of a major structure. This effort will better define the technical issues, constructability, and estimated cost of the concept presented in the FEIS. In the course of final design and development of the preferred alternative, RIDOT may consider a range of other types of long span bridges that are visually compatible. In the event that the Arch style is not selected, RIDOT and FHWA will coordinate the decision with the PAC.

Pedestrian: The existing 8-foot wide pedestrian overpass between George Cohan Boulevard and India Point Park will be replaced with a 50-foot wide overpass.

- Land Use

Vacated Right-of-Way: The vacated parcels shall be seeded as an interim measure to mitigate the visual impact of demolishing the highway and abandoning the existing right-of-way.

Parking: (1) Impacted *private* parking stalls will be replaced either by reconfiguration of the impacted lot or by replacement on adjacent excess right-of-way, or (2) owners of the private parking spaces which are not replaced will be compensated for their loss.

Parks: In kind replacement will be provided for acquired land at India Point Park. Disturbed areas will be fully restored. The existing pedestrian overpass will be demolished and replaced by a landscaped, 50-foot wide park bridge.

Memorials: All impacted memorials will be relocated in an equivalent or more prominent setting in areas adjacent to their present location.

- Cultural Resources

Historic Districts and Buildings: The Hurricane Barrier Alternative will require acquisition of three buildings on or eligible for the National Register of Historic Places. Mitigation measures per Section 106 of the National Historic Preservation Act of 1966, as amended, will include data recovery and documentation in accordance with the Historic American Building Survey (HABS) prior to building demolition. Additionally, the RISHPO and BRVNHCC shall be given an opportunity to review and approve the final design plans and specifications prior to their implementation. In accordance with the Section 106 Memorandum of Agreement (MOA), FHWA has agreed to ensure that the redevelopment of the excess or surplus right-of-way parcels shall be carried out under the review and approval of the RISHPO. In the MOA, the RISHPO has agreed to allow the city of Providence to fulfill the role of developing and administering the design review of the surplus right-of-way through the Old Harbor Plan. The RISHPO reserves the right to terminate the city's review and revert back to RISHPO review and approval.

Archaeological Resources: Mitigation for the Central Wharf archaeological site shall consist of the development of an appropriate Phase 3 data recovery strategy (in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, 48 FR 44734-37) in cooperation with the RISHPO and the ACHP to be executed prior to construction or disturbance.

- Environmental and Coastal Resources

Water Quality: No stormwater management controls are in place for the existing I-195 facility. Best Management Practices (BMP) will be used to minimize water quality impacts of the proposed project. Sedimentation basins, or equivalent treatment, will be used in conjunction with the selected alternative. Appropriate interim measures will be taken during construction in accordance with the guidance contained in the Rhode Island Department of Environmental Management's (RIDEM) Soil Erosion and Sediment Control Handbook. All reasonable and feasible measures were examined to obtain the Rhode Island Coastal Resource Management Council (CRMC) standard of 80 percent total suspended solid (TSS) removal rates projectwide. The water quality section of the FEIS demonstrates that a TSS removal rate of approximately 63 percent is reasonably obtainable. A waiver from the CRMC standard, which is allowed for under CRMC policy, will be sought as part of the CRMC application process.

Wildlife Impacts: After consultation with the Army Corps of Engineers and the National Marine Fisheries Service, it has been agreed that impacts to shallow water aquatic habitat as

a result of modifications to riverwalls and riverbottom are to be mitigated by providing a 700-foot shallow water terraced area along the east shore of the Providence River.

Soils and Hazardous Materials: Measures shall be taken during construction to minimize exposure to contaminated materials, including soil, fugitive dust, and fumes. A contingency plan shall be designed and implemented as part of the final design to address actions to be taken in the event that contaminated material is discovered during construction.

Contaminated soils located in the Old Harbor portion of the project will require special handling, off-site disposal, and/or treatment. All other slightly contaminated soils are to be excavated prior to completion of the new highway embankments and will therefore be available for disposal in embankments or off-site disposal and treatment. All handling and disposal of this material is subject to review and approval by RIDEM in accordance with Rhode Island Solid Waste Regulations, and State and Federal Resource Conservation and Recovery Act (RCRA) regulations.

Prior to construction, and in order to facilitate clean-up plans, the nine contaminated and two hazardous sample locations shall be further characterized by a detailed remedial site investigation. The detailed remedial site investigation will include a Health Risk Assessment for each of these locations to ensure worker safety in accordance with Occupational Safety and Health Administration standards. The investigation will provide information necessary to determine clean-up costs, assist in determining the potentially responsible person(s), and will provide the information needed to design a clean-up strategy for review and approval by RIDEM.

A Risk Assessment will be conducted for all locations where sample concentrations exceed RIDEM's soil and groundwater contamination criteria (DEM Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases DEM-DSR-01-93). The Health Risk Assessment should specify measures to be taken, if necessary, to minimize worker exposure to contaminated materials. The health risk assessment will include recommendations for the monitoring of soils during construction. The risk assessment will include consideration of not only worker exposure, but also potential exposure to site visitors and adjacent communities.

Demolition and removal of the existing bridge structures for the HBA will involve cutting and removal of steel painted with lead-based paint. Precautions to avoid the generation of lead fumes include the proper removal of paint prior to cutting, in accordance with applicable State regulations.

- Social and Economic Factors

Right-of-Way Acquisition: Acquisition of property and relocation assistance will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources will be available to all residential and business relocatees without discrimination.

Public Facilities and Utilities: RIDOT will continue to coordinate on the relocation of the existing helicopter pad on South Main Street. Utilities will be relocated in kind as required without interruption of service.

- Construction Impacts

Traffic: Measures will be included to maintain traffic flow as efficiently as possible during construction. These include staged construction, traffic control devices, enforcement of reduced speeds, and incident management.

Water Quality: Measures will be taken to protect water quality during construction, in accordance with the guidance in the RIDEM Soil Erosion and Sediment Control Handbook. These measures include the use of hay bales or filter fabric along earth embankments and temporary vegetative cover on bare ground if it is to be exposed for long periods. New detention ponds to be built for final water quality will be constructed early on to act as temporary retention ponds for eroded materials. Special actions for construction over the water will include the use of nets with fabric to contain fine material during demolition. Construction in the water will include using cofferdams at pier excavation sites, containing excavated materials, and placing clean material as backfill if it is required.

Dredging materials will be handled and disposed of appropriately. Adverse impacts of dredging will be minimized through the implementation of the following procedures as determined and further refined in consultation with the Army Corps of Engineers, National Marine Fisheries Service, CRMC, and RIDEM as part of the Section 404 permit process, CRMC assent, and Water Quality Certification process.

- Selection of proper dredge equipment
- Employment of silt curtains to contain suspended solid transport
- On-site inspection and water monitoring by RIDOT during dredging
- Observance of seasonal restrictions (October 1 through January 1) on dredging.

Noise: Construction noise will be attenuated through proper use of mufflers and limitation of excessive noise producing activities to normal working hours.

Other: Rodent control measures will be designed as part of the project final design.

MONITORING AND ENFORCEMENT PROGRAM

The FHWA's Rhode Island Division Office will monitor further project development of the HBA through its day-to-day administration of the Federal-aid program. This monitoring will ensure that all practicable mitigation measures, as summarized above and as described in Section 4.9 of the FEIS, will be included in the final project design. The staff will also perform periodic inspections during the construction phase to ensure that these measures are constructed in accordance with plans and specifications.

To facilitate effective monitoring, a system will be developed to enable FHWA to comprehensively track the fulfillment of project-related mitigation and enhancement commitments. A detailed list of all commitments made in the FEIS will be prepared. Each commitment shall be keyed to the appropriate design contract, as applicable, to ensure its implementation. The Department will report on the status of each commitment when the preliminary design and Plans, Specifications, and Estimates (PS&E) documents are submitted to FHWA. A commitment database will be developed for use by RIDOT and FHWA to track the assignment and status of each commitment. The commitment database shall indicate responsibility for each of the implementation commitments, such as the project engineer, for each of these design sections.

RESPONSE TO COMMENTS ON FINAL EIS

Comments on the FEIS were received from Federal and State Agencies, local governments, affected landowners, and a variety of neighborhood, transportation, and other citizen organizations as well as some individuals. To a great extent, these comments reflect issues previously raised by many of the same organizations in comments on the draft. The majority of comments (76 of 88 letters received) indicate general support for the selected alternative, satisfaction with the resolution of relevant environmental issues presented in the FEIS, particularly the mitigation program for the HBA, and a desire to move forward with the project.

FHWA has carefully reviewed all comments received on the FEIS and is generally satisfied that the substantive issues raised have been fully responded to. FHWA has considered all FEIS comments in reaching the decisions documented in this Record of Decision.

The following discussions highlight the various comments regarding issues which generated a high level of interest.

- Cost and Finance

Several comments were made regarding the impacts of financing such a large project on the statewide transportation program. Concern was expressed that other projects may be eliminated or reduced in scope in order to fund the I-195 project. One commentor noted that the HBA may require a toll road which would require the issuance of revenue bonds possibly by the Rhode Island Turnpike Authority instead of financing the project with general obligation bonds.

The cost of the project is a consideration in the evaluation and selection of the preferred alternative. The EIS documents many benefits of the HBA that tend to compensate for the cost differential. Among these benefits are increased tax revenue from the sale of excess right-of-way, improved safety, longer sections of I-95 are repaired/replaced, and the replacement of the I-95/I-195 Interchange. In addition, there are several intangible benefits, such as the reduced impact to historic districts, improved opportunities for tourism and access to the waterfront, and the economic redevelopment of the excess right-of-way.

Construction spending for the preferred alternative will have an influence upon the funding of other transportation projects throughout the State. The State's transportation priorities are

delineated in the Transportation Improvement Program (TIP), which is prepared by the Rhode Island Department of Administration, Division of Planning in conjunction with RIDOT, and a Transportation Advisory Committee through a public discussion of the priorities. In developing priorities for transportation projects in the TIP, planners strive to balance and spread out the spending to maximize benefits and minimize negative impacts. RIDOT, in cooperation with FHWA, is investigating additional funding sources that may help alleviate the cost burden that the project will have upon the State's transportation program. Regardless of additional sources of funding, RIDOT believes that the project can be adequately funded within existing resources by the careful scheduling of construction phases over a number of years.

FHWA notes that the FEIS does not specifically indicate that tolls will be used to finance the construction of this project. If the State of Rhode Island concludes that tolls are the primary tool with which to finance this project, then a supplemental EIS might be required to evaluate the impacts of tolls.

RIDOT has agreed to submit a funding plan for the project for FHWA review and approval prior to proceeding with the construction of elements of the project that do not have independent utility.

- Navigation

The U.S. Coast Guard asked how the city's proposal to "fix" the Point Street Bridge is compatible with the Old Harbor Plan. Reconstructing the Point Street Bridge so that it is no longer able to open will have relatively little impact on the desire and need to facilitate navigation in the river north of the bridge. There are initiatives underway to establish water taxi and commuter/tour boat services on the Providence River with the existing navigation constraints (including the Point Street bridge which currently cannot be opened). Also, it is expected that Old Harbor will become a destination for smaller recreational boats. RIDOT is constantly coordinating with the city of Providence as they are a proponent of the Old Harbor Plan.

- Historic Resources

The SHPO has noted that the HBA has the least severe effects on historic resources and districts. It removes the physical and visual intrusion on existing districts and reunites them. FHWA has determined that there is no feasible and prudent alternative to the use of land from public parks and historic structures for the Hurricane Barrier Alternative, based upon the information in the Section 4(f) Evaluation in the FEIS. The preferred alternative includes all possible planning to minimize harm to these resources as described in the Section 106 MOA.

- Impacts on Traffic Operations--Gano Street/Gano Street On-Ramp

Several comments expressed concern with the existing high traffic volumes and operations on Gano Street and concern with how the project would impact Gano Street in the future. They identified an increase in traffic of up to 75 percent.

Gano Street currently serves as the primary access route in Providence to and from I-195 for a considerable portion of the east side of Providence including Fox Point, Wayland Square, Blackstone Boulevard, Brown University, Rochambeau Avenue, Waterman and Angell Streets. These neighborhoods include dense residential, professional office, and commercial zones, as well as large institutions such as Brown University, Butler Hospital, and several public and private schools. Because there are no other through streets which access the interstate, Gano Street serves as a collector-distributer street for this area.

A comparison of projected traffic volumes for Gano Street, for both the Reconstruction and Hurricane Barrier Alternatives as shown on Attachments 1 and 3 (the maps in the pocket at the back of the FEIS), indicate the traffic impacts of the HBA on Gano Street are predicted to be negligible when compared to the Reconstruction Alternative, with a small decrease in AM volumes and no change for the PM volumes.

The increases in traffic discussed in the comments are on the Gano Street on-ramp to I-195 Westbound, as shown in FEIS Tables 4-2 and 4-3. The traffic on this ramp is predicted to increase from 380 vehicles per hour (VPH) in the Reconstruction Alternative to 665 VPH or 75 percent in the AM peak hour and from 489 VPH to 991 VPH or 103 percent in the PM peak hour. These increases are just on the on-ramp, and they result from the fact that the Gano Street on-ramp will be the only direct access point to I-195 westbound from the East Side. The reasons why traffic volumes on Gano Street are predicted to remain relatively stable are related to the changes in the eastbound access. The direct access to Gano Street from I-195 eastbound is relocated to India Street, allowing traffic to access the East Side via Gano or South Main Streets. The on-ramp to I-195 eastbound from Gano Street has been eliminated, thereby making it less attractive for most of the traffic on Gano Street destined for I-195 east; although, Gano Street can still be used to access I-195 east via India Street.

Although it is not considered a mitigation for effects of this project, RIDOT has indicated it will work with the city of Providence to investigate ways to both improve existing operations and reduce the impacts of *existing* traffic on the quality of life in the neighborhood. However, because there are no readily identifiable or feasible alternative routes for Gano Street, it will continue to provide access to I-195 and function much as it does today.

- Interstate Access to and from the East Side of Providence

According to several commentors, access to the interstate from the east side of Providence will be reduced by the HBA. In the westbound direction, two off-ramps will remain, but the number of on-ramps will drop from two to one. Eastbound, the number of off-ramps will drop from two to one, and on-ramps from three to one. The commentors expressed concern over the impacts of reduced access.

Access to the east side will be reduced; however, the need for access will be reduced as well. The studies for EIS revealed that almost all of the traffic entering westbound I-195 is destined for I-95. Presently, there is no convenient access directly to I-95 from the east side. Under the HBA, convenient, direct access to I-95 north and south will be provided via Point Street.

Conversely, eastbound traffic exiting at Wickenden Street and Gano Street is originating from I-95. Traffic from I-95 northbound can access Wickenden Street by exiting directly to Point Street under the HBA, and southbound I-95 traffic can use the newly completed Memorial Boulevard to get to College Hill and South Main Street, which was previously all but impossible to do. The proposed India Street exit from I-195 eastbound will still provide access to Gano Street and Wickenden Street via South Main Street.

Much of the traffic entering I-195 eastbound at Point Street is coming from the hospital via the Point Street Bridge. That traffic will be served via a proposed on-ramp to I-195 east from Plain Street, which will obviate the need for it to use Point Street. Traffic from Downtown and Gano Street will still use the proposed on-ramp from South Water Street and India Street, which will not need to merge with the mainline traffic, but will have its own lane across the Washington Bridge. In addition, traffic from Downtown can use the on-ramp from Plain Street or the Civic Center Interchange.

These changes in access will not result in increased traffic in Fox Point. They will not "induce" new traffic to travel through Fox Point, but they may change travel patterns through the east side. For instance, trips originating on Hope Street may choose to access I-195 east via Wickenden and South Water Streets instead to Gano Street. Traffic headed for I-95 may use Angell Street and Memorial Boulevard instead of Wickenden Street. Trips to Hope Street from I-95 north may use Point Street instead of the Wickenden Street exit. Traffic originating from areas such as Wayland Square will experience an increased travel time to access I-195 eastbound of about 1½ minutes.

- Wickenden Street at South Water and South Main Streets--Fox Point

The Fox Point Citizens Association expressed concern that the proposed intersections at Wickenden Street and South Water and South Main Streets will become congested during the peak hours resulting in traffic diverting to local streets. They asked that construction of a ramp be considered over Wickenden Street.

Providing the at-grade intersections is in keeping with the goal of removing the barrier between different parts of the city that the existing I-195 now creates. Removing the highway will link Wickenden Street with the waterfront, improve the aesthetics of the area, and is more sensitive to the historic nature of the neighborhood. The design notwithstanding, FHWA and RIDOT are sensitive to the changes the immediate neighborhood might experience and are willing to work with the residents and the city to evaluate alternatives and/or provide additional mitigation if warranted.

The proposed intersections are designed to handle the projected traffic and reduce congestion. This dictates the size of the intersections. The intersection at Wickenden and South Main/Benefit Streets is especially critical because traffic backups out to the interstate are unacceptable. This intersection is predicted to have a level of service (LOS) D during the peak hours with a 39-second average delay in the AM peak and a 31-second average delay in the PM peak. At Wickenden and South Water Streets, the LOS is predicted at B in the AM peak and predicted LOS at the PM peak is E with an average delay of 44 seconds. LOS D is acceptable in an urban area

where there are relatively high volumes of traffic. The fact that South Main and Water Streets are one-way should make these intersections work efficiently. Coordinating the signals between the two intersections will reduce delay as well.

- Environmental Issues and Review Process--Water Quality

The U.S. Environmental Protection Agency (USEPA), RIDEM, and CRMC all commented on the stormwater quality mitigation in that it does not meet the standard set by CRMC's Coastal Management Program Section 300.6.B.6 to reduce total suspended solids (TSS) from stormwater by 80 percent. They (USEPA) indicate that there are other technologies available or there should be some documentation as to why full compliance cannot be achieved. CRMC acknowledged the efforts RIDOT expended to use "best management practices" on the complex urban site.

There were also specific comments from RIDEM and USEPA regarding the concentrations of various metals and exceedance of criteria and the need for RIDOT to commit to a maintenance program.

RIDOT is aware that this project does not meet the 80 percent removal standard; however, there are several issues which make the treatment of stormwater challenging on this project. Constraints imposed by existing land use, proposed land use, the densely developed downtown core, topography, the Providence River, and underground utilities all had to be considered. The Department has met and coordinated with the two State agencies, RIDEM and CRMC, responsible for regulating stormwater quality several times, the latest being in October and July of 1995.

The proposed "best management practices" developed to date for the project will remove an estimated equivalent of 63 percent of the TSS from stormwater from the project. This was accomplished through a series of twelve proposed wet sedimentation basins. Wet sedimentation basins are an effective method for treating stormwater. Other methods were considered but deemed unworkable. Roadside swales were used on a very limited basis, but were not possible in most cases because the expanded cross section needed to accommodate swales would have imposed additional impacts on existing land uses along the right-of-way. It should be noted that currently there are no stormwater management practices in place for the I-195 and I-95 drainage in the project area.

The Department has taken steps to mitigate the lack of treatment in the project area by treating runoff from beyond the project limits in other areas. Approximately 25 acres of watershed beyond the project limits will be included in the drainage systems for treatment. This contributes to the 63 percent TSS removal achieved with the project mitigations. In addition, a total of 67 acres of watershed was removed from the combined sanitary and storm sewer system. This was accomplished by capturing runoff that was already routed through the State highway drainage systems or that crossed the interstate to get to the river. Removal from the runoff from the combined systems was accomplished where systems were parallel or where new drainage had to be constructed to serve reconnected city streets. This will reduce the frequency and amount of overflows into the Providence River after large storms.

Infiltration basins were not used because the inverts of the drainage systems are typically at or below mean high water and below the water table. In addition, the industrial, commercial, impervious nature of the urban district would generate higher sediment and pollutant loads. In any case, sedimentation basins were employed wherever infiltration basins could have been used. Porous pavement designs for interstate highways are generally not applicable because they will not provide the required integrity under the weather and load conditions they are designed for. The project was divided into three areas for water quality purposes: the area east of the Providence River and south of James Street, the area west of the Providence River and along the I-95 corridor, and the Old Harbor/Downtown area which includes the land adjacent to the river and the existing I-195 corridor. The first two areas are each served with six proposed wet basins. The third area, the Old Harbor/Downtown has no proposed treatment. All six inverts, on the west side of the river, of the drainage systems are below mean high water, ranging from -7.4 feet to -3.8 with one at -1.3 feet. With the ground at elevation +5 or 6 feet, the sedimentation basins for these systems would be up to 14 feet deep and below the water table. The reason why the drainage systems are so low is that there is a large existing utility corridor in Dyer Street under which the drainage systems must cross. In addition, the city objected to sedimentation ponds of this magnitude in an area that holds so much potential for positive redevelopment.

As stated in the comments from RIDEM and CRMC, the details of the best management practices will need to be worked out to the satisfaction of these agencies before they issue permits. The Department will ask for a waiver from the standard, as provided for under Coastal Resource Management Program Section 120; however as CRMC noted, a considerable good faith effort has been made to meet the removal requirement. As part of the permit process, the Department will determine the maintenance requirements with the agencies and will make the commitment to maintain these facilities. The project will conform to the RIDEM Stormwater Design Standards Manual, and additional steps will be taken, where feasible, to minimize the impacts of stormwater. In addition, as a requirement for receiving Federal-aid highway funds, RIDOT must maintain the facilities, including stormwater quality management facilities, as part of the standard Construction and Maintenance Agreement.

USEPA and RIDEM commented on the exceedance of copper and zinc dissolved concentration criteria in the treated stormwater and also indicated that the criteria were incorrectly stated. Errata has been included in this Record of Decision to correct the concentrations of metals. As suggested by RIDEM, the level of dissolved metals will be calculated per the new RIDEM regulations during the Storm Water Quality Certification process, which may result in fewer violations. RIDOT will work closely with RIDEM during the Water Quality Certification process to explore alternate measures to refine stormwater treatment.

RIDEM expressed concern about the lack of discussion on contingencies if it is determined that containment booms are not effective during dredging. If this situation arises, RIDOT will determine the reasons for increased turbidity and take the appropriate measures to remedy the problems.

- Hazardous and Contaminated Material

The USEPA commented on the status of hazardous material contingency plans. All hazardous and contaminated material will be handled in accordance with the appropriate State and Federal regulations, including the Resource and Conservation and Recovery Act (RCRA) regulations. Specific contingency plans will be drafted upon completion of a more detailed remedial site investigation at the sites identified in Section 4.5.3, Soils and Hazardous Materials, of the FEIS.

- Alternative Transportation Mode

Several comments were made indicating that the resources dedicated to this project would be used more productively on mass transit improvements.

Decisions on long range funding for highway improvements versus mass transit improvements are made during the statewide planning process as opposed to the project level planning process. At the project level however, mass transit improvements for the corridor *were* analyzed to comply with Clean Air Act requirements and FHWA policy, because the project increased single occupancy vehicle (SOV) capacity in a carbon monoxide or ozone nonattainment area.

The alignment deficiencies and condition of the bridges for this section of I-195 must to be addressed in order to at least maintain even the lowest level of highway service for the future. Making improvements to mass transit systems will not address these issues. Concepts for transit improvements have been evaluated by the Department on a regional basis. More specifically, the Department is currently embarking on a separate project to evaluate improved commuter rail service on the Amtrak mainline between Providence and Westerly.

The Metropolitan Providence Transportation Improvement Project evaluated various mass transit alternatives for the east-west corridor that I-195 serves. That study provided part of the analysis to satisfy the Clean Air Act requirements for SOV increases noted above. It concluded that none of the alternatives, including rail through the east side tunnel, High Occupancy Vehicle (HOV) lanes on the existing highway system, or a combination thereof, reduced single occupancy vehicle trips sufficiently to warrant the costs. Only a two percent reduction in the number of vehicles was predicted. Even if these alternatives are implemented, alignment improvements and bridge replacement would still be required on I-195. The safety issues and number of accidents would not be affected by a two percent volume reduction. The HBA does, however, make strategies, such as HOV lanes, more feasible in the future by providing full ten-foot wide shoulders through this area. HOV lanes on the existing facility are not feasible due to width and alignment restrictions.

The project also advances the possibilities for water transportation by dredging the Providence River and providing places for boats to access the banks of the river south of Crawford Street.

Bus service for East Providence and the east bay communities will be enhanced by providing a safer, more efficient highway and additional opportunities for servicing Fox Point and lower South

Water Street by making stops in those neighborhoods instead of passing over or by them as the existing facility does.

- Public Participation

One comment was made indicating that the scoping process was not accessible and the public process was not sufficient. Two scoping meetings were held on December 9, 1991. One at 10 AM and one at 6 PM. Approximately 150 notices were sent to representatives of local, State, and Federal agencies, community groups, businesses, institutions, and owners of properties which could be potentially affected. The sessions were advertised in the Federal Register.

During the preparation of the DEIS and development of the alternatives, two public workshops where held at the Fox Point School, one each in May and November of 1992. A public hearing was held to receive comments on the DEIS on June 30, 1993. All of these meetings were advertised in the Providence Journal and were well attended. In addition, there have been several feature articles in the Providence Journal and on television news broadcasts which indicated the scope and estimated cost of the HBA; the most recent was September 5, 1996.

- Major Investment Study

One commentor objected to the waiver of the formal Major Investment Study (MIS) requirements under 23 CFR Part 450.318. It was the conclusion of the Federal Transit Administration; the Federal Highway Administration; the Rhode Island Department of Administration, Planning Division; the Rhode Island Public Transit Authority; and the Rhode Island Department of Transportation that the studies documented in the DEIS, the public participation on the EIS, and the strong public support for the preferred alternative fulfilled the requirements for a MIS and signed a Memorandum of Understanding on December 14, 1994. A copy of the Memorandum can be found in Section 7 of the FEIS immediately after page 7-23.

- Executive Order 12898—Environmental Justice

One commentor referred to the HBA as a "Racist Transportation Policy" since she believes it "clearly discriminates against the economically disadvantaged, often composed of minorities." This comment falls under the purview of Executive Order 12898 as it relates to environmental justice in minority and low income populations. This recent executive order directed every Federal agency, to the greatest extent practicable, to make achieving environmental justice part of its mission by identifying and addressing as appropriate "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities" on those populations. While the Executive Order itself does not purport to create any new substantive right, we will clarify our position given the fact that it is a relatively recent issuance.

As noted earlier, decisions regarding integrating Mass Transit elements into the TIP and STIP to address the transportation concerns of all the traveling public, including the economically disadvantaged, are appropriately addressed on a Statewide Planning level, rather than at the level of a specific project. However, we have analyzed such strategies for the corridor to comply with

the requirements of the Clean Air Act. None of the congestion management strategies, including mass transit, were found to satisfy the purpose and need of the project or substantially reduce SOV trips. Commitments were made to further study of incident management and ramp metering, and to implement incident management in the corridor.

After careful analysis, FHWA has concluded that the impacts, benefits, and mitigation for the I-195 project will not result in "disproportionately high" adverse environmental effect to low income or minority groups. See Section 4.6.3 of the FEIS for more discussion on this issue.

- Old Harbor Plan–Land Use

One comment was made regarding the land use plans for the waterfront along the Providence River and the commitment to establish riverwalks. The Old Harbor Plan, which has been formally adopted as part of the city's Comprehensive Plan, includes provisions for riverwalks and some open space along the rivers. RIDOT is committed to accommodating the Old Harbor Plan, and some of its elements, such as the riverwalks, have been included in the project as enhancements. As part of the Section 106 Case Report Memorandum of Agreement, FHWA is committed to ensure that the Rhode Island State Historic Preservation Officer (RISHPO) reviews and approves the development of the surplus right-of-way.

Another comment specifically quoted from the FEIS is the area of land that will be dedicated to particular land uses. The long term redevelopment of surplus right-of-way is based on the city's current Old Harbor Plan. RIDOT and FHWA are not committed to the scope and size of new development, other than ensuring that the RISHPO has the opportunity to review and approve the redevelopment.

- Errata to the FEIS

Several comments pointed out errors in the FEIS. They are as follows:

Pages 3-105 and 3-109–The existing classification of the waters in the Providence River are incorrectly listed as "SD" when it should be "SC."

Pages 4-169 (Table 4-29), 4-173 (Table 4-31), and 4-175 (Table 4-33)--The USEPA Acute Criteria for pollutants is not consistent among these tables. They should be as follows: Copper–.0029mg/l; lead–.140 mg/l; and zinc--.095 mg/l.

These changes do not change the analysis or conclusions on Water Quality.

- Other Comments

Comment: Senator Rooney suggested installing a dam at the Hurricane Barrier to control the level of river.

Response: The I-195 project does not preclude consideration of a control dam as a separate project some time in the future.

Comment: The Narragansett Bay Commission (NBC) stated their requirement for a 30-foot wide easement centered on their lines and their concern for the integrity of the 48-inch siphon under the Providence River near the proposed Providence River Bridge.

Response: The Department acknowledges the easement requirements. The Department is also aware of the need to maintain the integrity of the siphon. Concepts for ensuring the integrity will be developed and finalized during final design.

Comment: Was widening the existing structure to eight lanes and/or making other safety improvements evaluated.

Response: Yes, this was considered but not evaluated as a build alternative because it would not meet one of the purposes of the project—to improve the substandard geometrics and safety. However, the North Alignment alternative was derived from this. See Section 2 of the FEIS for a more detailed discussion of the alternatives considered.

CONCLUSION

Based on the analysis and evaluation in the FEIS and after careful consideration of the social, economic, and environmental factors and input from the public involvement process, it is my decision to adopt the recommended alternative, the HBA, as the proposed action for this project.

Date: 1/14/97

Stephen Moreno, Director
Office of Planning and Program Development

BK5712PG076 Exhibit C

MAIN OFFICE

FHWA-RI-EIS-93-01-F

Final Environmental Impact Statement & Final Section 4(f)/6(f) Evaluation

Improvements to I-195 Providence, Rhode Island

RHODE ISLAND DEPARTMENT OF TRANSPORTATION
AND
US DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

LINCOLN ALMOND
GOVERNOR

AUGUST 1996

IMPROVEMENTS TO INTERSTATE ROUTE 95
WASHINGTON BRIDGE TO INTERSTATE ROUTE 95
PROVIDENCE (PROVIDENCE COUNTY), RHODE ISLAND 5712PG077

Final
Environmental Impact Statement
& Final Section 4(f)/6(f) Evaluation
Submitted Pursuant to 42 U.S.C. 4332(2)(c) & 49 USC 303(c)
U.S. Department of Transportation
Federal Highway Administration
and the
Rhode Island Department of Transportation

Cooperating Agencies:

U.S. Army Corps of Engineers
U.S. Coast Guard
U.S. National Park Service
Advisory Council on Historic Preservation

7/16/96
Date of Approval

Stephen A. Moreno
Director of Planning and Program Development
Region One, Federal Highway Administration

7/9/96
Date of Approval

Edmund T. Parker, Jr. P.E.,
Chief Design Engineer
Rhode Island Department of Transportation

The following persons may be contacted for additional information concerning this document:

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380 Westminster Mall
Providence, Rhode Island 02903
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Mr. Edmund T. Parker, Jr.
Rhode Island Department of Transportation
Two Capitol Hill - Room 231-D
Providence, Rhode Island 02903
(401) 277-2023

This FEIS presents and evaluates alternatives for providing transportation improvements to accommodate present and future traffic demands on Interstate 195 between the west end of the Washington Bridge and Interstate 95 in Providence, RI. Implementation of the highway alternatives also provides an opportunity to include urban design improvements and intermodal connections between highway, water, pedestrian, and bicycle transportation. The existing facility does not meet current design criteria, has poor operational characteristics, and the bridges are seriously deteriorated. The alternatives evaluated include the reconstruction of the existing six lane facility, an eight lane facility immediately north of and adjacent to the existing highway, and an eight lane facility on a new alignment just south of the Providence River Hurricane Barrier, referred to as the Hurricane Barrier Alignment. The Draft EIS was published in May 1993, and a public hearing was held on the on June 30, 1993. After the public comment period on the DEIS ended, the Hurricane Barrier Alignment was identified as the preferred alternative.

Comments on this EIS are due by September 23, 1996 and should be sent to the following individuals at the addresses provided above:

FHWA

Mr. Gordon Hoxie

RIDOT

Mr. Edmund T. Parker, Jr.

Mayor of Providence
David N. Cicilline

January 30, 2003

The Honorable Michael R. Clement
City Clerk
City Hall
Providence, Rhode Island 02903

Dear Mr. Clerk:

I am returning to you herewith the final papers generated at the City Council meeting of January 16, 2003, which I received from you on January 21, 2003 under cover of your memorandum of that date.

Pursuant to Sections 302(f) and 412 of the Providence Home Rule Charter of 1980, I have acted upon said final papers, with the exception of the resolutions described below.

I understand that, at its February 6, 2003 meeting, the City Council will rescind its prior actions with respect to the following resolutions, which were transmitted to me on January 21, 2003 (numbers correspond to the numbers from the docket for the January 16, 2003 Council meeting), then take them up again on February 6, 2003:

45. Resolution Granting the execution of that certain maintenance agreement be and between the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation and the City of Providence for highway maintenance and access with respect to various highway bridges and overpasses over certain streets as described in said maintenance agreement.

46. Resolution Granting the acquisition, for nominal consideration, of an easement from the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation for the erection and maintenance of a dam or barrier over and across the property in connection with the operation of the Providence Hurricane Barrier; such relocation of the existing easement being made necessary by the relocation of

City of Providence, Rhode Island 02903
Phone (401) 421-7740 Fax (401) 274-8240

Interstate Route 195; and upon the relocation of such easement to extinguish a portion of the existing Hurricane Barrier easement with Narragansett Electric Company dated April 10, 1961 and recorded in the City of Providence Land Evidence Records in Book 1108 at page 61.

47. Resolution Granting the waiver of compensation with respect to the condemnation by the State of Rhode Island of certain property owned by the City of Providence for highway purposes in connection with the relocation of Interstate Route 195 or, in the alternative, to authorize the conveyance, for nominal consideration, of fee title to said property to the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation for highway purposes.

48. Resolution Granting a waiver of compensation with respect to the condemnation by the State of Rhode Island of certain property owned by the City of Providence for a temporary and permanent sewer easement near India Street, or in the alternative, to authorize the granting, for nominal consideration, of a temporary and permanent sewer easement to the State of Rhode Island and Providence Plantations acting by and through the Rhode Island Department of Transportation to install, construct, use, operate, repair, replace and maintain sewer facilities and appurtenant structures in, under, through, over and upon the property described in the propose grant of easements.

64. Resolution Requesting to amend Resolution Number 358, Approved June 26, 1998 to change the name of the "Special Commission to Study the Effect of Non-Taxable Institutions on Providence's Tax Base", to the "Special Commission to Study Tax Exempt Institutions" and also request the Council President to empanel said commission for the term ending 2007.

I have not acted on the foregoing resolutions with the understanding that they will not, as a result, take effect, and with the understanding that they may be transmitted to me again after the Council takes action on them on February 6, 2003.

Respectfully submitted,

David N. Cicilline
Mayor of Providence

Enclosures
cc: The Honorable John J. Lombardi (without enclosures)

5712/032-079

PROVIDENCE, RI
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