

CATEGORICAL EXCLUSION CHECK LIST

FOR 23 CFR 771.117(c) ACTIONS
Wisconsin Department of Transportation
Revised July 2015

WisDOT Design and Construction IDs 4996-01-78 = Design 4996-01-79 = Construction 4996-01-80/81 = Railroad	Federal Project IDs (if available)	Legal Description (Township, Range, Section) Section 15, T15N, R23E	County Sheboygan
Project Name C Sheboygan, North Avenue		Project Termini/ Location Calumet Drive to 15 th Street	
Name of Route or Facility to be Improved North Avenue	Facility Classification Minor Arterial	Improvement Type Reconstruction	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost) Construction ID 4996-01-78: \$3,300,000 (2019) RW: \$65,000 (2018 - Locally Funded) Railroad Crossing Surface 4996-01-80: \$105,000 (2019) Railroad Signals 4996-01-81: \$202,000 (2019)		Funding Source(s) (check all that apply) <input type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Local	
23 CFR 771.117(c) Project Type Number and Text (23) Federally-funded projects: (i) that receive less than \$5,403,484.88.			
Section 4(f) <input type="checkbox"/> None <input checked="" type="checkbox"/> <i>De Minimis</i> <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Historic Bridge <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception			
Right of Way Acquisition 1.86 Total Acres 0.08 Fee Simple Acres 0.04 Permanent Easement Acres 1.74 Temporary Easement Acres			
Number of Buildings Acquired <input checked="" type="checkbox"/> None Vacant Buildings Occupied Buildings			
Name of Individual/ Firm Preparing this Form Michael R. Simon, PE		CE Preparation Date 12-27-17	Environmental Process Start Date 8-17-16

WisDOT Region Environmental Coordinator or Local Program Management Consultant

I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document, and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b), and will not result in significant environmental impacts. I recommend this CE for approval.

(Signature)

(Print Name)

(Date)

WisDOT Region, Central Office, or Local Program Project Manager

I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE.

(Signature)

(Print Name)

(Date)

A determination that this project satisfies the criteria for an FHWA (c)-listed Categorical Exclusion (CE) does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a (c)-listed CE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with Federal, State, or Local laws or regulations should be maintained in the project file and provided with this checklist upon request.

I. Proposed (c)-list Categorical Exclusion – Insert the number and text of the applicable FHWA (c)-list CE from 23 CFR 771.117(c). Updated copies of the FHWA CE regulations are available on the [US Government Printing Office Website](#).

(23) Federally-funded projects: (i) that receive less than \$5,403,484.88.

☒ Project is not being processed as a (c)(26), (c)(27), or (c)(28) project

Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). Check all boxes that apply to the proposed project. If any boxes are checked, the project cannot be documented with this checklist. Instead, process it with a PCE if it meets the criteria in Section VII of the FHWA – WisDOT CE Agreement. If the action is disqualified by the Section VII criteria, prepare an ER, EA, or EIS, as applicable.

23 CFR 771.117(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

- ☐ (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements
**In Wisconsin, a minor amount of right-of-way is defined as fee or PLE acquisition ≤ 1 acre/ mile on average for (c)(26) actions and ≤ 0.5 acre total for (c)(27)&(28) actions.*
- ☐ (2) An action that needs a bridge permit from the US Coast Guard
- ☐ (2) An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899
- ☐ (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act
- ☐ (3) The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts
**If a project includes a 4(f) de minimis determination or programmatic evaluation, the 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE.*
- ☐ (3) A finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act
- ☐ (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
**In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.*
- ☐ (5) Changes in access control
**In Wisconsin, changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using this checklist.*
- ☐ (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

II. Description of Proposed Action – Provide a concise project description below, including the project purpose and need and scope of work. Attach a project location map and other appropriate exhibits (existing and proposed typical sections, etc.). The description must be consistent with the specific CE listed in Section I, above.

Abbreviations and Acronyms

ADA – Americans with Disabilities Act
AADT – Annual Average Daily Traffic
AASHTO – American Association of State Highway and Transportation Officials
CFR – Code of Federal Regulations
DNR – Department of Natural Resources
DOE – Determination of Eligibility
DNAE – Determination of No Adverse Effect
EB - Eastbound
EPA – U.S. Environmental Protection Agency
FDM – Facilities Development Manual
FWS – Fish and Wildlife Surface
FHWA – Federal Highway Administration
FY – Fiscal Year
HMA – Hot Mix Asphalt
Hazmat – Hazardous Materials
IH – Interstate Highway
MPH – Miles per Hour
MPO – Metropolitan Planning Organization
N/A – Not Applicable
NEPA – National Environmental Policy Act
NHS – National Highway System
NB - Northbound
OCR – Office of the Commissioner of Railroads
PASER – Pavement Surface Evaluation and Rating
PIM – Public involvement meeting
PLE – Permanent Limited Easement
PS&E – Plans, Specifications, and Estimates
RPC – Regional Planning Commission
RW – Right of Way
SHPO – State Historic Preservation Office
Sta. – Station (refers to the location along the reference line for the project)
STH – State Trunk Highway
TIP – Transportation Improvement Plan
TWLTL – Two Way Left Turn Lane
SB -Southbound
STP-U – Surface Transportation Program - Urban
TLE – Temporary Limited Easement
UP – Union Pacific
USACE – U.S. Army Corps of Engineers
USFWS – U.S. Fish and Wildlife Service
WB - Westbound
WisDOT – Wisconsin Department of Transportation
WISLR – Wisconsin Information System for Local Roads

Project Status:

The City of Sheboygan (Project Sponsor) is proposing improvements to North Avenue from Calumet Drive to 15th Street, a length of 0.642 miles. The project is located in Section 15, T15N, R23E, in the City of Sheboygan, Sheboygan County, Wisconsin. Refer to Exhibit A for project location. The City is part of the Sheboygan Metropolitan Planning Organization (MPO) that includes the Cities of Sheboygan and Sheboygan Falls, the Villages of Kohler and Howards Grove, the Town of Sheboygan and portions of the Towns of Herman, Lima, Mosel, Sheboygan Falls and Wilson. Bay-Lake serves as the Regional Planning Commission (RPC) for this area. The proposed action is funded under the Wisconsin Department of Transportation (WisDOT) Surface Transportation Program – Urban (STP-U).

The Union Pacific Railroad (UP) Railroad has a main line crossing of North Avenue as well as a spur line crossing. Improvements will be made at these crossings by UP Railroad forces. In addition, the Railroad will be making improvements to both track lines beyond the limits of the road construction in order to match the proposed profile of North Avenue. Improvements to the UP Railroad facilities will be jointly funded by both the project and the Railroad. The limits of the improvements will be confined to the area along the main line and spur line railroad corridors beginning approximately 500-ft north of North Avenue and extending south approximately 900-ft to Martin Avenue. This area has been included in the investigation studies performed for the project.

The Project Sponsor has completed investigation studies of existing roadway elements and is currently performing preliminary engineering design activities, coordinating with jurisdictional agencies, and performing public involvement activities. Investigation studies performed are documented in the project file and include, but are not limited to, topographic survey, pavement and soils studies, historical and archaeological studies, wetlands, hazardous materials, location and character of above ground and underground utility facilities, and existing and future traffic studies. Coordination with jurisdictional agencies is ongoing; refer to Section VI, Supporting Documentation. Public involvement activities are ongoing; refer to public involvement summary below. Preliminary plans have been developed for environmental screening and analysis; refer to discussion below and Exhibit C.

The proposed action is currently identified on the Sheboygan Area Metropolitan Planning Area TIP as a 2018 construction project; refer to [http://www.baylakerpc.org/sheboygan-mpo/sheboygan-metropolitan-planning-area-transportation-improvement-program-\(tip\)](http://www.baylakerpc.org/sheboygan-mpo/sheboygan-metropolitan-planning-area-transportation-improvement-program-(tip)) . The project has since been re-scheduled to a 2019 project.

The following is a summary of major milestones achieved to date with the anticipated schedule if the project is approved:

- Geotechnical investigation/report completed: 10-13-15
- Section 106 Screening List (archaeology only): 4-6-16
 - Note - It was later determined that the project no longer qualified for the screening list
- PIM held on: 5-18-16
- Wetland delineation report and DNR concurrence: 7-15-16
- Endangered and Threatened Species coordination completed with US Fish and Wildlife Service (FWS): 9-23-16
- FWS coordination updates: 4-19-18
- Historical survey with determination of eligibility (DOE): 11-15-16
- Petition to the Office of the Commissioner of Railroads (OCR) for crossing improvements: 12-6-16
- Hazmat phase 1 report for roadway corridor: 12-14-16
- Hazmat phase 2.5 report for roadway corridor: 3-30-18
- Petition Amendment to OCR: 2-2-17
- Union Pacific Railroad rebuttal to OCR: 3-16-17
- OCR Public Hearing: 3-23-17
- Addendum to Hazmat phase 1 report (for railroad right of way): 4-20-17
- Archaeology survey/report completed (includes railroad right-of-way): 4-25-17
- Supplemental wetland delineation (for railroad right-of-way) submittal: 6-23-17
- Final OCR Decision: 7-27-17
- Supplemental history survey/report completed (for railroad right-of-way): 10-17-17
- Preliminary concurrence request for determination of no adverse effect(DNAE) for Clark Station: 10-17-17
- Section 106 approved on: 12-14-17
- De minimis Section 4(f) for Clark Station and Historic District approved on: 4-25-18
- Start of RW acquisition anticipated to start by: 6-1-18
- Final PS&E: 11-1-18
- Construction scheduled for 2019.

Existing Facility:

The proposed action is in the City of Sheboygan on North Avenue from Calumet Drive (STH 42) to 15th Street; the total project length is 0.642 miles. North Avenue is classified as a minor arterial on the urban system with a design classification of urban type 2b. The current AADT, based on a 2015 traffic count, is 10,800 vehicles per day. The estimated AADT is 11,000 for the 2019 construction year, and 12,100 for the 2039 design year. The posted speed limit is 25 MPH. The Union Pacific (UP) Railroad crosses North Avenue with both a mainline track and a spur track approximately 1200-ft west of 15th Street; refer to the project overview map included in Exhibit A. Shoreline Metro provides public transportation in the Sheboygan Metro Area, and has a bus route that follows a very short segment of North Avenue from Calumet Drive to 21st Street, before proceeding north on 21st Street. Shoreline Metro also has routes that cross North Avenue at 15th Street and 13th Street.

The land use adjacent to North Avenue is primarily commercial business and industrial between Calumet Drive and 15th Street. This includes a large plastics manufacturing facility known as “Plenco” that encompasses the entire north side of the project between the railroad crossing and 15th Street; Plenco is one of the largest employers in the Sheboygan area. The area to the north of North Avenue is also a mixture of industrial and commercial businesses; there are additional industries to the south of the project as well that are primarily located along the railroad corridor. There are residential properties along the south side of North Avenue between 21st Street and Muth Court and between the UP Railroad crossings and 15th Street. East of 15th Street the land use is primarily residential and institutional. The institutional land use includes Sheboygan North High School, the Urban Middle School, and the Sheboygan Memorial Hospital. Refer to the land use maps in Exhibit D for additional information.

North Avenue and 15th Street are both classified as minor arterials and Calumet Drive is classified as a principal arterial. Calumet Drive intersects IH-43 with an interchange approximately 2 miles north of the Calumet Drive and North Avenue intersection. Refer to Exhibit A for the roadway functional classification map for the City of Sheboygan. North Avenue serves as a primary route for area business, school, and hospital traffic traveling to Calumet Drive and IH-43. Trucks traveling to the businesses along North Avenue, as well as to businesses north of North Avenue typically travel from IH-43 to Calumet Drive to reach North Avenue and then return along the same route.



Looking west at Plenco from 15th Street



Looking south at Shoreline 400 Trail

There is a shared use path located south of the project known as the Shoreline 400 Trail. This trail was extended north from Martin Avenue in late 2015 to connect to the sidewalk along the south side of North Avenue. The trail is located between the main line and spur line tracks from North Avenue to Martin Avenue; it then follows an old railway corridor south of Martin Avenue. This trail is used primarily for utilitarian purposes as it provides an opportunity for alternative transportation for employees traveling to and from area businesses as well as students and teachers traveling to and from area schools. Although there is a minor recreational aspect to the trail, it is not a recreation area.

Refer to the map of the Sheboygan County bike plan included in Exhibit D for additional information.

The urban typical section for North Avenue varies throughout the project limits. In general, the existing facility is a 4-lane undivided roadway west of the railroad crossings with parking provided in some areas; east of the crossing the facility is a 2-lane divided roadway with a raised median and parking provided throughout. Sidewalk is provided on both

sides of the roadway throughout the project limits. Designated on-street bike lanes are only present at the very west end of the project. The following segment by segment summary is provided to better define the variability of the existing roadway section. Refer to Exhibit B for drawings of the existing typical sections and Exhibit A for a project overview map that illustrates the stationing referenced below:

- 1.) Calumet Drive to 21st Street (Sta. 10+00 to Sta. 14+00): A portion of this section of North Avenue (Sta. 10+00 to Sta. 12+33.85) was reconstructed in 2017 as part of the Calumet Drive (STH 42) reconstruction project (ID 4630-05-71). The section reconstructed in 2017 is a 4-lane section with 2-lanes for eastbound (EB) traffic and 2-lanes for westbound (WB) traffic, plus a right turn lane for WB traffic, and bike lanes. From the end of project 4630-05-71 (Sta. 12+33.85) to Sta. 14+00, the existing typical section consists of four travel lanes; an EB left turn lane, and bike lanes. Sidewalk is provided on both sides of the roadway. There are no on-street parking lanes provided in this segment.
- 2.) 21st Street to 20th Street (Sta. 14+00 to 18+00): This section consists of four travel lanes plus a two way left turn lane (TWLTL). The full TWLTL width of 18-ft ends at Sta. 16+00 and then transitions to 0-ft between Sta. 16+00 and 18+00. The outside travel lanes are shared travel/bike lanes and include shared lane markings (sharrows) with supplemental signing. Sharrows are used to inform motorists that they are sharing the lane with bikes and to inform cyclists where they need to be in order to be properly positioned within travel lane. Sidewalk is provided on both sides of the roadway. There are no on-street parking lanes provided in this section.



- 3.) Sta. 18+00 to Sta. 27+00: This section consists of four travel lanes. The outside travel lanes are shared vehicle/parking/bike lanes and include shared lane markings with supplemental signing. Sidewalk is provided on both sides of the roadway.



- 4.) Sta. 27+00 to the Plenco Entrance located at Sta. 29+00: The overall width of this section is the same as shown on the typical section for Sta. 18+00 to Sta. 27+00 but with a different lane configuration. This segment of the roadway consists of a single shared travel/biking lane for EB traffic plus a dedicated left turn lane for EB traffic turning into the Plenco Entrance. The left turn lane spans across the two railroad crossings at Sta. 27+46 (mainline) and Sta. 28+34 (spur); trucks turning into the plant entrance backup across the tracks while they wait to complete their turn.

The WB lanes include two travel lanes with the outside lane being a shared vehicle/bike lane with shared lane markings and supplemental signing. Sidewalk is provided on both sides of the roadway. There are no on-street parking lanes provided in this section.

- **Railroad Crossing Profile and Surfaces:** The mainline (west crossing) and spurline (east crossing) both intersect North Avenue at a skewed angle of intersection in this segment of the project. The distance between the crossings measured from the center of the tracks along the road centerline is 88-ft. However, due to the skew angle the tracks are only 80-ft apart when measured at the outside edge of the WB travel lanes and 93-ft apart measured at the outside edge of the EB travel lane.
- **Railroad Crossing Warning Devices:** The existing warning devices consist of separate mast mounted flashing light signal installations placed at the outer edges of each crossing. Each crossing has its own signals with controller and operates independently from each other.
- Refer to Exhibit M for photographs of the crossings.

5.) Sta. 29+00 to Sta. 38+50: This section consists of a raised landscaped median with one travel lane and a shared parking/bike lane located on both sides of the median. Shared lane markings and supplemental signing are provided. There are two breaks in the raised median to allow for access to the residential driveways on the south side of the roadway. Sidewalk is provided on both sides of the street.



Looking west at eastbound lanes



Looking west at westbound lanes

6.) Sta. 38+50 to 15th Street (Sta. 40+50): The west approach to the 15th Street intersection consists of a single travel lane for WB traffic plus a shared parking/bike lane with shared lane markings and supplemental signing. There are 3 lanes for EB traffic including a left turn, right turn, and thru lane. There is no designated lane for EB bikes, but a “yield to bikes” sign is provided. Sidewalk is provided on both sides of the roadway.

- **Intersection of North Avenue and 15th Street:** This is a 4-way stop controlled intersection. In comparison to the three lanes at the west approach described above, the north, south, and east approaches to the intersection are marked as single lane approaches. Although marked as single lane approaches, these lanes are wide enough so that right turning vehicles can pull up to the stop line adjacent to another vehicle waiting to make a left turn or thru movement.



Looking west from east approach



Looking east from west approach

- 7.) 15th Street to 13th Street (Sta. 40+50 to Sta. 46+23): This section consists of a raised landscaped median with one travel lane and a shared parking/bike lane on either side of the median. Shared lane markings and supplemental signing are provided. Sidewalk is provided on both sides of the roadway.



Looking east at section between 15th Street and 13th Street

Investigations for the project have identified the following environmental features that are present within the North Avenue corridor:

- Wetlands – Wetlands are located adjacent to North Avenue in the vicinity of the railroad crossings; these wetlands are primarily confined to the ditches that parallel the railroad tracks.



Looking north at northwest quadrant of railroad crossings



Looking south at southeast quadrant of railroad crossings

- Petroleum Contaminated Soils – Contamination is present on the properties located immediately adjacent to the road right-of-way in the following quadrants of the North Avenue intersection with 15th Street: SW, NE, and SE. In addition, contamination was identified at the Martin Avenue crossing near the south end of the UP Railroad corridor investigation limits.
- Architectural History Resources - Buildings that are potentially eligible for the National Register of Historic Places are located along North Avenue between 15th Street and 13th Street.

The City reconstructed 15th Street in 2017 from Eisner Avenue south to a point between School Avenue and Mayflower Avenue. At the time that the City was designing their project, the exact construction limit for the North Avenue project on 15th Street was unknown and the City did not want to overlap the two projects. The City is now scheduled to complete the final phase of their project in 2019 concurrently with the North Avenue project; this will complete the gap between the two projects on 15th Street. Refer to Exhibit A for a location map of the City's proposed project. The City's project on 15th Street

is 100% locally funded. The City's project on 15th Street is not included in this environmental document for the following reasons:

- The purpose and need for the North Avenue project includes improving traffic operations at the intersection of the North Avenue and 15th Street. The construction limits on the 15th Street approaches included in the project are based on the work necessary to meet the purpose and need. The purpose and need of the City's project on 15th Street is to replace the deteriorating pavement.
- The North Avenue and 15th Street projects are two separate, independent, stand-alone projects. As stated above, the City's project on 15th Street could have been completed in 2017 if the limits of construction needed to meet the purpose and need of the North Avenue would have been known at that time.
- The City's project on 15th Street scheduled for 2019 could be completed at any time in the future after the North Avenue project is completed. The City has elected to do the work concurrently in 2019 to minimize impacts to the traveling public.

Project Purpose:

The purpose of the proposed action is to address the following:

- Deteriorating pavement conditions
- Railroad crossing deficiencies
- Safety

Project Need:

The project need can be divided into the following components:

- Pavement deficiencies
- Storm sewer deficiencies
- Bicycle and Pedestrian Safety
- Traffic operations at 15th Street
- Railroad crossing deficiencies

Pavement Deficiencies

The existing pavement on this urban roadway between Calumet Drive and the railroad crossings is in poor condition with numerous failed joints and cracked panels; the original construction date for this portion of the pavement was 1952. From the railroad crossings to 15th Street the concrete pavement has been overlaid with asphalt, but is also in poor condition as a significant amount of the cracks in the underlying concrete pavement have reflected through the asphalt. This section was originally constructed in 1936 and overlaid with asphalt pavement in 1977. A review of the Wisconsin Information System for Local Roads (WISLR), an on-line roadway data base, indicates that the surface condition was rated a 4 out of 10 in 2015 using the Pavement Surface Evaluation and Rating (PASER) system. PASER uses visual inspection techniques to evaluate pavement surface conditions; a rating of 10 represents excellent conditions while a rating of 1 represents failed conditions. The PASER rating of 4 for the section from Calumet Drive to 15th Street is considered to be fair condition.



Looking west at typical pavement conditions west of railroad crossings



Looking east at typical pavement conditions between railroad crossing and 15th Street

Between 15th Street and 13th Street, the existing pavement is in much better condition. This concrete pavement section constructed in 1936 was last overlaid with asphalt in 2009. This pavement had a 2015 PASER rating of 9 which is considered excellent condition.

Storm Sewer Deficiencies

The hydraulic capacity of the existing storm sewer does not meet current design standards. The undersized pipe system results in on-street flooding during large rain events. The existing storm sewer is in a deteriorating condition and has reached the end of its useful life. Storm sewer from North Avenue discharges to the north into the City's storm sewer system at the following locations: Muth Court, an existing easement through the Plenco site, and at 15th Street. The City's system eventually drains into Lake Michigan which is located approximately 1-mile east of the project limits.

Bicycle and Pedestrian Safety

- **Bicycle Accommodations/Facilities**

Currently bicycle accommodations are provided throughout the project corridor through the use of shared travel lanes or shared parking lanes; this requires bicycles to share the lane with motorized vehicles. The Sheboygan County bike plan identifies two areas that are a safety concern for bikes on North Avenue; one location is at the intersection with Calumet Drive and the other is located just east of the project limits near the high school and middle school. The reason cited in the bike plan for these concerns is the heavy vehicle traffic at these locations. Because both of these areas are located beyond the limits of the project, they will not be addressed as part of this project. No safety concern areas have been identified within the project limits. Refer to bike plan in Exhibit D for additional information.

- **Pedestrian Facilities**

Many areas of the existing sidewalk and many of the existing curb ramps do not meet the requirements of the American's with Disabilities Act (ADA). The Sheboygan County pedestrian plan identifies two areas that are a safety concern on North Avenue; one location is at the intersection with Calumet Drive and the other location is just east of the project limits near the high school and middle school. The reason cited in the pedestrian plan for these concerns is the heavy vehicle traffic at these locations. Because both of these areas are located beyond the limits of the project, they will not be addressed as part of this project. No safety concern areas have been identified within the project limits. Refer to pedestrian plan in Exhibit D for additional information.

Traffic Operations at Intersection of North Avenue and 15th Street

Traffic at the existing four-way stop controlled intersection currently experiences congestion and travel delays especially during peak travel periods. The peak travel periods occur when traffic is traveling to and from the schools located east of the project limits. Driver confusion, in terms of which driver stopped at the intersection has the right-of-way, contributes

to the travel delay; this confusion occurs when there are multiple vehicles waiting at each approach. For example, it is not uncommon during the peak travel times to have three vehicles waiting at the west approach while there are two vehicles waiting at each of the other three approaches. Another factor that compounds the congestion at this location is the large trucks traveling to and from the Plenco truck entrance located on North Avenue to the west of the intersection. The width of the approaches, and geometry of the intersection, makes it difficult for trucks to complete their turn movements without encroaching on the curb and adjacent travel lanes.

Railroad Crossing Deficiencies

Refer to Exhibit M for Photo-log of Crossings.

- **Railroad Crossing Profile**

There are two railroad crossings located within the project limits including one main line crossing and one spur line crossing. The existing roadway profile through these crossings does not meet current design standards. Current standards require a “flat” approach on each side of the crossing for improved sight distance and vehicle stopping performance.

- **Railroad Crossing Surface**

The existing rubberized surface at each crossing is in fair condition but is reaching the end of its useful life. The width does not meet current design standards. This crossing surface should extend beyond the back of the adjacent sidewalk, but currently ends at the front of sidewalk.

- **Railroad Crossing Warning Devices**

The existing warning devices consist of separate mast mounted flashing light signal installations at the outside edge of each of the crossings. The signals are controlled separately and operate independently from each other. These warning devices do not meet current design requirements for protection at a multi-lane crossing. With the existing configuration, the signals flash only at the crossing that has an approaching train. This could confuse drivers due to the proximity of the two crossings. In addition, traffic waiting for the train to clear one crossing will back up across the other crossing where another train could potentially be approaching.

The west approach to the crossing consists of a left turn lane and a thru travel lane. With this configuration, vehicles waiting in the center left turn lane may have their view of the post mounted flashing signals blocked by traffic in the adjacent travel lanes. This condition can be especially critical when a passenger car is waiting in the turn lane and trucks are present in the adjacent travel lanes.

- **Truck Entrance in Close Proximity to Crossing**

The west edge of the Plenco truck entrance, located in the northeast quadrant of the crossing, is only 16-ft from the edge of the spur line track. Due to the proximity of the driveway, the flashing railroad signal in this quadrant of the crossing is positioned closer to the tracks than desirable. This was done in order to provide the necessary clearance for trucks turning right to exit the driveway. In addition, trucks waiting to turn left into the entrance queue across both the spur and mainline tracks while waiting to complete the turn movement. This creates a potentially hazardous condition with a vehicle stopped on the tracks and possibly in the path of an on-coming train.

- **Truck and Bus Stopping Requirements at the Crossing**

Mass transit buses, school buses, and tanker trucks hauling combustible loads, are currently required by state statutes to come to a complete stop at these crossings prior to proceeding over the tracks. Because of the layout of the two crossings, it is possible that a driver may stop at both crossings, especially in the eastbound direction where the crossings are farther apart. If vehicles stop for both crossings, it creates unnecessary delays and increases the chance of a rear-end collision. In addition, a vehicle stopping for the second crossing could either still be on the first crossing, or cause a following vehicle to stop on the first crossing, and in the path of an on-coming train.

- **Sight Distance**

There are trees, brush, and tall perennial wetland grasses known as phragmites in each quadrant of the railroad crossings. These features can restrict or obscure a driver's view of an approaching train. Other features present that result in vision requirements not being met include a fence with privacy slats in the northeast quadrant, and a decorative fence in the southeast quadrant.

Summary of Alternatives

Alternative #1: No Build

With this alternative nothing would be done beyond normal maintenance of the roadway. The maintenance costs would continue to escalate.

This alternative was not selected because it did not address any portion of the purpose and need. While the No-build alternative does not address the purpose and need of the project, it does serve as a comparison of impacts related to all other alternatives.

Alternate #2: Rehabilitation

The existing lane configurations would be revised with pavement markings to provide on-street bike lanes for the majority of the project. With this alternative the deteriorating pavement surface would be addressed, and the undersized storm sewer would be replaced. The deficiencies in the sanitary sewer system would also be improved. Although the pavement surface would be improved with an asphalt overlay, most of the existing deteriorating concrete pavement would remain in place. Improvements to the railroad crossings would not be provided. Traffic operations at the intersection with 15th Street would remain unchanged. In addition, future maintenance in the form of pavement repairs, as well as milling and overlaying the pavement, would typically be anticipated within 10 years after constructing this alternative.

This alternative was not selected as the preferred alternative because it doesn't meet all aspects of the purpose and need of the project.

Alternate #3: Reconstruct

This alternative would provide a long term solution for addressing the deteriorating pavement condition. The undersized storm sewer system would be replaced, and deficient sections of the sanitary sewer system would be improved. The new roadway lane configuration would include on-street bike lanes, and new pedestrian facilities meeting ADA requirements. The railroad crossings would be improved to meet current standards. Traffic operations at the intersection with 15th Street would be improved.

This alternative was selected as the preferred alternative as it fully meets the purpose and need of the project.

Description of Proposed Action

The intent of the project is to reconstruct this urban roadway and provide a more consistent typical section throughout the project limits. In general, the project will consist of a 4-lane undivided facility from Calumet Drive to 21st Street, and then transition to a 2-lane divided roadway with a raised median for the remainder of the project. Designated on-street bike lanes will be provided throughout the corridor. All existing sidewalk will be removed and replaced. The only section of the roadway where a parking lane will be provided is from the railroad crossings to 15th Street, however, parking will only be provided on the south side of the street. There will be no change to the posted 25 speed limit and there will be no changes to the Shoreline Metro bus routes.

Following is a segment by segment summary of the proposed facility; refer to Exhibit B for drawings of the existing typical sections and Exhibit A for a project overview map that shows the stationing referenced below:

- 1.) Match point of project ID 4630-05-71 (Sta. 12+33.85) to 20th Street (Sta. 18+00): This segment will consist of four travel lanes (two EB and two WB), and a TWLTL. There is a lane drop for both outside lanes between Sta. 16+00 and Sta. 18+00, with the outside travel lanes transitioning from 11-ft wide to 0-ft wide in 200-ft. The raised median begins at Sta. 16+00. Sidewalk and designated on-street bike lanes are provided.

- 2.) 20th Street to Sta. 29+00 (Sta. 18+00 to 29+00): This section will consist of a two travel lanes (one EB and one WB) with a raised median. Left turn lanes are provided at 20th Street, Muth Court, and the Plenco Plant Entrance. From approximately Sta. 24+50 to Sta. 26+50, there will be a break in the raised median with a TWLTL provided; this is needed to accommodate truck traffic entering and exiting businesses on both sides of the roadway. Sidewalk and on-street bike lanes are provided.
- Railroad Crossing Profile: The roadway profile will be “flattened” at each approach to meet current design standards. The modified approach grades will require the spur track to be raised.
 - Railroad Crossing Surfaces: A new widened crossing surface will be provided at each crossing to meet current standards. The Union Pacific Railroad will be constructing these improvements under Project ID 4996-01-80.
 - Railroad Crossing Warning Devices: The crossing will be modified so that it will operate as one single crossing instead of two individual crossings. The existing warning devices will be removed and replaced with mast mounted flashing light signals and gates placed at each approach to the consolidated crossing. An overhead cantilever mounted flashing light signal will also be provided for improved visibility at the two lane west approach. The consolidated crossing will be operated by a single controller with the gates and flashing signals activated whenever a train is approaching on either track. The Union Pacific Railroad will be constructing these improvements under Project ID 4996-01-81.
 - Truck Entrance at Crossing: The existing truck entrance to Plenco will be relocated to the east. The relocation will provide enough space between the crossing and the driveway so that a single truck waiting to turn left into the facility will not be over the tracks. In addition, there will be enough space provided between the entrance and the spur track to allow for the proper positioning of the signals and gate so that clearance requirements are met. Refer to Exhibit C for additional information.
 - Truck and Bus Stopping Requirements at the Crossing: The WisDOT successfully petitioned the OCR to allow the crossing to be exempt from the state statute that requires buses and trucks hauling tanks with combustible fluids to stop prior to proceeding across the tracks. The addition of gates at the crossing as well as the other proposed improvements significantly reduces the likelihood of rear end crashes at this location. Refer to the public involvement section below for additional information.
 - Sight Distance:
Trees, brush, and phragmites will be removed in all quadrants of the crossing in order to improve the view for drivers of on-coming trains.
- 3.) Typical Section Sta. 29+00 to Sta. 37+75: This section will consist of a two travel lanes (one EB and one WB) with a raised median. Parking will be provided only on the south side of the roadway. Openings in the raised median will be provided to allow for access to the residential driveways on the south side of the roadway; these openings will be at the same locations as the existing openings. Sidewalk and on-street bike lanes are provided.
- 4.) Sta. 37+75 to Sta. 39+75: This section will consist of a two travel lanes (one EB and one WB) with a left turn lane provided at the west approach to 15th Street. Sidewalk and on-street bike lanes are provided.
- 5.) Sta. 39+75 to Sta. 43+06: This section will consist of a two travel lanes (one EB and one WB). The existing raised median will be removed between Sta. 40+50 and 42+50 in order to provide a left turn lane at the east approach 15th Street; a right turn lane will also be provided at this approach. The limit of full reconstruction for this project ends at Sta. 43+06. Sidewalk and on-street bike lanes are provided.
- Intersection of North Avenue and 15th Street: Traffic signals will be installed to improve traffic operations. Designated left turn lanes will be added at the north and south approaches on 15th Street. The geometrics will be improved to allow large trucks to complete their turning movements without driving over the curb & gutter or crossing into adjacent travel lanes. Pedestrian signal faces with push buttons will be added to improve safety for pedestrians crossing both streets.

- 6.) Sta.43+06 to Sta. 46+23: The existing median will be narrowed from 17-ft to 14-ft in order to provide the space needed to allow for designated on-street bike lanes plus parking lanes on both sides of the roadway. The existing curb and gutter at the outside edge of pavement, along with the existing sidewalk, will remain in place. The existing asphalt pavement will be milled and overlaid.

All new storm sewers will be constructed within the North Avenue corridor to replace the existing undersized and deteriorating system. The existing sanitary sewer will be improved with a combination of new sewer installations or the re-lining of existing pipes to increase their useful life.

The area of concern for bikes at the intersection of North Avenue and Calumet Drive has already been addressed by the addition of bike lanes in 2017 as part of an improvement project on Calumet Drive (Project ID: 4630-05-71/72). The City's long term plans for North Avenue call for adding bike lanes east of the project limits to address the concerns near the high school and middle school. This City's future project will utilize the same typical section that will be constructed from Sta. 43+06 to Sta. 46+23 as part of this project. In addition, the City is planning bike lanes on 15th Street in 2019 as part of their separate locally funded project.

The area of concern for pedestrians at the intersection of North Avenue and Calumet Drive has already been addressed by the addition of pedestrian signals, refuge islands, and ADA compliant curb ramps. These features were constructed in 2017 as part of the improvement project on Calumet Drive (Project ID: 4630-05-71/72). The City's long term plans for addressing concerns in the vicinity of the high school and middle school is to improve pedestrian crossings by adding flashing beacons or similar devices. These features will be installed as part of a future City project.

The intent of the project is to reconstruct the roadway in stages in order to maintain thru traffic on North Avenue whenever school is in session; no detour will be provided during this time frame. During the time frame from June thru August when school is not in session, the contractor will be allowed to close North Avenue for approximately 6 weeks to make improvements within the limits of the railroad stage as shown on the detail included with Exhibit C. The Union Pacific Railroad will make all crossing improvements during the railroad stage, including crossing surfaces, flashing signals, and gates. During the railroad stage a detour route for North Avenue traffic will be provided. Local access will be maintained throughout the railroad stage. Coordination will be required with the City's 2019 reconstruction project on 15th Street in order to maintain traffic at the intersection of 15th Street and North Avenue.

The new sidewalk will be constructed in stages to coincide with the staged construction of the roadway. In general, pedestrian access will be maintained on the south side of the roadway when the westbound lanes are reconstructed and on the north side when the eastbound lanes are reconstructed. Pedestrian access across the tracks will be closed during the railroad stage; a sidewalk detour route will be provided during this stage.

Due to the proximity of the Shoreline 400 Trail connection to the railroad crossings, access to the trail from North Avenue will be restricted during the railroad stage. During this stage access to the trail will be via Martin Avenue which is the next parallel street to the south of North Avenue. As part of the sidewalk detour, signage will be provided to direct users to the Martin Avenue trail connection.

Portions of the small wetland areas located in the railroad ditches, immediately adjacent to North Avenue, will be filled in as part of the roadway construction. There are wetlands located along the ditches of both the main line and spur line tracks that are beyond the construction limits of the road project that will likely be filled as part of the railroad improvements. The estimated total of all unavoidable wetland impacts, for both the roadway and railroad work is estimated at 0.098 acres of wetlands. This includes 0.005 acres for the roadway and 0.093 acres for the proposed railroad improvements.

Public Involvement

Plenco Public Involvement:

A meeting was held at the offices of Plenco on Monday, April 4, 2016 at 10:00 AM. This meeting was held between representatives of the City and Plenco to discuss North Avenue improvements at the railroad crossings. The focus of the discussion was the proximity of the truck entrance and the need to move the entrance further from the crossing; this is their primary truck entrance. The main concern of Plenco is the impact a driveway shift will have on their operations. Trucks enter here and then pull up to a security check point to register. If the entrance is shifted to the east, trucks will need to travel

through an employee parking area to reach the security check point. This would create safety concerns and a loss of employee parking. It was agreed to prepare additional alternatives for the driveway relocation. Refer to Exhibit F for meeting notes.

A second meeting was held on Thursday, May 12, 2016 at 10:00 AM at the City of Sheboygan Public Works building. This meeting was held between representatives of Plenco, the City, WisDOT, and the UP Railroad to discuss additional alternatives for the driveway location. A final decision was not made at this meeting but Plenco stated that they would contact the City to let them know their preference. Refer to Exhibit F for meeting notes.

- Plenco followed up with an e-mail to the City on June 15, 2016 (refer to Exhibit F) stating their preference for the alternative as shown on the preliminary plans in Exhibit C.

Public Involvement Meeting:

The City of Sheboygan hosted a public involvement meeting to present project concepts to the public and to solicit input regarding the project needs. The meeting was held on Wednesday, May 18, 2016 in the Maywood-Ellwood H. May Environmental Park, in the Ecology Center, located at 3615 Mueller Road, Sheboygan, WI 53083, from 4:30 PM to 6:00 PM. This facility is accessible to persons with disabilities. Approximately 15 people attended the meeting.

Summarized comments received at the meeting and how the comments were addressed are as follows:

- On the section of North Avenue between the railroad crossings and 15th Street there is currently parking on both sides of the street. As part of the proposed improvement, parking would only be provided on one side of the street (south side). Several residents expressed concern about the City's winter parking rules that requires them to park on one side of the street on even numbered days and on the opposite side on odd numbered days. Would they be now be exempt from the alternate side parking requirements?
 - City staff explained that they would review how the City's policy was being implemented elsewhere where similar conditions exist and then contact residents on what the requirements will be. On July 7th the City sent a letter to property owners informing them that the winter parking rules would no longer apply. However, North Avenue will still be a snow emergency route and snow emergency regulations will apply. This snow emergency regulation states that all parking is prohibited on the street while the snow emergency in effect, until all plowing has been completed on the snow emergency route. Refer to attached exhibit F for a copy of the letter and attachments.
- A representative of the Kwik Trip convenience store, located on the south side of North Avenue between 21st Street and 20th Street, was present at the meeting. He had concerns about the limits of the raised median wanted to make sure that left turn storage was provided for westbound traffic turning left into the Kwik Trip driveway.
 - There are two driveway entrances into the Kwik Trip site from North Avenue. The preliminary plans included as part of Exhibit C provides left turn storage for the westernmost driveway. The length of storage needed for this driveway will continue to be evaluated as part of the design process.
- A representative of the Three Sheeps Brewing Company was present at the meeting. The company had recently purchased the property on the south side of North Avenue between 19th Street and the railroad crossing. He wanted to discuss how the project would affect modifications that the company was proposing for the site. His primary concerns were truck access and their proposed driveway modifications.
 - It was explained by staff that the City prefers truck traffic to and from the site be maintained via North Avenue and not 19th Street. Various options including providing an opening in the North Avenue raised median and relocating the driveway access were discussed. There is a business located across from the Three Sheeps site that will also require a break in the median. There was discussion that these two driveways should align so that the same median opening could be used to access both driveways.
 - Coordination between the City and these businesses has been on-going. The driveway locations and median opening shown on the preliminary plans (Exhibit C) are based on this coordination.

- There was discussion regarding the trees that are being removed within the corridor in order to construct the improvements.
 - City staff informed those in attendance that the City plans to replace the trees that are being removed.
 - City staff also stated that the City is planning a rest area for pedestrians and cyclists as an additional amenity within the project corridor. It will be located where the Shoreline 400 trail connects to the sidewalk on the south side of North Avenue adjacent to the railroad crossing. This trailhead will be constructed by others and is not part of the project. Trees, as well as other features are being considered as part of the proposed trail head, but the final design has not yet been determined.

OCR Public Hearing:

The Wisconsin Department of Transportation and the City of Sheboygan petitioned the Office of the Commissioner of Railroads for a determination of the adequacy of warning devices, the alteration, and exemption of the public crossing of the UP Railroad tracks with North Avenue. A public hearing was held on Thursday, March 23, 2017 in Madison and Sheboygan before Administrative Law Judge David Albino. Refer to Exhibit M for a copy of the final OCR decision dated 7-27-17.

III. Project is a Complete FHWA Action – Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check either boxes (1-3) or the last box. If this is not possible, adjust the scope of the project to meet the criteria.

23 CFR 771.111(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated shall:

- ☒ (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope
- ☒ (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made
- ☒ (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements
- ☐ Project is not an action resulting in construction and does not require compliance with (1-3) above

IV. Categorical Exclusion Definition - Check all boxes that apply to the proposed project. If you are unable to check a box in this section, evaluate the scope of the project and prepare more detailed environmental documentation.

23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- ☒ Do not induce significant impacts to planned growth or land use for the area
- ☒ Do not require the relocation of significant numbers of people
- ☒ Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- ☒ Do not involve significant air, noise, or water quality impacts
- ☒ Do not have significant impacts on travel patterns
- ☒ Do not otherwise, either individually or cumulatively, have any significant environmental impacts

V. Unusual Circumstances - Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- ☐ (1) Significant environmental impacts
- ☐ (2) Substantial controversy on environmental grounds
- ☐ (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act
- ☐ (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

- ☐ Other unusual circumstances not listed in FHWA regulations (describe below)
(In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project.)

Describe any unique or unusual circumstances and subsequent coordination with FHWA: **NA**

VI. Supporting Documentation – List any additional discussion, agency correspondence, or supporting documentation used in this CE determination. Attach this documentation to the checklist and maintain a copy in the project file. Projects with 4(f) *de minimis* determinations or programmatic evaluations will require review by WisDOT Central Office and review and approval by FHWA prior to the approval of this CE.

Factor Sheets

B-5, Historic Resources: Clark Super 100 Gas Station
B-5, Historic Resources: North Avenue Residential Historic District
B-8, Section 4(f): Clark Super 100 Gas Station
B-8, Section 4(f): North Avenue Residential Historic District

List of Exhibits

Exhibit A – Project Location Maps
Exhibit B – Existing and Proposed Typical Sections
Exhibit C – Preliminary Plans
Exhibit D – Land Use Plans
Exhibit E – Traffic Data
Exhibit F – Public Involvement Documentation
Exhibit G – Correspondence from US FWS
Exhibit H – Wisconsin Department of Natural Resources (DNR) Coordination
Exhibit I – Section 106 Documentation
Exhibit J – Hazardous Materials Investigations
Exhibit K – Wetlands
Exhibit L – Section 4(f) Finding of De Minimis Impact: Clark Super 100 Gas Station
Exhibit M – Coordination with Office of Commissioner of Railroads

Agency Coordination Status

State Historic Preservation Office (SHPO)

- Section 106 Report was approved on 12-14-17.
- DNAE was approved on 4-25-18.
- Refer to Exhibit I.

Wisconsin Department of Natural Resources

- Coordination with DNR is on-going.
- Initial project review letter was received on 9-29-16.
- DNR concurrence of wetland delineation was approved on 5-24-16.
- DNR concurrence of addendum to wetland delineation (Railroad RW) was approved on 11-10-17.
- Refer to Exhibit H.

Native American Tribal Coordination

- Letters were mailed to Native American Tribes by WisDOT on 8-17-16.
- One response letter was received by the Forest County Potawatomi Tribe on 8-22-16.
- Refer to Exhibit I (coordination included as part of Section 106 Submittal).

US Fish and Wildlife

- The project was reviewed by the USFWS and no threatened or endangered species are anticipated to be impacted. Refer to Exhibit G for an email dated 9-23-16.
- The USFWS technical assistance website was consulted on 4-19-18 to determine if there have been any updates for the project area. It was determined that there were no updates, i.e. no additional coordination is required.

Office of the Commissioner of Railroads (OCR)

- Coordination with the Union Pacific Railroad and the OCR is on-going.
- Refer to Exhibit M for the final decision from the OCR dated 7-27-17.

Additional Environmental Investigations and Supporting Documentation

Environmental Justice:

The "Update to the 2035 Sheboygan Area Transportation Plan (SATP)" identifies areas within the Sheboygan Metropolitan Planning Area where population groups covered by Executive Order 12898 on Environmental Justice are located. These groups include minority and low income populations. The majority of the proposed action on North Avenue (Calumet Drive to 15th Street) is located outside the area where these population groups have been identified. The very east end of the project is included in an area where 2.2% of the population belong to minority groups. Refer to Exhibit D for a map of these areas.

Based on a windshield survey and attendance at the public information meeting, indications are that minority or low-income populations are not present within the project limits. If these populations are present within the project limits, any adverse effects experienced are not expected to be disproportionately high in comparison to the non-minority or non-low income populations within the project area.

Hazardous Materials:

Phase 1 and Phase 2.5 hazmat investigations have been conducted for the project. Three sites were identified where contamination exists adjacent to the right-of-way and within the limits of the anticipated construction zone. Refer to Exhibit J for a summary of findings and proposed plan of action. Refer to the project files for the complete Phase I and Phase 2.5 Investigation reports. Contact Dave Schmidt at the WisDOT NE Region to obtain a copy of these reports.

Wetlands:

There are wetlands located adjacent to the project in the vicinity of the railroad crossings. These wetlands are confined to the ditches located along both the main line and spur line tracks. There are additional wetlands located along the ditches of both the main line and spur line tracks that are beyond the construction limits of the road project but may be within the limits of the railroad improvements. Refer to Exhibit H for a copy of the DNR concurrence correspondence for the delineation. An estimated total of 0.098 acres of wetlands will be impacted by the proposed improvements. These impacts will be mitigated at a WisDOT Wetland Mitigation Bank Site. Refer to Exhibit K for a summary of the wetland impact locations. Refer to the project files for the complete wetland delineation reports. Contact Dave Schmidt at the WisDOT NE Region to obtain a copy of these reports.

Historical Resources: Refer to factor sheets B-5 & B-8, and Exhibit I (Section 106 documentation). Refer to the project files for the complete architectural history and archaeological history reports. Contact Dave Schmidt at the WisDOT NE Region to obtain a copy of these reports.

Section 4(f) De Minimis for Clark Super 100 Gas Station: Refer to Exhibit L for Finding of De Minimis 4(f).

VII. Mitigation & Commitments – List any environmental mitigation measures or commitments that will be incorporated into the project. Any items listed below must be incorporated into the project plans and contract documents. *Attach a copy of this page to the design study report (DSR) and the plans, specifications, and estimate (PS&E) submittal package.*

Environmental Factor	Commitment (If none, include 'No special or supplemental commitments required.')
General Economics	No special or supplemental commitments required.
Business	The roadway will be constructed in stages in order to maintain vehicle and pedestrian access to area businesses at all times. The designer will include this requirement in the special provisions. The construction project engineer will need to assure the fulfillment of this commitment during construction.
Agriculture	No special or supplemental commitments required.

Community or Residential	The roadway will be constructed in stages in order to maintain vehicle and pedestrian access at all times. Thru traffic on North Avenue will be maintained whenever school is in session. The designer will include this requirement in the special provisions. The construction project engineer will need to assure the fulfillment of this commitment during construction.
Indirect Effects	No special or supplemental commitments required.
Cumulative Effects	No special or supplemental commitments required.
Environmental Justice	No special or supplemental commitments required.
Historic Resources	<p>Through the WisDOT Section 106 determination of eligibility process, two historic resources were determined to be eligible for the National Register of Historic Places (NRHP). These resources are the Clark Super 100 Gas Station and the North Avenue Residential Historic District. An Assessment of Effects (AOE) was performed which resulted in a Determination of No Adverse Effect (DNAE). The State Historic Preservation Office concurred with the DNAE on April 25, 2018. Refer to Exhibit I.</p> <p>The designer will include a notice to the contractor in the special provisions regarding the presence of these historical resources. This notice will require that the contractor limit construction activities adjacent to this site, to the extent practical, to the area defined by the slope intercepts. The construction project engineer will ensure fulfillment of this commitment during construction.</p>
Archaeological/Burial Sites	No special or supplemental commitments required.
Tribal Coordination/Consultation	No special or supplemental commitments required.
Section 4(f) and 6(f) or Other Unique Areas	<p>Section 4(f): There are two Section 4(f) resources located within the project limits. These resources are the Clark Super 100 Gas Station and the North Avenue Residential Historic District:</p> <p><u>Clark Station:</u> A Section 4(f) finding of De Minimis Impacts was approved by the FHWA on _____, refer to Exhibit L. The designer will include a notice to the contractor in the special provisions regarding the presence of these Section 4(f) resources. The designer will include a notice to the contractor in the special provisions regarding the presence of these Section 4(f) resources. This notice will require that the contractor limit construction activities adjacent to this site, to the extent practical, to the area defined by the slope intercepts. The construction project engineer will ensure fulfillment of this commitment during construction.</p> <p><u>North Avenue Residential Historic District:</u> The temporary occupancy of the Historic District will not constitute a Section 4(f) use as it qualifies for a 4(f) exception per CFR Title 23, Part 774.13(d); i.e. it meets the 5 conditions that qualify the project as temporary occupancy. The designer will include a notice to the contractor in the special provisions regarding the presence of this Section 4(f) resource. This notice will require that the contractor limit construction activities adjacent to this site, to the extent practical, to the area defined by the slope intercepts. To ensure that temporary duration condition is met, the designer will include a special provision that limits the duration of construction operations on these properties. The construction project engineer will ensure fulfillment of these commitments during construction.</p> <p>Section 6(f): There are no Section 6(f) properties located within the project limits.</p>

Aesthetics	No special or supplemental commitments required.
Wetlands	<p>There are wetlands located adjacent to the project in the vicinity of the railroad crossings. These wetlands are confined to the ditches located along both the main line and spur line tracks. There are additional wetlands located along the ditches of both the main line and spur line tracks that are beyond the construction limits of the road project but may be within the limits of the railroad improvements. A total of 0.098 acres of wetlands will be impacted by the proposed improvements. These impacts will be mitigated at a Wetland Mitigation Bank Site.</p> <p>A US Army Corps of Engineers (USACE) Jurisdiction Section 404 permit will be required for placing fill in wetlands. The designer will include the requirements of the 404 permit in the special provisions. The construction project leader will be responsible for fulfilling this commitment during construction.</p>
Rivers, Streams and Floodplains	No special or supplemental commitments required.
Lakes or other Open Water	No special or supplemental commitments required.
Groundwater, Wells and Springs	No special or supplemental commitments required.
Upland Wildlife and Habitat	No special or supplemental commitments required.
Coastal Zones	No special or supplemental commitments required.
Threatened and Endangered Species	<p>No threatened or endangered species are anticipated to be impacted by the proposed action.</p> <p>The Wisconsin Natural Heritage Inventory (NHI) database contains all current Rusty-Patched Bumblebee High Potential Zones in Wisconsin. The NHI Portal was consulted for this project on January 17, 2018, and per U.S. Fish and Wildlife Service's guidance, it was determined that this project does not intersect with a High Potential Zone. Therefore, no impacts to the Rusty-Patched Bumblebee are anticipated.</p> <p>There are no known roosts or hibernacula for the Northern Long Eared Bat (NLEB) within the project area. However, since the NLEB roost in trees and there is clearing on the project, the proposed project activities have the potential to affect the NLEB. Because of this, a special provision will be included that requires the contractor to stop work and notify the project engineer and the WisDOT Regional Environmental Coordinator (REC) if an individual bat or roost is encountered during construction operations, if additional trees need to be removed, or if tree removal beyond the area originally specified will require clearing.</p>
Air Quality	No special or supplemental commitments required.
Construction Stage Sound Quality	<p>WisDOT Standard Specification 107.8(6) and 108.7.1 will apply.</p> <p>The WisDOT construction project engineer will need to assure fulfillment of this commitment.</p>
Traffic Noise	No special or supplemental commitments required.

Hazardous Substances or Contamination	<p>Commitments Made-</p> <p>The special provisions will include notifications to the contractor that contamination will be encountered during construction operations. The special provisions will provide directions to the contractor on how the contaminated soil and groundwater will need to be managed. All contaminated soils encountered during construction operations will be managed in accordance with Chapter NR 718 of the Wisconsin Administrative Code. The designer will include the information listed above in the special provisions. The construction project engineer will need to assure the fulfillment of this commitment during construction.</p>
Storm Water	No special or supplemental commitments required.
Erosion Control	<p>Erosion control measures are required as per the Wisconsin Department of Transportation/Wisconsin Department of Natural Resources Cooperative Agreement. These measures are needed in order to minimize potential adverse effects caused by storm water runoff. The designer will include this commitment in the plans and special provisions. The construction project leader will need to assure the fulfillment of this commitment during construction.</p> <p>While there is minimal risk for the spread of invasive species from the project site, adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wisconsin Administrative Code. The designer will include this commitment in the special provisions. The construction project leader will need to assure the fulfillment of this commitment during construction.</p>

Other: Railroad	<p>The OCR Final Decision dated 7-27-17 included the following commitments:</p> <ol style="list-style-type: none"> 1. The UP shall install and maintain reconstructed crossings at-grade of North Avenue with its main and spur tracks in accordance with the design plans of the WisDOT in the city of Sheboygan, Sheboygan County by August 1, 2019. 2. The UP shall install and maintain a cantilever-mounted flashing light signal with a supplemental crossbuck installed on the cantilever arm, a gate, a short counterweight, and an electronic bell and other appropriate appurtenances for eastbound traffic in advance of the main crossing in accordance with such design plans as are filed with and approved by the Office at the crossing of its tracks with North Avenue by August 1, 2019. 3. The UP shall install and maintain a mast-mounted flashing light signal with a gate, a short counterweight, an electronic bell and other appropriate appurtenances for westbound traffic in advance of the spur crossing in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with North Avenue by August 1, 2019. 4. In reconstructing the crossings, the UP shall construct roadway approaches that conform to the design standards set forth in the WisDOT FDM. 5. In reconstructing the crossings, the WisDOT shall conform to the design speed standards set forth in the WisDOT FDM. 6. It is reasonable for the WisDOT to submit a final design with explanatory notes regarding adherence to, or deviation from, the 30 mph design speed and the 3-inches in 30-feet rule in consultation with the spur line customer by August 4, 2017. The UP engineering department shall timely review the final design and approve or provide constructive feedback. 7. The UP shall clear brush and trees from its right-of-way for 330 feet down the tracks in each direction from the main and spur crossings by August 1, 2019. 8. The city of Sheboygan shall clear brush and trees from its right-of-way for 330 feet down the roadway in each direction from the main and spur crossings by August 1, 2019. 9. The city of Sheboygan shall install and maintain R15-3 EXEMPT signs on the signal masts on the approaches to the main and spur crossings; and, W10-1a advance warning EXEMPT signs in accordance with the Wisconsin Manual on Uniform Traffic Control Devices, by August 1, 2019. 10. The signal installation work herein ordered shall not begin until the regional office of the WisDOT informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad. 11. The UP shall notify the Office upon completion of the signal project. 12. The UP shall bear the cost of installation of the main track. The UP shall bear no part of the cost of (a) the crossing signal materials or installation thereof, and (b) the installation of the spur track to the extent such work is deemed an alteration. 13. The UP shall bear the cost assessed to the railroad pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly. <p>The UP Railroad is responsible for assuring the fulfillment of items 1, 2, 3, 4, 7, 10, 11, 12, 13 listed above.</p> <p>The WisDOT and the City of Sheboygan, through their designer and/or construction project engineer is responsible for fulfilling the fulfillment of items 5, 6, 8, 9 listed above.</p> <p>Refer to Exhibit M for complete copy of the OCR Final Decision.</p>
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HISTORIC RESOURCES EVALUATION

Wisconsin Department of Transportation

Factor Sheet B-5

Alternative #3: Reconstruct	Total Length of Center Line of Existing Roadway: 0.642 miles Length of This Alternative: 0.642 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

Section 106 Form or other documentation, with all necessary approvals, must be attached to the Environmental Document for all projects.

1. Parties contacted:

Parties Contacted	Date Contacted	Comments Received		
		No	Yes	Check if Attached
Sheboygan County Historical Society	8-10-16 and 1-23-18		X	<input checked="" type="checkbox"/>
City of Sheboygan Historic Preservation Commission	8-10-16 and 1-23-18		X	<input checked="" type="checkbox"/>
Native American Tribes	8-17-16		X	<input checked="" type="checkbox"/>
Public Involvement Meeting for all property owners and residents within the project limits.	Letter: 5-10-16 Meeting: 5-18-16	X		<input type="checkbox"/>
Request to SHPO for preliminary opinion regarding effect	10-2-17		X	<input checked="" type="checkbox"/>
Adithi, LLC	1-23-18		X	<input checked="" type="checkbox"/>

2. Property Name: Clark Super 100 Gas Station

3. Location: Northeast corner of North Avenue and 15th Street intersection. Refer to Exhibit I for project location map

4. Use: Gas Station

5. Property type:

- ☐ Bridge
☒ Building
☐ Historic District
☐ Other: _____

6. Property Designations:

- ☐ National Historic Landmark (NHL)
☒ National Register of Historic Places (NRHP)
☐ State Register of Historic Places
☐ Local Registry
☐ Tribal Registry

7. A Determination of Eligibility (DOE) has been prepared:

- ☐ No - Property is already on NRHP or NHL.
☒ Yes - DOE prepared.
☐ Other: _____

8. Describe the significance of the structures and/or buildings:

The gas station was constructed in 1954 by Milwaukee's Clark Oil Company. The gas station building was determined eligible for the National Register by the Wisconsin Historical Society under Criterion C as an example of the company's

1954 stations that retain good integrity. Refer to Exhibit F for additional information regarding the significance the Clark Super 100 Gas Station.

9. In compliance with the requirements of Section 106, of the National Historic Preservation Act, the proposed project's effects on the historic property, (e.g., structure or building) have been evaluated in the following report, a copy of which is:

- ☐ In the project file, or
- ☐ Attached to this document:
 - ☐ Documentation for determination of no historic properties affected (Reported on the Section 106 Review Form).
 - ☒ Documentation for determination of no adverse or conditional no adverse effect to historic properties.
 - ☐ Documentation for Consultation about adverse effect(s). A Memorandum of Agreement has been completed.
 - ☐ No. Consultation about effects is continuing.
 - ☐ Yes, a copy of the MOA is attached to this document. Summarize MOA stipulations below:

10. Do FHWA requirements for Section 4(f) apply to the project's use of the historic property?

- ☒ No
 - ☐ Project is not federally funded.
 - ☐ No right-of-way or Permanent Limited Easements will be acquired from the property and the project will not substantially impair the characteristics that qualify the property for the NRHP.
 - ☒ Right-of-way will be acquired from the NRHP property but a *de minimis* finding has been proposed.
 - ☐ Other – Explain:
- ☐ Yes – Complete Factor Sheet B-8, Section 4(f) and 6(f) or other Unique Areas.

HISTORIC RESOURCES EVALUATION

Wisconsin Department of Transportation

Factor Sheet B-5

Alternative #3: Reconstruct	Total Length of Center Line of Existing Roadway: 0.642 miles Length of This Alternative: 0.642 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

Section 106 Form or other documentation, with all necessary approvals, must be attached to the Environmental Document for all projects.

1. Parties contacted:

Parties Contacted	Date Contacted	Comments Received		
		No	Yes	Check if Attached
Sheboygan County Historical Society	8-10-16 and 1-23-18		X	<input checked="" type="checkbox"/>
City of Sheboygan Historic Preservation Commission	8-10-16 and 1-23-18		X	<input checked="" type="checkbox"/>
Native American Tribes	8-17-16		X	<input checked="" type="checkbox"/>
Public Involvement Meeting for all property owners and residents within the project limits.	Letter: 5-10-16 Meeting: 5-18-16	X		<input type="checkbox"/>
Property owners within the district	11-13-17		X	<input checked="" type="checkbox"/>

2. Property Name: North Avenue Residential Historic District

3. Location: The district extends from just east of 15th Street to 11th Street. There are a total of 46 residential structures and one school within the entire district with 28 houses on the south side of North Avenue and 18 houses and one school on the north side. Within the project limits, from 15th Street to 13th Street, there are a total of 19 houses with 10 on the north side of North Avenue and nine on the south. Refer to Exhibit I for project location map.

4. Use: Single family residences.

5. Property type:

- ☐ Bridge
☐ Building
☒ Historic District
☐ Other: _____

6. Property Designations:

- ☐ National Historic Landmark (NHL)
☒ National Register of Historic Places (NRHP)
☐ State Register of Historic Places
☐ Local Registry
☐ Tribal Registry

7. A Determination of Eligibility (DOE) has been prepared:

- ☐ No - Property is already on NRHP or NHL.
☒ Yes - DOE prepared.
☐ Other: _____

8. Describe the significance of the structures and/or buildings:

The North Avenue Residential Historic District was determined eligible for the National Register under Criterion C (Architecture). The approximately 16 acre entity claims forty-six residential structures and one school, all of which are contributing elements within the District. Built between 1925 and 1961, the entity includes nine Period Tudor Revival

houses and eight Cape Cod structures, along with examples of the Dutch Colonial Revival, American Foursquare and Mediterranean Revival styles. A number of vernacular examples are also in the District. Thirty-nine of the houses are sheathed with brick, stone or stucco. An Art Deco, former high school built in 1938 is also included in the District which was initially noted in the 2002-2004, Wisconsin Historical Society sponsored *City of Sheboygan, Wisconsin, Architectural and Historical Intensive Survey Report*. The District is an intact neighborhood in the city.

9. In compliance with the requirements of Section 106, of the National Historic Preservation Act, the proposed project's effects on the historic property, (e.g., structure or building) have been evaluated in the following report, a copy of which is:

- ☐ In the project file, or
- ☒ Attached to this document:
 - ☐ Documentation for determination of no historic properties affected (Reported on the Section 106 Review Form).
 - ☒ Documentation for determination of no adverse or conditional no adverse effect to historic properties.
 - ☐ Documentation for Consultation about adverse effect(s). A Memorandum of Agreement has been completed.
 - ☐ No. Consultation about effects is continuing.
 - ☐ Yes, a copy of the MOA is attached to this document. Summarize MOA stipulations below:

10. Do FHWA requirements for Section 4(f) apply to the project's use of the historic property?

- ☒ No
 - ☐ Project is not federally funded.
 - ☒ No right-of-way or Permanent Limited Easements will be acquired from the property and the project will not substantially impair the characteristics that qualify the property for the NRHP.
 - ☐ Right-of-way will be acquired from the NRHP property but a *de minimis* finding has been proposed.
 - ☒ Other – Explain: *A temporary limited easement will be required from the two western most properties within the District, one on each side of the street.*
- ☐ Yes – Complete Factor Sheet B-8, Section 4(f) and 6(f) or other Unique Areas.

SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS

Wisconsin Department of Transportation

Factor Sheet B-8

Alternative #3: Reconstruct	Total Length of Center Line of Existing Roadway 0.642 miles Length of This Alternative 0.642 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

1. **Property Name:** Clark Super 100 Gas Station

2. **Location:** Northeast corner of North Avenue and 15th Street intersection. Refer to Exhibit I for project location map

3. **Ownership or Administration:** Owned and operated by Adithi, LLC

4. **Type of Resource:**

- ☐ Public Park.
- ☐ Recreational lands.
- ☐ Ice Age National Scenic Trail.
- ☐ NRCS Wetland Reserve Program.
- ☐ Wildlife Refuge.
- ☐ Waterfowl Refuge.
- ☒ Historic/Archaeological Site eligible for the National Register of Historic Places (NRHP).
- ☐ Other – Identify:

5. **Do FHWA requirements for section 4(f) apply to the project's use of the property?**

- ☒ No - Check all that apply:
- ☐ Project is not federally funded.
 - ☐ No land will be acquired in fee or PLE and the alternative will not affect the use.
 - ☐ Property is not on or eligible for the NRHP.
 - ☒ Property is on or eligible for the NRHP however includes a *de minimis* effect finding.
 - ☐ Interstate Highway System Exemption.
 - ☐ Other - Explain: _____
- ☐ Yes - Check all that apply:
- ☐ Indicate which of the Programmatic/Negative Declaration 4(f) Evaluation(s) applies.
 - ☐ Historic Bridge.
 - ☐ Park minor involvement.
 - ☐ Historic site minor involvement.
 - ☐ Independent bikeway or walkway.
 - ☐ Great River Road.
 - ☐ Net Benefit to Section 4(f) Property. Explain: _____
 - ☐ Full 4(f) evaluation approved on _____.

6. **Was special funding used to acquire the land or to make improvements on the property?**

- ☒ No - Special funding was not used for the acquisition of this property.
- ☐ Yes:
- ☐ s.6(f) LWCF (Formerly LAWCON).
 - ☐ Dingell-Johnson (D/J funds).
 - ☐ Pittman-Robertson (P/R funds).
 - ☐ Other – Describe:

7. Describe the significance of the property:

For other unique areas, include or attach statements of significance from officials having jurisdiction.

This gas station was constructed in 1954 by Milwaukee's Clark Oil Company, which claimed 158 service stations in 1953. That number grew by 168 stations built across the Midwest in 1954. Clark operated 700 stations by the end of the 1950s and 1,489 by 1970, after which rising oil prices forced the consolidation of the company. It then closed 400 outlets and implemented new marketing opportunities at those remaining. The Clark family sold the company in 1981. Clark's stations were efficient, small and distinct. They were designed by architect Walter Pollatz and notable for their angled roofs and floor-to-ceiling, angled plate-glass windows that typically enclosed three sides of the structure which contained a product display area and cashier. Despite updated signage, new pumps and a dominant early 1990s canopy, the station was found eligible for the National Register under Criterion C (architecture) as an example of the company's 1954 stations that retains good integrity. The historic boundary for the gas station is essentially a square that measures 108 feet (east/west) by 112 feet (north/south). All four sides are defined by parcel lines. That on the south is further identified as the back of the North Avenue sidewalk while that to the west is marked by the back of the 15th Street sidewalk.

8. Describe the proposed alternative's effects on this property:

- a. Describe any effects on or uses of land from the property. For other areas, include or attach statements from officials having jurisdiction over the property which discusses the alternative's effects on the property: **(A map, sketch, plan, or other graphic which clearly illustrates use of the property and the project's use and effects on the property must be included.)**

Work adjacent to this property includes two primary components. The first is to add a right turn lane that accommodates traffic movements from westbound North Avenue to northbound 15th Street. Accordingly will the present curb along North Avenue be moved 4 feet to the north, an action that will move the current back-of-sidewalk north by 2 feet 7 inches to a point immediately south of the curb that defines the gas station's apron. And the second objective is to flatten the corner adjacent to the gas station. The street's curb will be moved 15 feet to the northeast at its greatest point, thus will the gas station's apron curb need to be moved up to 11 feet to the east northeast at its greatest point. This will take 183 square feet from the apron.

The gas station building is the only eligible feature (Criterion C) within the Historic Boundary. It is located in the northeast corner of the property, while project work will occur at the southwest corner. Between the work proposed and the station building is a dominant canopy sheltering modern gas pumps beneath, all of which was installed in the early 1990s. Those features break any sense of visual continuity and connection between the 1954 building and the rest of the property. Thus may it be concluded that the work proposed in the southwest corner will not have an adverse effect on the eligible gas station building in the northeast corner or the features that qualify it for the National Register. An initial opinion was sought from SHPO in this matter. Staff acknowledged that the work will have an effect on the property, but that it will not be an adverse effect.

The existing concrete sidewalk along both the North Avenue and 15th Street sides of the property will be removed and replaced. Disturbed portions of the paved surfaces located immediately behind the sidewalk will be replaced in kind. The concrete driveway aprons between the back of curb and the sidewalk will also be replaced. In the southwest corner of the property, there is a curbed and landscaped area located behind the existing sidewalk. Disturbed portions of this curbing will be replaced with the area behind the curb being re-landscaped.

Refer to the DONAE document included in Exhibit I for maps and other graphics that illustrate the proposed alternative's effect on the Clark Station property.

- b. Discuss the following alternatives and describe whether they are feasible and prudent and why:
1. Do nothing alternative: **Not applicable.**
 2. Improvement without using the 4(f) lands: **Not applicable.**
 3. Alternatives on new location: **Not applicable.**

9. Indicate which measures will be used to minimize adverse effects, mitigate for unavoidable adverse effects or enhance beneficial effects:

- ☐ Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.
- ☐ The Small Conversion Policy for Lands Subject to Section 6(f) will be used.
- ☒ Replacement of facilities impacted by the project including sidewalks, paths, lights, trees, and other facilities.
- ☒ Restoration and landscaping of disturbed areas.
- ☐ Incorporation of design features and habitat features where necessary to reduce or minimize impacts to the section 4(f) property.
- ☒ Payment of the fair market value of the land and improvement taken.
- ☐ Improvements to the remaining 4(f) site equal to the fair market value of the land and improvements taken.
- ☐ Such additional or alternative mitigation measures determined necessary based on consultation with officials having jurisdiction. The additional or alternative mitigation measures are listed or summarized below:
- ☐ Property is a historic property or an archeological site. The conditions or mitigation stipulations are listed or summarized below:
- ☐ Other – Describe:

10. Briefly summarize the results of coordination with other agencies that were consulted about the project and its effects on the property:

(For historic and archeological sites, refer to Factor Sheet B-5 and/or B-6 for documentation. For other unique areas, attach correspondence from officials having jurisdiction that documents concurrence with impacts and mitigation measures.)

SHPO (the official with jurisdiction) concurred with the DONAE to historic properties. Coordination with the property owner was conducted during the design process and efforts to minimize impacts have been incorporated into the final design. A copy of the DONAE is included in Exhibit I. Refer to Factor Sheet B-5 for additional information.

SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS

Wisconsin Department of Transportation

Factor Sheet B-8

Alternative #3: Reconstruct	Total Length of Center Line of Existing Roadway 0.642 miles Length of This Alternative 0.642 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

1. Property Name: North Avenue Residential Historic District

2. Location: The district extends from just east of 15th Street to 11th Street. There are a total of 46 residential structures and one school within the entire district with 28 houses on the south side of North Avenue and 18 houses and one school on the north side. Within the project limits, from 15th Street to 13th Street, there are a total of 19 houses with 10 on the north side of North Avenue and nine on the south. Refer to Exhibit I for project location map.

3. Ownership or Administration: Each individual property within the District is privately owned, with the exception of the school which is owned by the Sheboygan School District. The owners located within the project limits are listed in "Determination of No Adverse Effect (DNAE)" document included in Exhibit I.

4. Type of Resource:

- ☐ Public Park.
- ☐ Recreational lands.
- ☐ Ice Age National Scenic Trail.
- ☐ NRCS Wetland Reserve Program.
- ☐ Wildlife Refuge.
- ☐ Waterfowl Refuge.
- ☒ Historic/Archaeological Site eligible for the National Register of Historic Places (NRHP).
- ☐ Other – Identify:

5. Do FHWA requirements for section 4(f) apply to the project's use of the property?

- ☒ No - Check all that apply:
- ☐ Project is not federally funded.
 - ☒ No land will be acquired in fee or PLE and the alternative will not affect the use.
 - ☐ Property is not on or eligible for the NRHP.
 - ☐ Property is on or eligible for the NRHP however includes a *de minimis* effect finding.
 - ☐ Interstate Highway System Exemption.
 - ☒ Other - Explain:
TLE's will be required. Project qualifies for a section 4(f) exception per CFR Title 23, Part 774.13(d).

- ☐ Yes - Check all that apply:
- ☐ Indicate which of the Programmatic/Negative Declaration 4(f) Evaluation(s) applies.
 - ☐ Historic Bridge.
 - ☐ Park minor involvement.
 - ☐ Historic site minor involvement.
 - ☐ Independent bikeway or walkway.
 - ☐ Great River Road.
 - ☐ Net Benefit to Section 4(f) Property. Explain: _____
 - ☐ Full 4(f) evaluation approved on _____.

6. Was special funding used to acquire the land or to make improvements on the property?

- ☒ No - Special funding was not used for the acquisition of this property.
- ☐ Yes:
- ☐ s.6(f) LWCF (Formerly LAWCON).
 - ☐ Dingell-Johnson (D/J funds).
 - ☐ Pittman-Robertson (P/R funds).
 - ☐ Other – Describe:

7. Describe the significance of the property:

For other unique areas, include or attach statements of significance from officials having jurisdiction.

The North Avenue Residential Historic District was determined eligible for the National Register under Criterion C (Architecture). The approximately 16 acre entity claims forty-six residential structures and one school, all of which are contributing elements within the District. Built between 1925 and 1961, the entity includes nine Period Tudor Revival houses and eight Cape Cod structures, along with examples of the Dutch Colonial Revival, American Foursquare and Mediterranean Revival styles. A number of vernacular examples are also in the District. Thirty-nine of the houses are sheathed with brick, stone or stucco. An Art Deco, former high school built in 1938 is also included in the District which was initially noted in the 2002-2004, Wisconsin Historical Society sponsored *City of Sheboygan, Wisconsin, Architectural and Historical Intensive Survey Report*. The District is an intact neighborhood in the city.

8. Describe the proposed alternative's effects on this property:

- a. Describe any effects on or uses of land from the property. For other areas, include or attach statements from officials having jurisdiction over the property which discusses the alternative's effects on the property: **(A map, sketch, plan, or other graphic which clearly illustrates use of the property and the project's use and effects on the property must be included.)**

An alternatives analysis is not required for this project because it qualifies for a 4(f) exception per CFR Title 23, Part 774.13 (d). Refer to the *Determination of No Adverse Effects* document in Exhibit I for a map and other graphics that illustrate the use of the property and project's use and effect's on the property.

The temporary occupancy of the North Avenue Residential Historic District property will not constitute a Section 4(f) use because each of the following 5 conditions is met:

1. Duration is temporary, i.e., less than the time needed for construction of the project, and there will be no change in ownership of the land.
 - a. The time needed to construct the entire project is anticipated to be approximately 164 calendar days. The duration of construction operations within the Historic District is anticipated to be approximately 30 calendar days.
 - b. North Avenue traffic will be maintained during construction, access to the North Avenue Residential Historic District properties will be maintained throughout the construction period.
 - c. Temporary limited easements will be required in order to perform work within the North Avenue Residential Historic District that is located beyond the road right-of-way, but no permanent right-of-way acquisition will be required.
2. Scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.

There is an existing raised and landscaped median on the section of North Avenue located within the District. As part of this project, 106 feet of the median will be removed at its far west edge in order to accommodate a westbound North Avenue to southbound 15th Street turn lane, after which there will be a 36-foot transitional median to the east. As well, the first 130 feet of terrace on the north side of the street be reduced from a width of 6 feet to 5, east of which there will be 30 feet of transition from 5 feet back to 6. Additionally will the north side sidewalk be moved back about 3 feet for a length of 12 feet (this to accommodate the westbound North Avenue to northbound 15th Street turn lane). Thereafter will the sidewalk move back to its present location. The south side terrace will also be reduced from 6 feet to 5, but this only for the first 120 feet in the District, after which it will transition back to 6 feet. The only other change in the District will be needed to accommodate the installation of east and westbound bike lanes in the 1400 and 1300 block. 1- Foot will be taken from the north and south sides of the median.

The westernmost property on both the north and south sides of North Avenue are the only locations within the District Work where work will be occurring beyond the street right-of-way. Work beyond the right-of-way at both of these locations will consist of removing and replacing a short section of driveway in order to match the proposed street grades, and some minor grading of the lawn to match the new sidewalk grades. The existing sidewalk and driveways located beyond the right-of-way throughout the remainder of the District should not be disturbed as part of the project.

3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.

It was noted previously that the District includes forty-six residential structures and a school. The four westernmost houses in the District (two on the north side of the street and two on the south side) are adjacent to work associated with the removal of 106 feet of median, as well as the installation of west bound turn lanes to the north and south at the North Avenue/15th Street intersection. That 106 feet is less than 7% of the District's 1,650-foot length. The terraces to the north and south will also be reduced from 6 feet to 5 for 130 feet and 120 feet, respectively, before transitioning back to the original 6 feet. The 1-foot loss of terrace is negligible. And there will be no reduction in the setback behind the sidewalk. This work is on the peripheral, west end of the District. It will have an effect, but it will not be an adverse effect that calls into question the eligibility of the architecturally significant District. East of the work associated with the intersection, the median will be reduced from 14 feet f/c-to-f/c to 12 feet with 1-foot coming off each side. That width is needed for a bicycle lane in each direction. None of the trees in the median will be affected, nor any of the street-scape beyond the median. Again, this will be an affect but one that is no more than nominally detectable. Work will not adversely affect the District's character or physical features.

4. The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existed prior to the project.

Temporary limited easements (TLE's) will be required from the two westernmost properties located within the District, one on each side of the street. The existing sidewalks and minor portions of the driveways on these two properties will be removed and replaced as needed to construct the sidewalk transitions discussed above. The disturbed lawn areas behind the sidewalk will be replaced with topsoil, seed, fertilizer, and mulch. East of these two properties, the primary construction activities occurring on the project will be the narrowing of the median as discussed above, and milling & overlaying the existing asphalt pavement on North Avenue.

5. There is a documented agreement of the official(s) with jurisdiction over the Section 4(f) resource (SHPO) regarding the above conditions. Refer to Exhibit I for the approved Section 106 documentation, including the approved DNAE.

- b. Discuss the following alternatives and describe whether they are feasible and prudent and why:
An alternatives analysis is not required for this project because it qualifies for a 4(f) exception per CFR Title 23, Part 774.13 (d).

1. Do nothing alternative: [Not applicable](#).
2. Improvement without using the 4(f) lands: [Not applicable](#).
3. Alternatives on new location: [Not applicable](#).

9. Indicate which measures will be used to minimize adverse effects, mitigate for unavoidable adverse effects or enhance beneficial effects:

- ☐ Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.
- ☐ The Small Conversion Policy for Lands Subject to Section 6(f) will be used.
- ☒ Replacement of facilities impacted by the project including sidewalks, paths, lights, trees, and other facilities.
- ☒ Restoration and landscaping of disturbed areas.
- ☐ Incorporation of design features and habitat features where necessary to reduce or minimize impacts to the section 4(f) property.
- ☐ Payment of the fair market value of the land and improvement taken.
- ☐ Improvements to the remaining 4(f) site equal to the fair market value of the land and improvements taken.
- ☐ Such additional or alternative mitigation measures determined necessary based on consultation with officials having jurisdiction. The additional or alternative mitigation measures are listed or summarized below:
- ☐ Property is a historic property or an archeological site. The conditions or mitigation stipulations are listed or summarized below:
- ☒ Other – Describe: [Payment for temporary limited easements needed for replacement grading, restoration and landscaping](#).

10. Briefly summarize the results of coordination with other agencies that were consulted about the project and its effects on the property:

(For historic and archeological sites, refer to Factor Sheet B-5 and/or B-6 for documentation. For other unique areas, attach correspondence from officials having jurisdiction that documents concurrence with impacts and mitigation measures.)

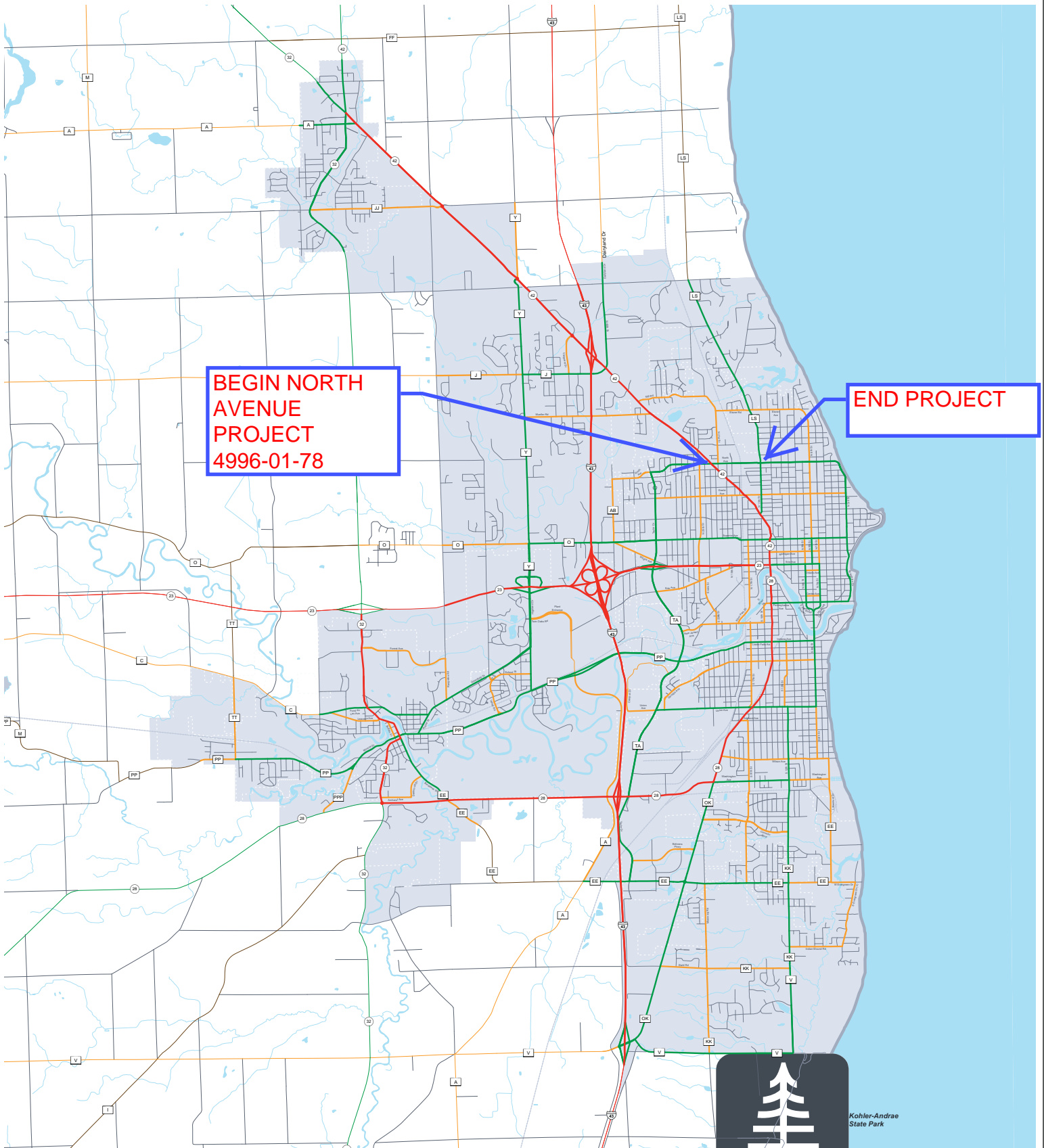
SHPO (the official with jurisdiction) concurred with the DNAE to historic properties. Coordination with the property owners was conducted during the design process and efforts to minimize impacts have been incorporated into the final design. A copy of the DNAE is included in Exhibit I. Refer to Factor Sheet B-5 for additional information.

Exhibit A
Project Location Maps

SHEBOYGAN

Functional Classification 05/08/2014

SHEBOYGAN



**BEGIN NORTH
AVENUE
PROJECT
4996-01-78**

END PROJECT



Kohler-Andrae
State Park

addendum to Legend

MA	WISLR certified
MA	non-WISLR certified (not eligible for STP-U funding)
COL	WISLR certified
COL	non-WISLR certified (not eligible for STP-U funding)
LOC	WISLR certified
LOC	non-WISLR certified

Legend

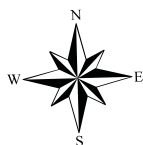
Existing Planned*

Principal Arterial
Minor Arterial
Collector
Local

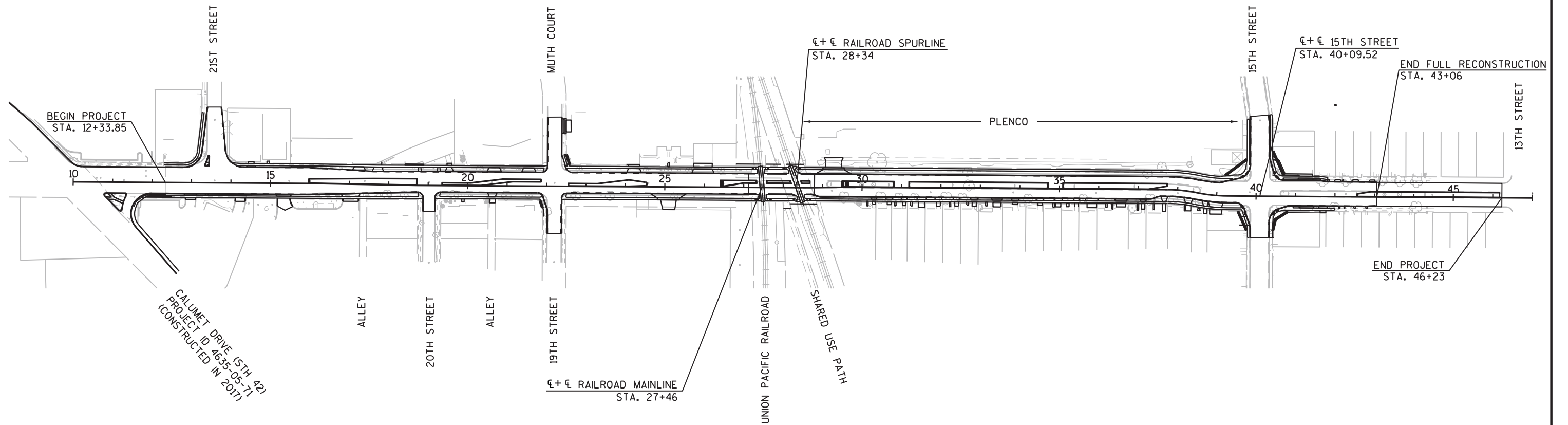
Other

Railroads
Lakes, Rivers, Streams
City/Village Boundary
Urban(ized) Area
Other surrounding urban(ized) area
Rural Area
County Boundary

* NOTE:
All planned route locations are approximations only.



0 0.75 1.5 3 Miles



LOCATION MAP FOR
CITY OF SHEBOYGAN'S
15TH STREET
RECONSTRUCTION
PROJECT

Limits of 2017
15th Street
Reconstruction Project
by City of Sheboygan

Final Phase of City's
15th Street
Reconstruction Project
(Match Limits for North
Avenue Project)

Mayflower Ave

School Avenue

RAIDER

School Ave

Calvary Cem
Shebo

North Ave

Main Ave

Division Ave

Main Ave

Martin Ave

Martin Ave

North Ave

Mouth Ct

N 19th St

N 17th

N 15th St

N 15th St

N 13th St

N 12th St

N 11th St

N 11th St

N 12th St

N 13th St

N 14th St

Eisner Ave

Eisner Ave

Eisner Ave

Mac Arthur Ave

Pershing Ave

Columbus Ave

Grand Ave

Mayflower Ave

W Koning Dr

N 21st St

N 26th St

N 27th St

Manor Pkwy

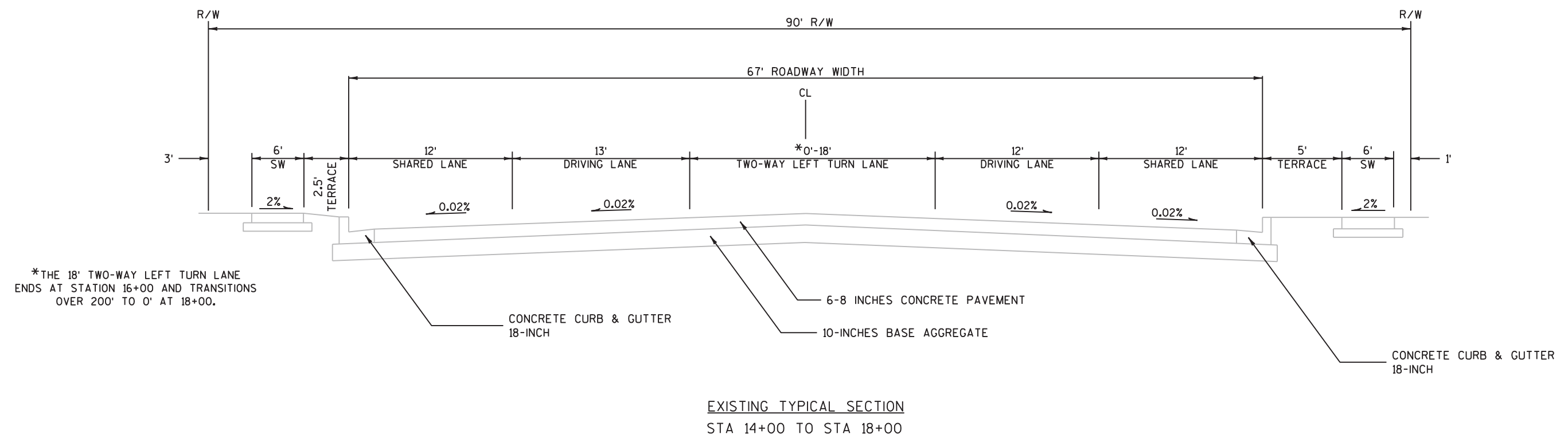
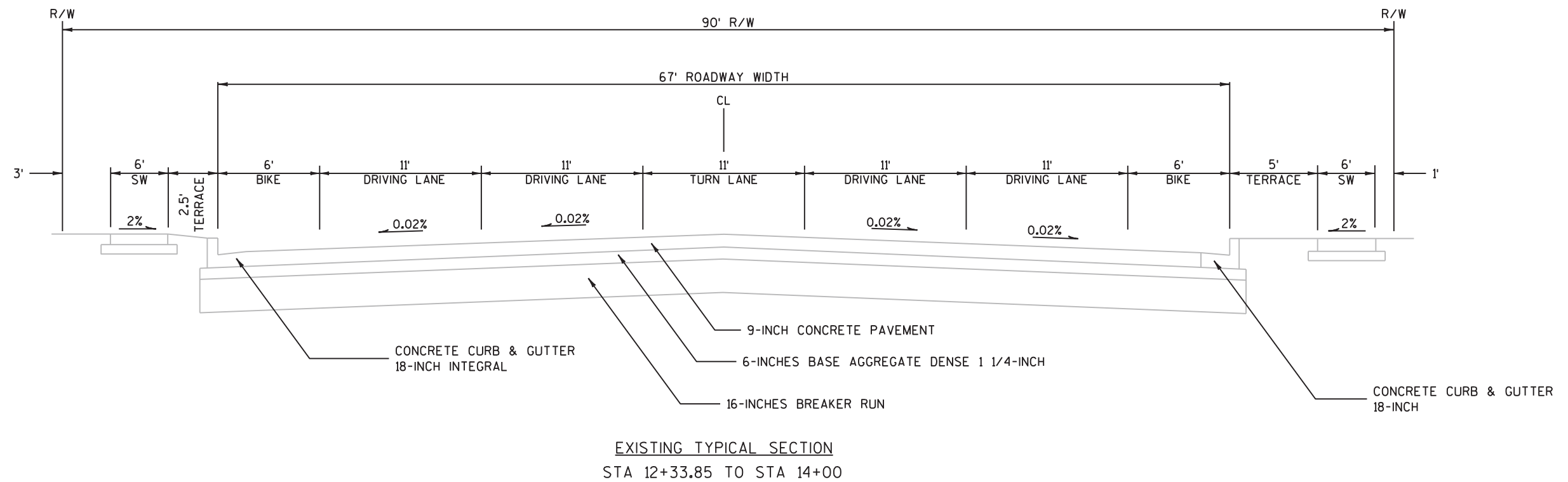
Lakeshore Rd

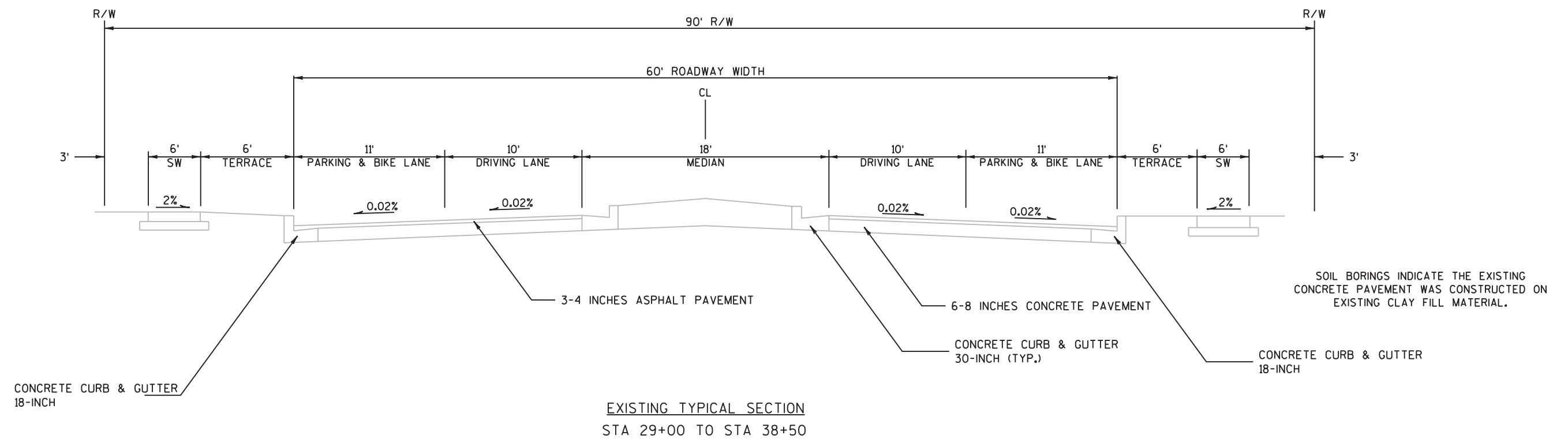
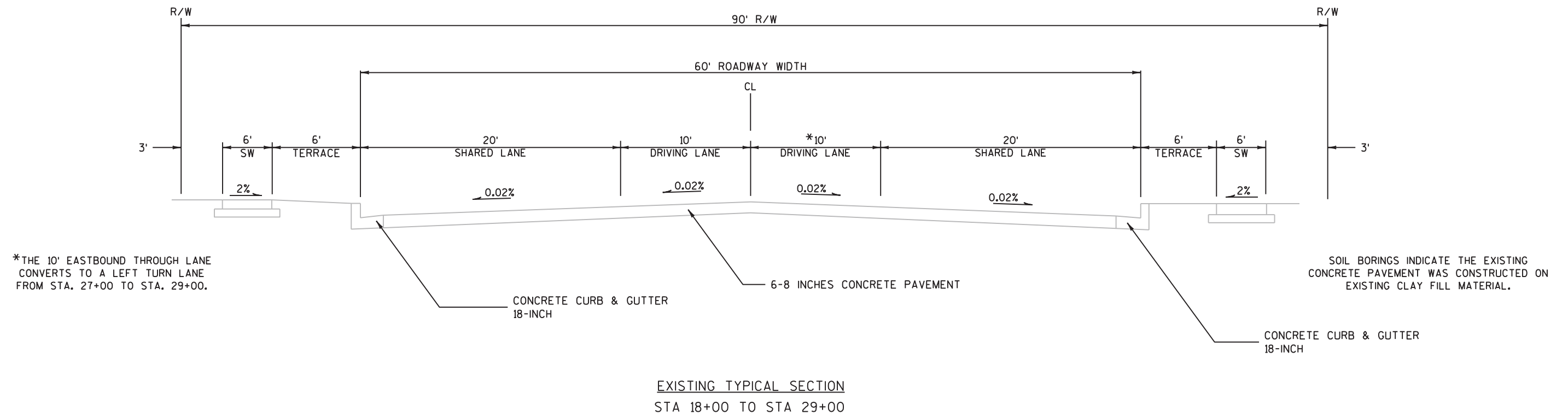
Mill Rd

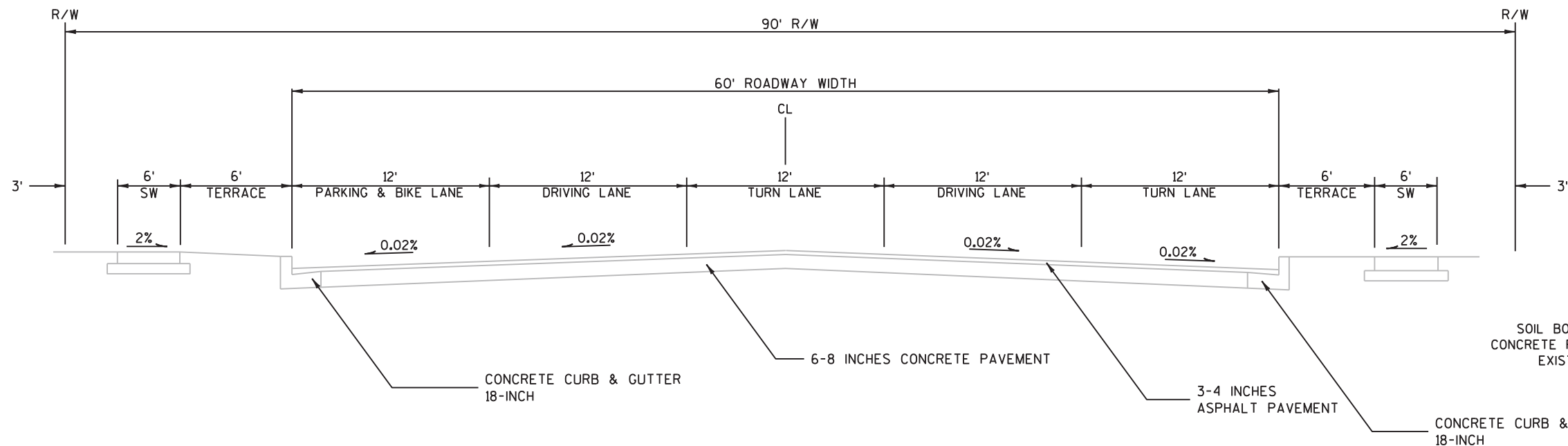
Highcliff Ct

N

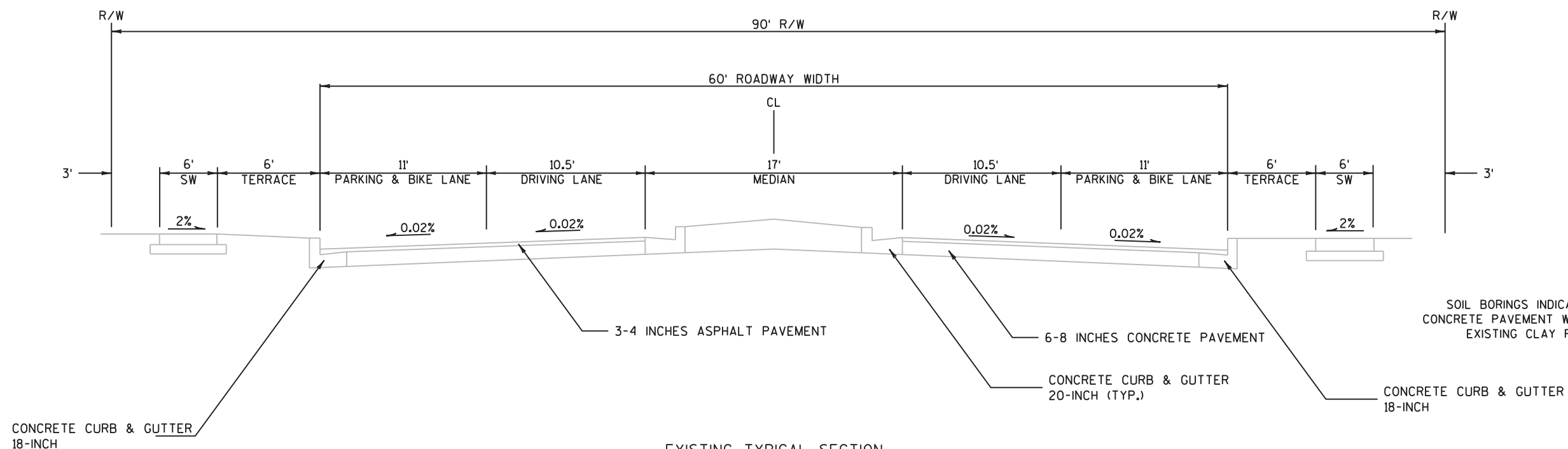
Exhibit B
Existing and Proposed Typical Sections





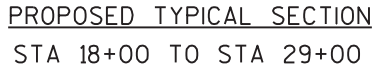


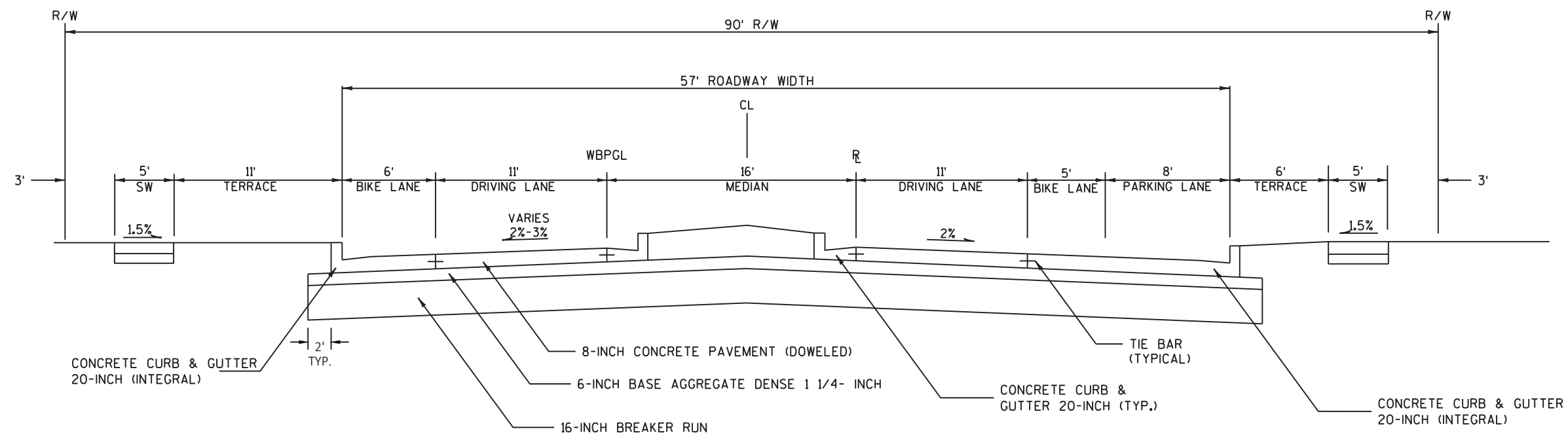
EXISTING TYPICAL SECTION
STA 38+50 TO STA 40+50



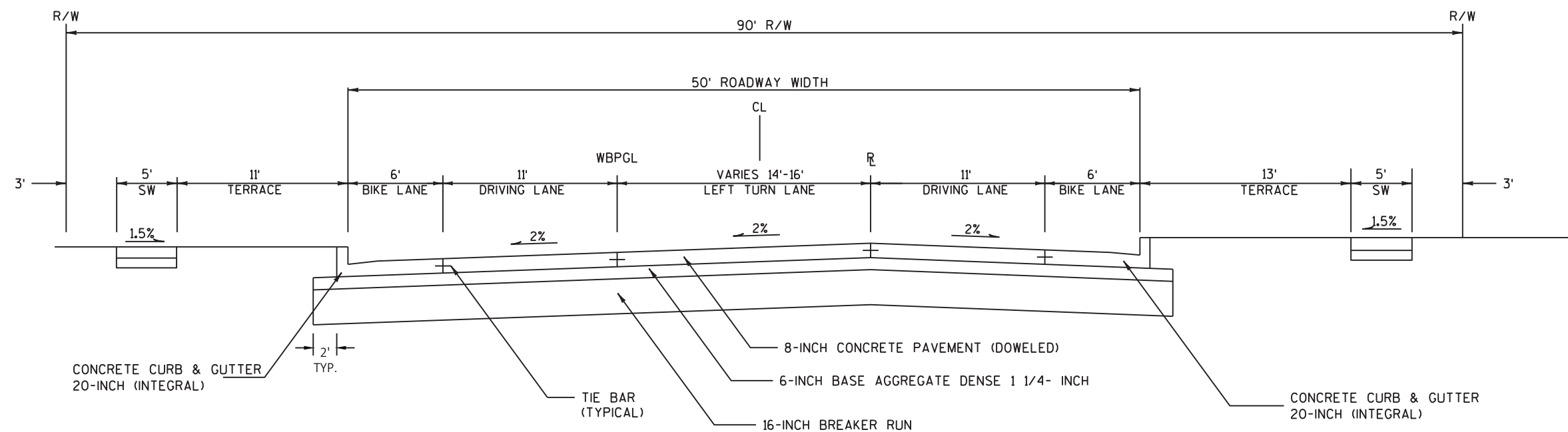
EXISTING TYPICAL SECTION
STA 40+50 TO STA 46+23

2

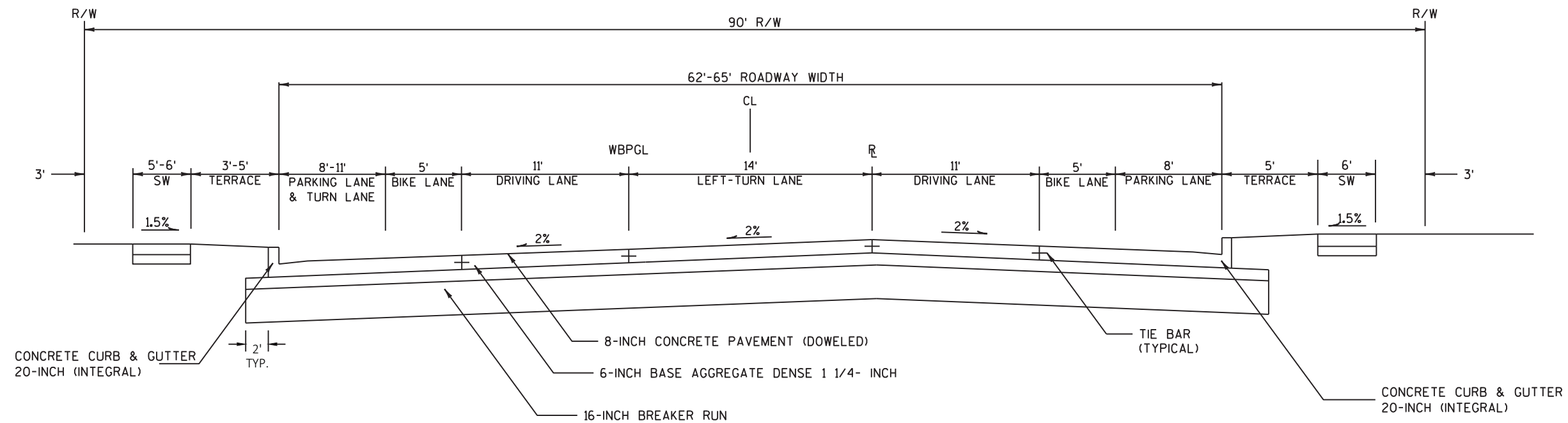




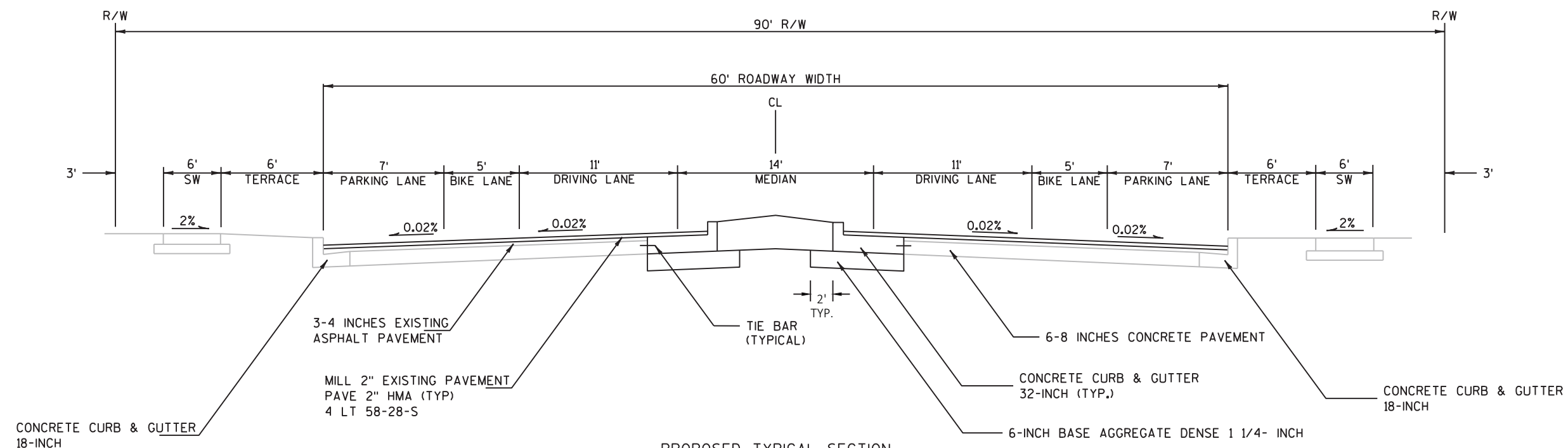
PROPOSED TYPICAL SECTION
STA 29+00 TO STA 37+75



PROPOSED TYPICAL SECTION
STA 37+75 TO STA 39+75



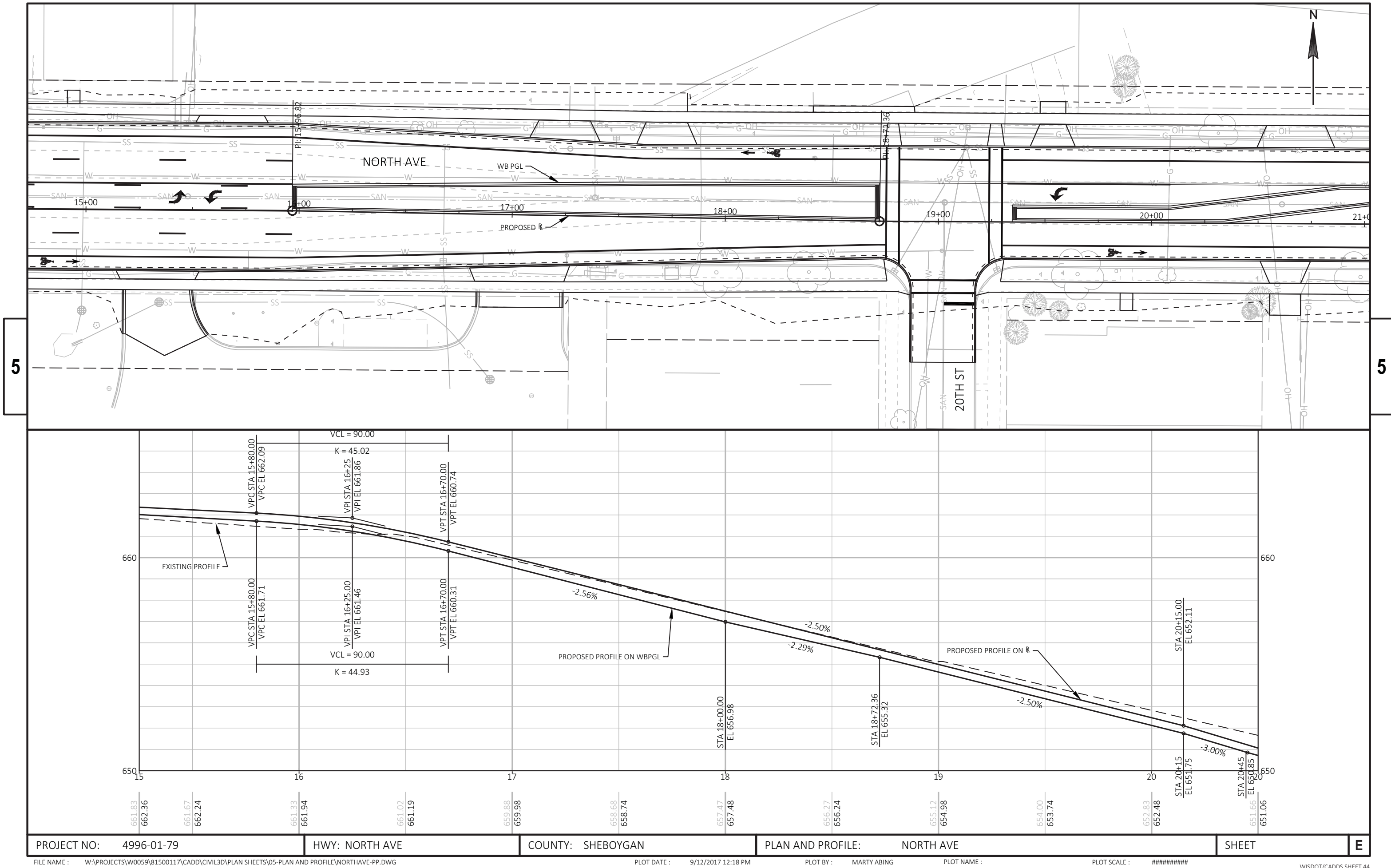
PROPOSED TYPICAL SECTION
STA 39+75 TO STA 43+06

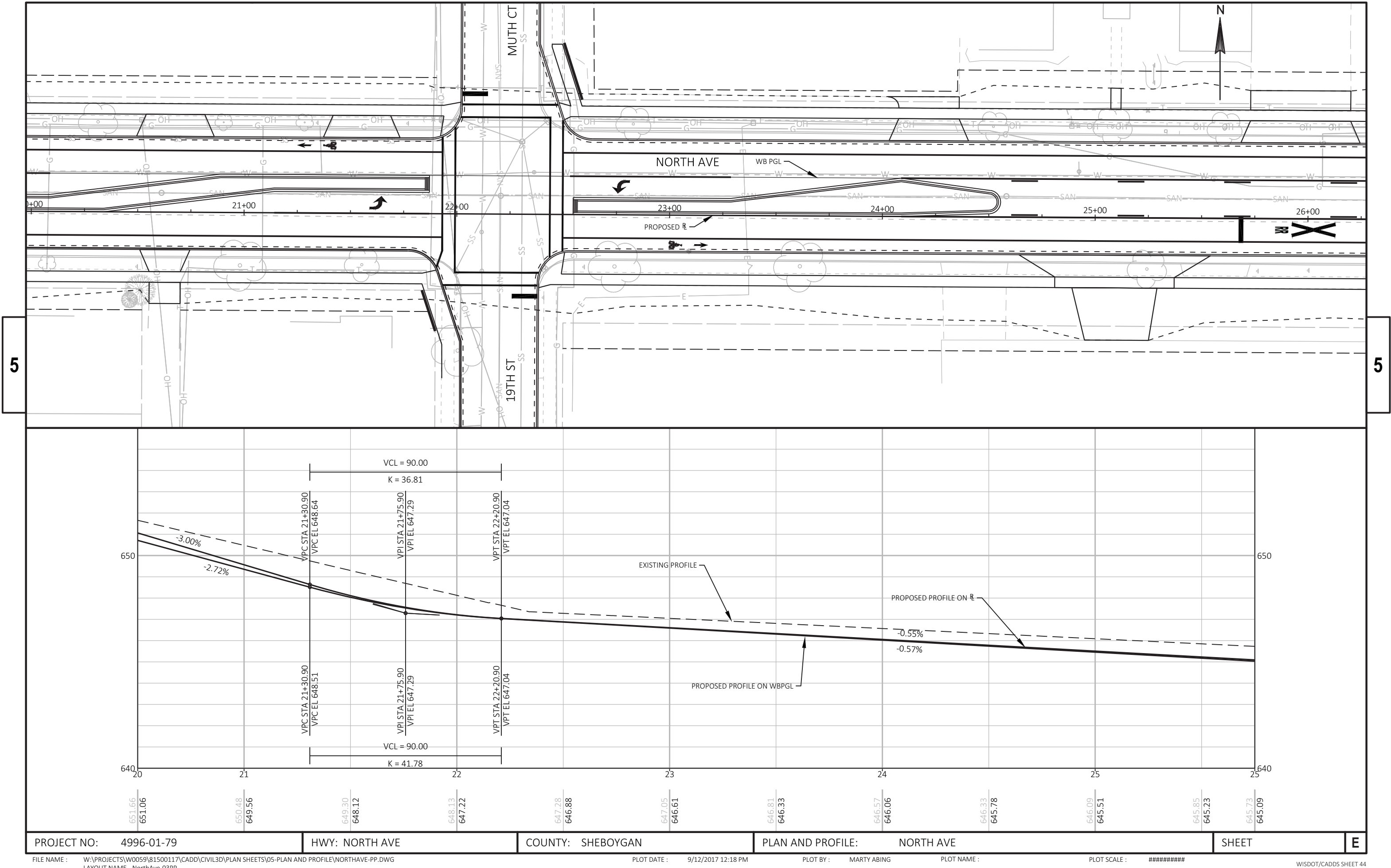


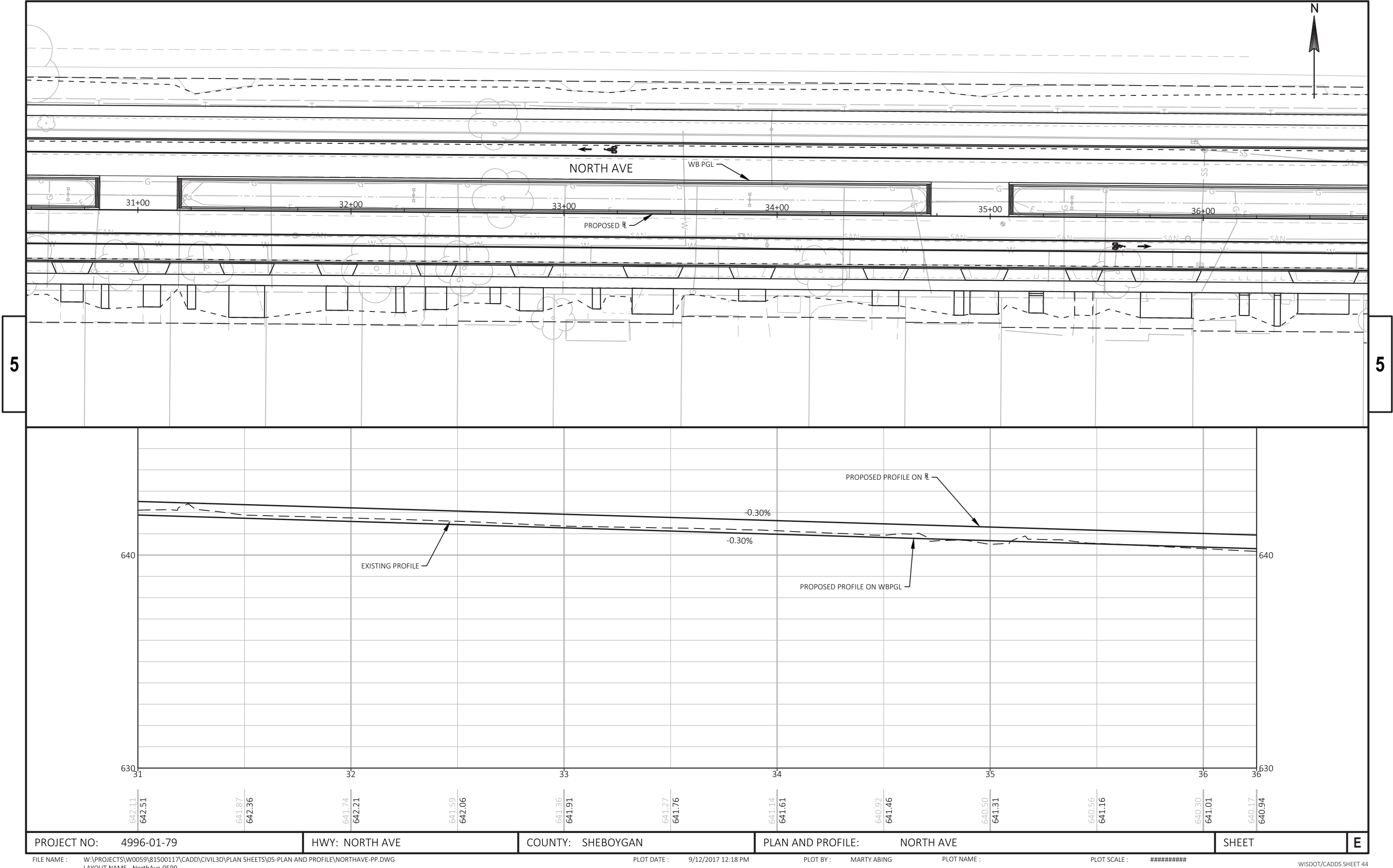
PROPOSED TYPICAL SECTION
STA 43+06 TO STA 46+23

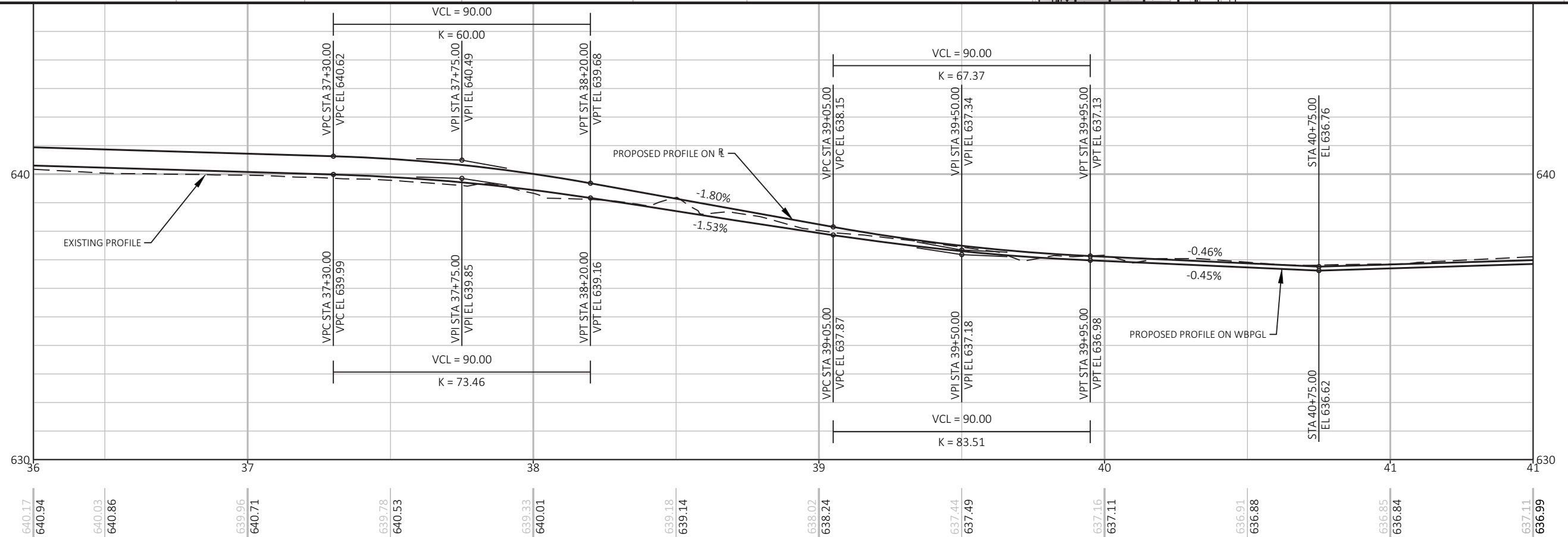
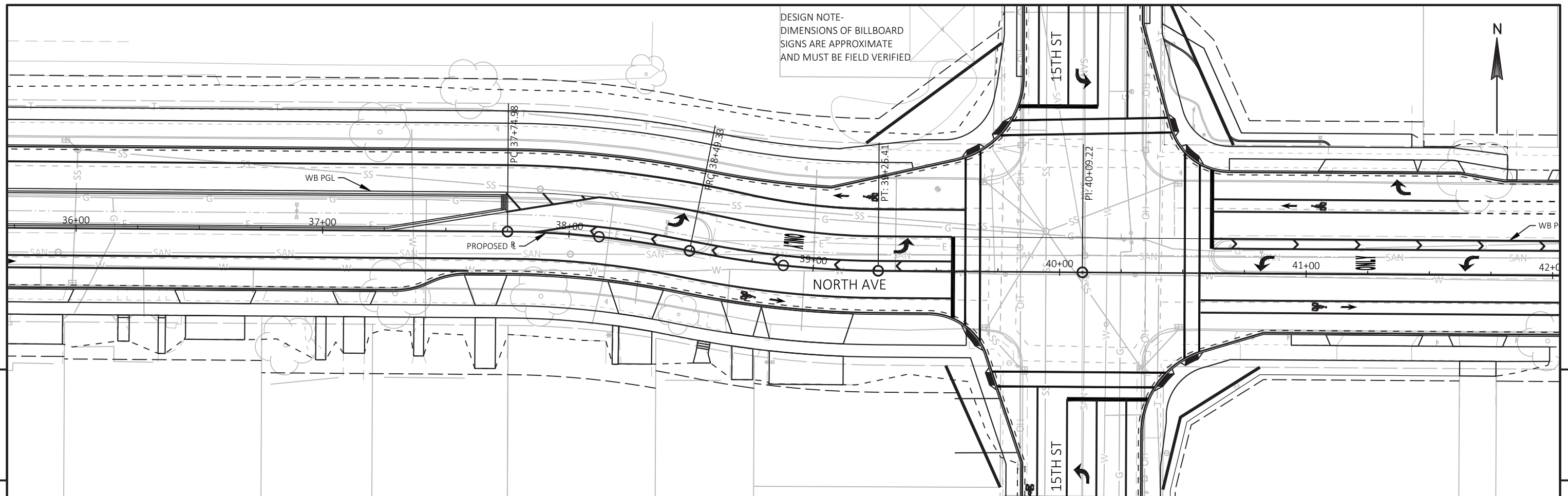
Exhibit C
Preliminary Plans

SHEBOYGAN









PROJECT NO:	4996-01-79
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HWY: NORTH AVE

COUNTY: SHEBOYGAN

PLAN AND PROFILE:	NORTH AVE
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SHEET

■

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LAYOUT NAME - NorthAve-06PP

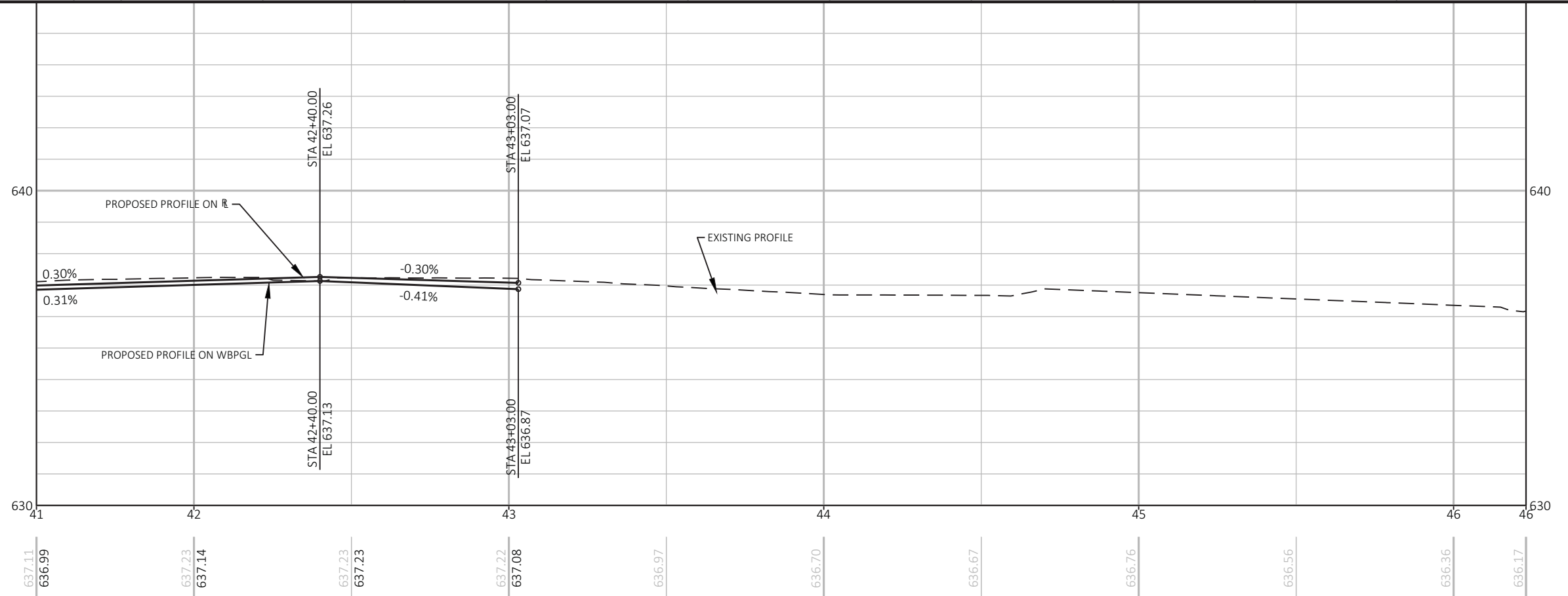
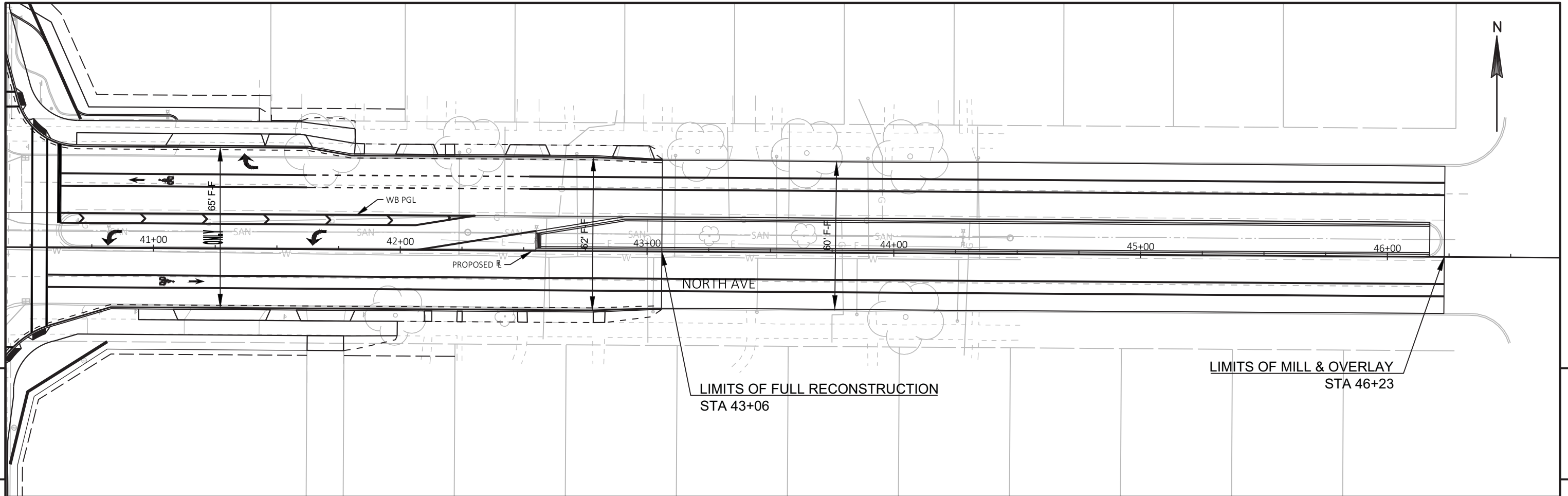
PLOT DATE : 9/12/2017 12:19 PM

PLOT BY : MARTY ABING

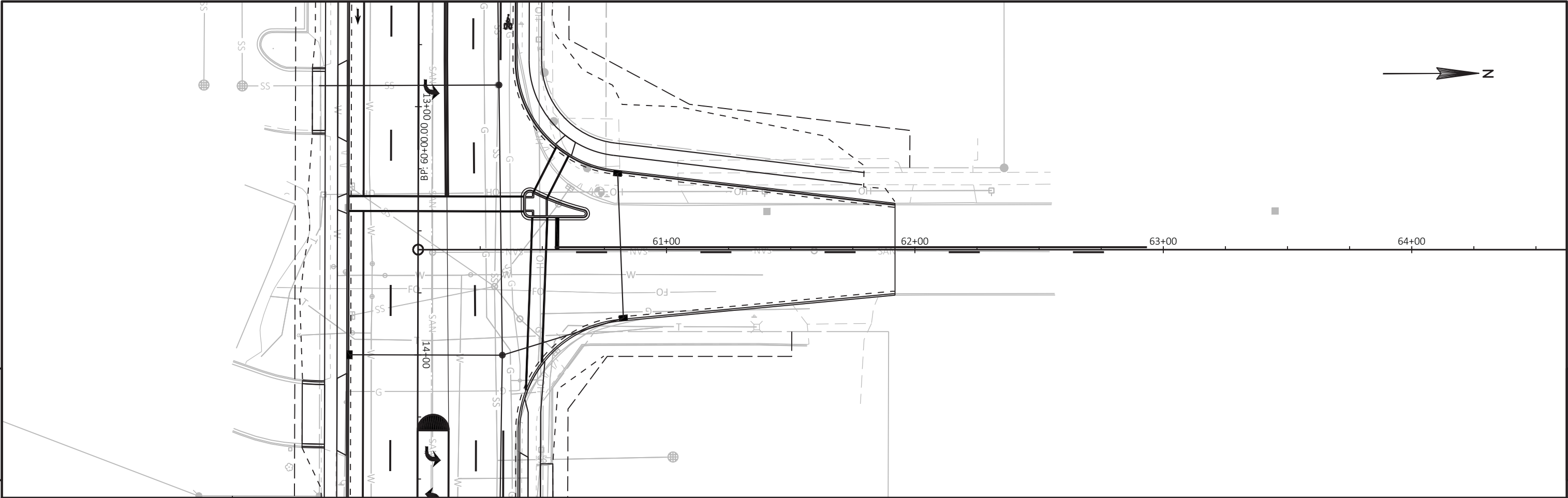
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PLOT SCALE : #####

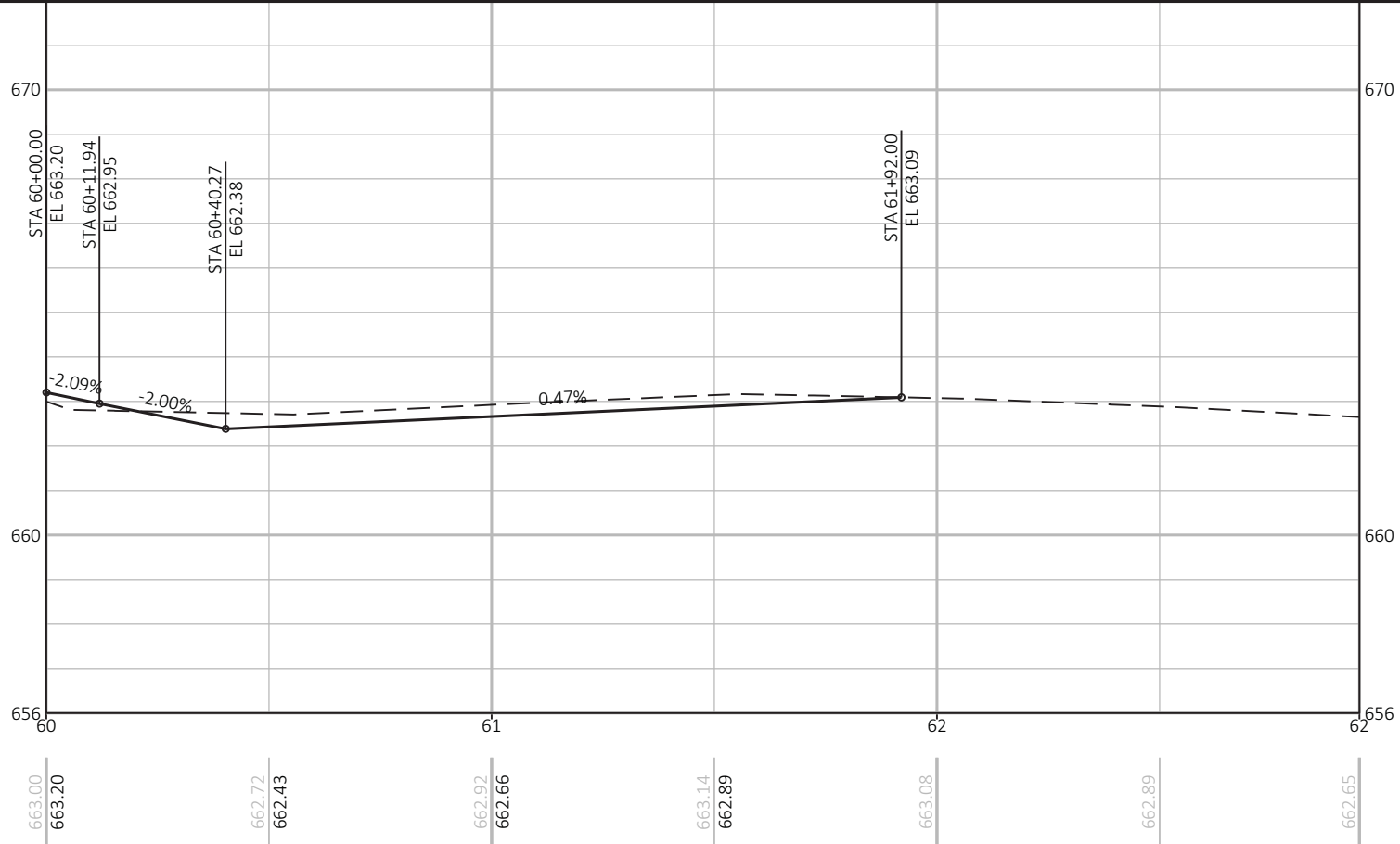
WISDOT/CADDS SHEET 44



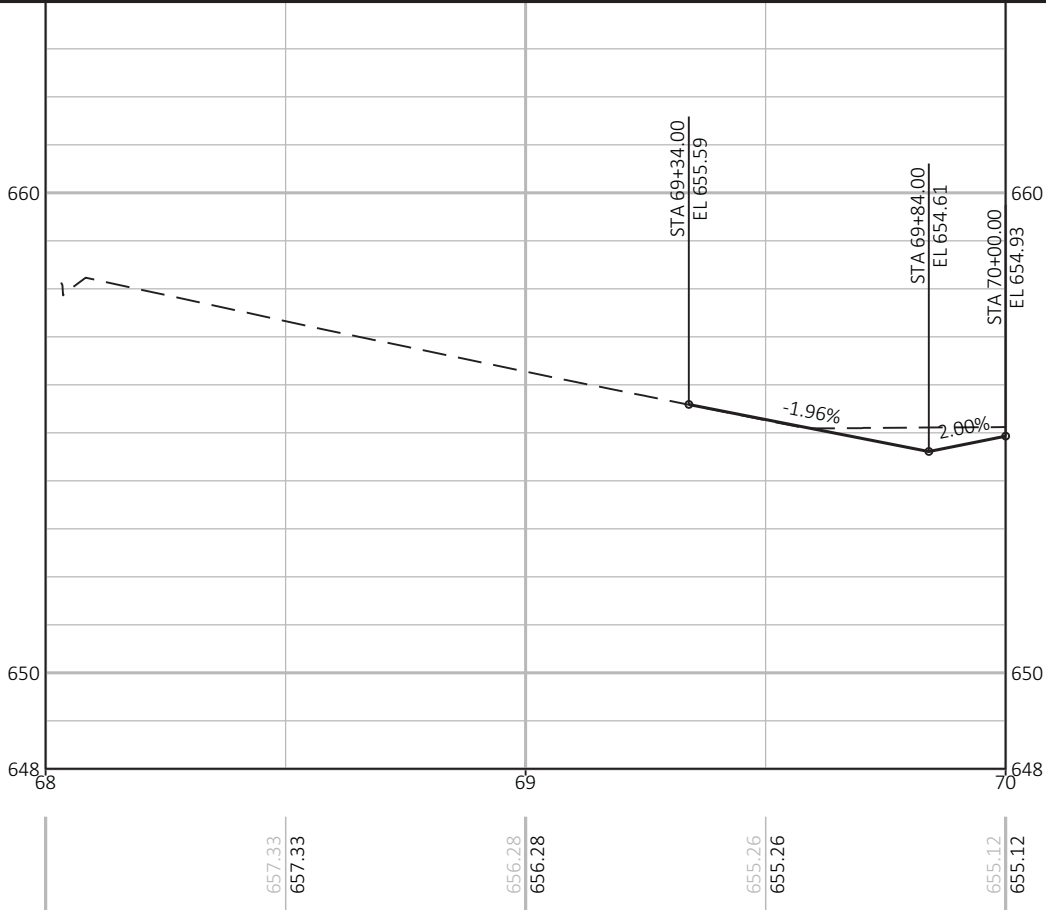
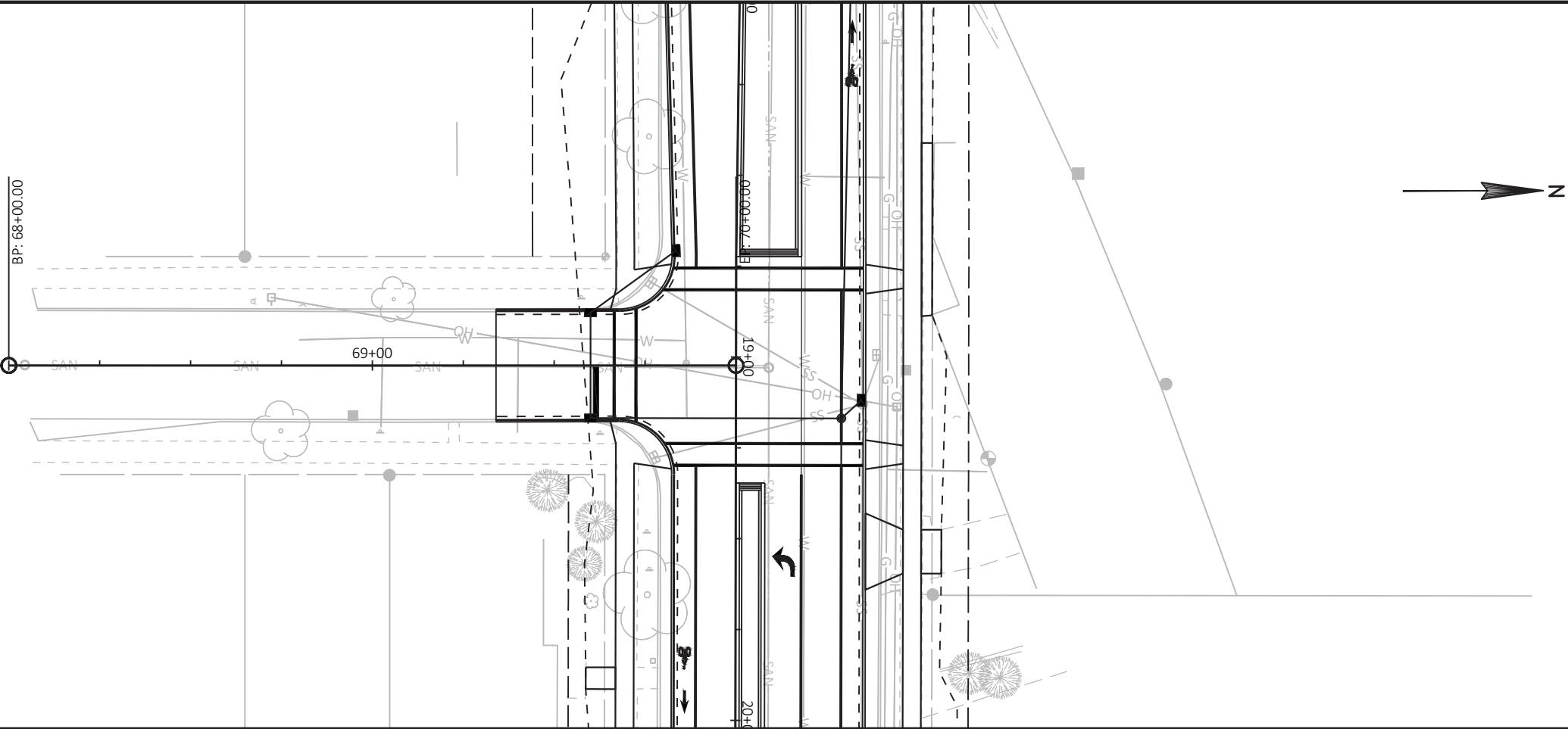
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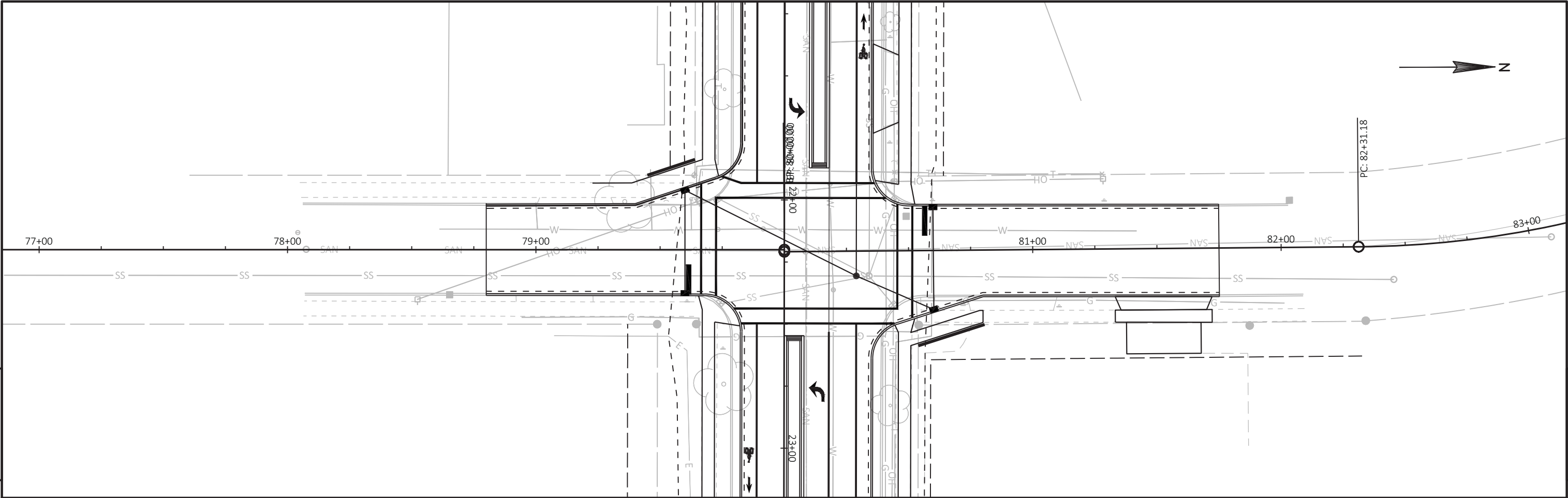


PROJECT NO: 4996-01-79	HWY: NORTH AVE	COUNTY: SHEBOYGAN	PLAN AND PROFILE: 21ST STREET	SHEET	E
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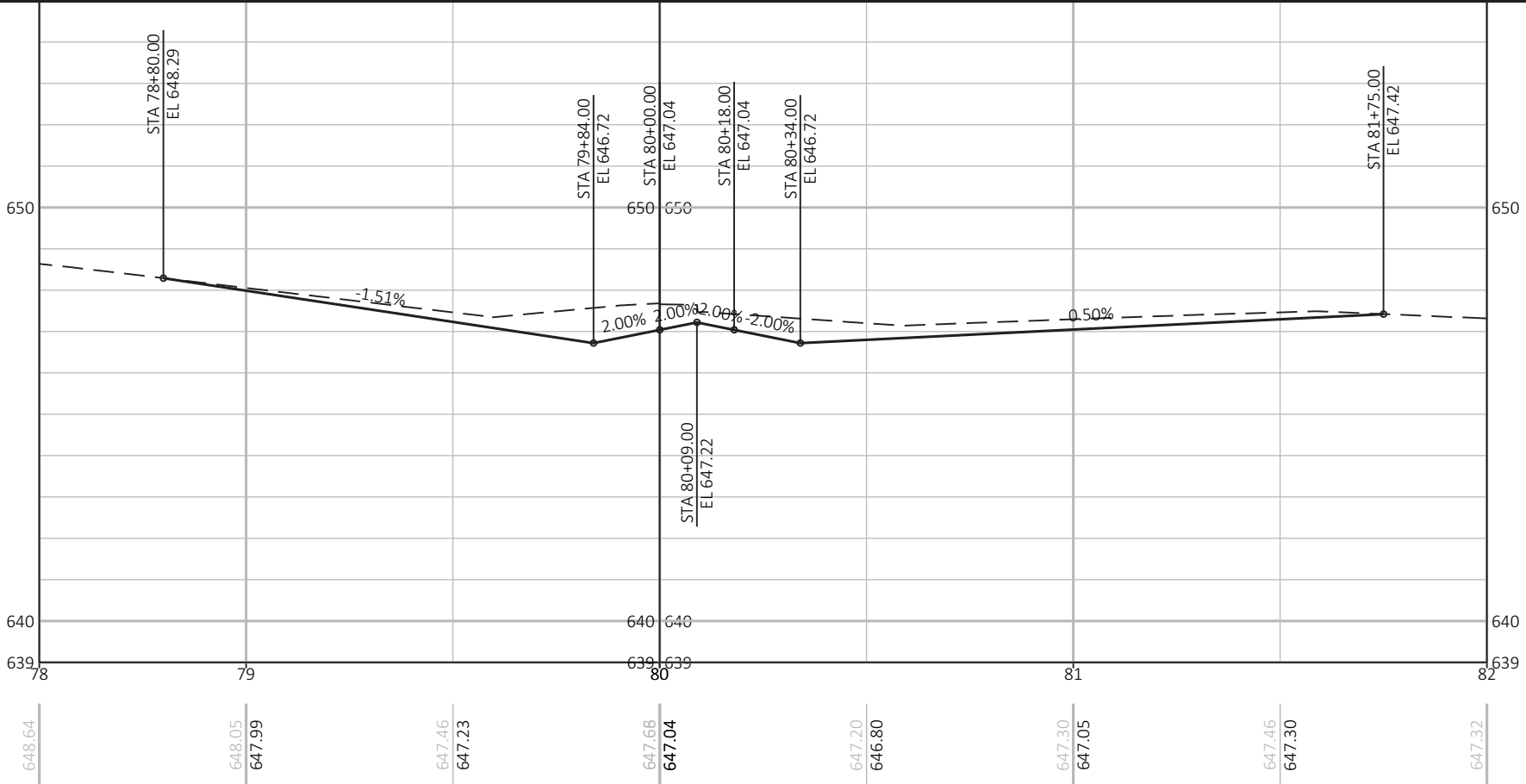


PROJECT NO: 4996-01-79	HWY: NORTH AVE	COUNTY: SHEBOYGAN	PLAN AND PROFILE: 20TH STREET	SHEET	E
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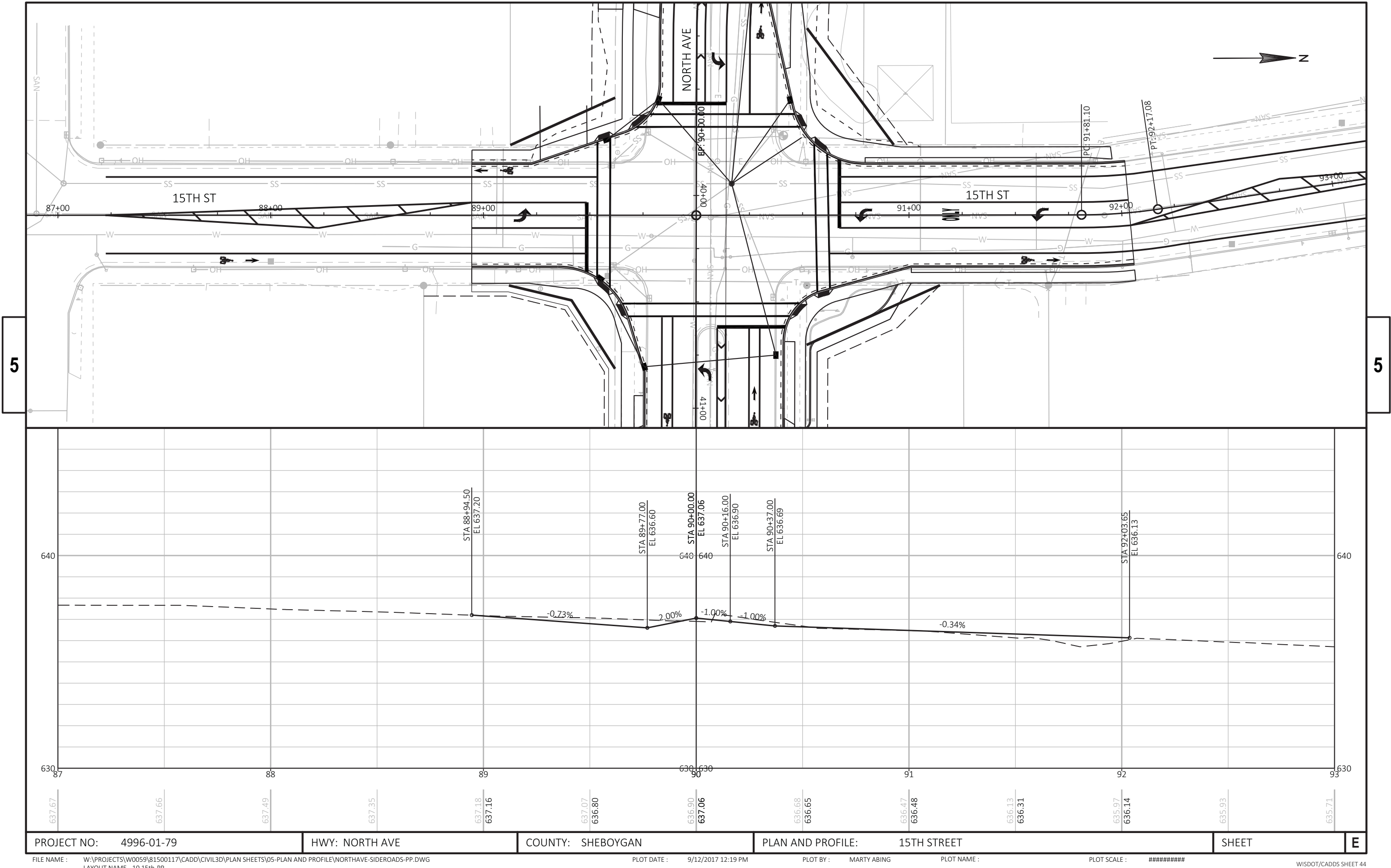
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PROJECT NO: 4996-01-79	HWY: NORTH AVE	COUNTY: SHEBOYGAN	PLAN AND PROFILE: 19TH STREET AND MUTH COURT	SHEET	E
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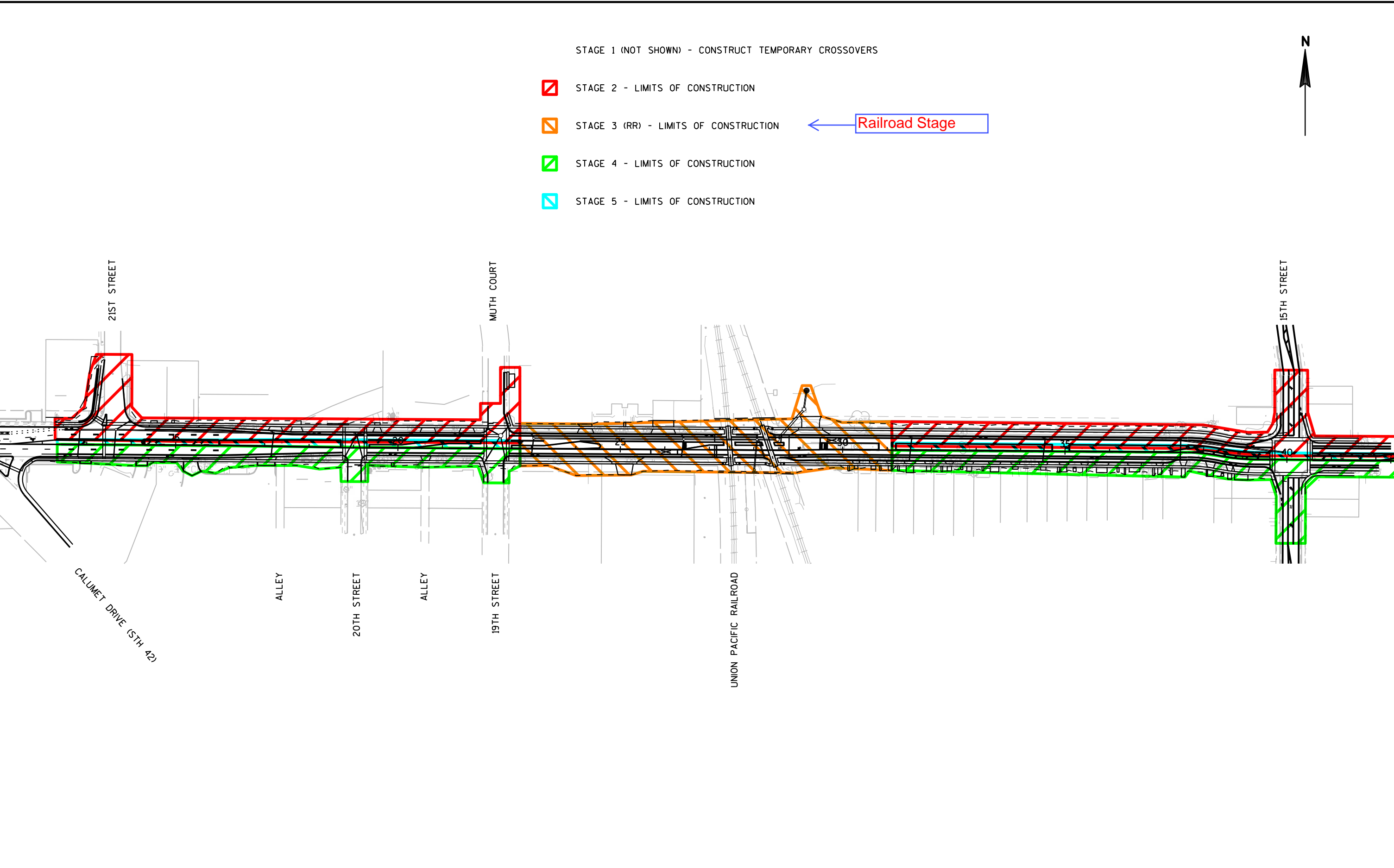
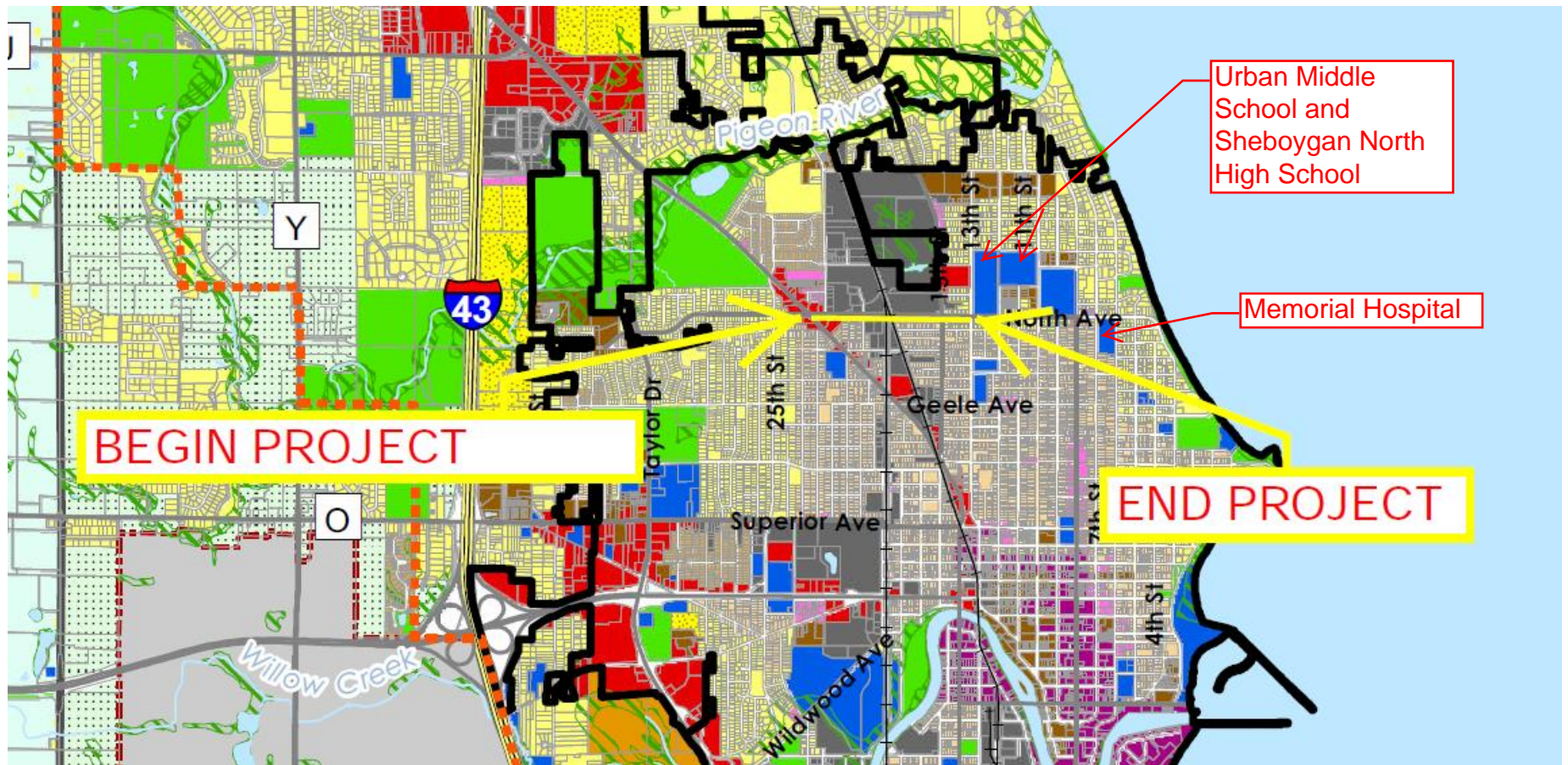


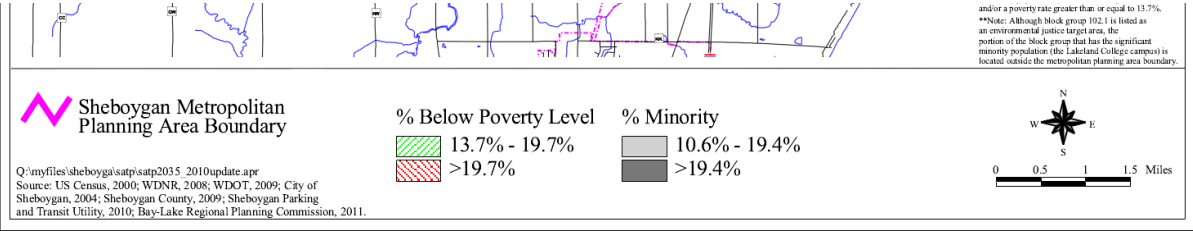
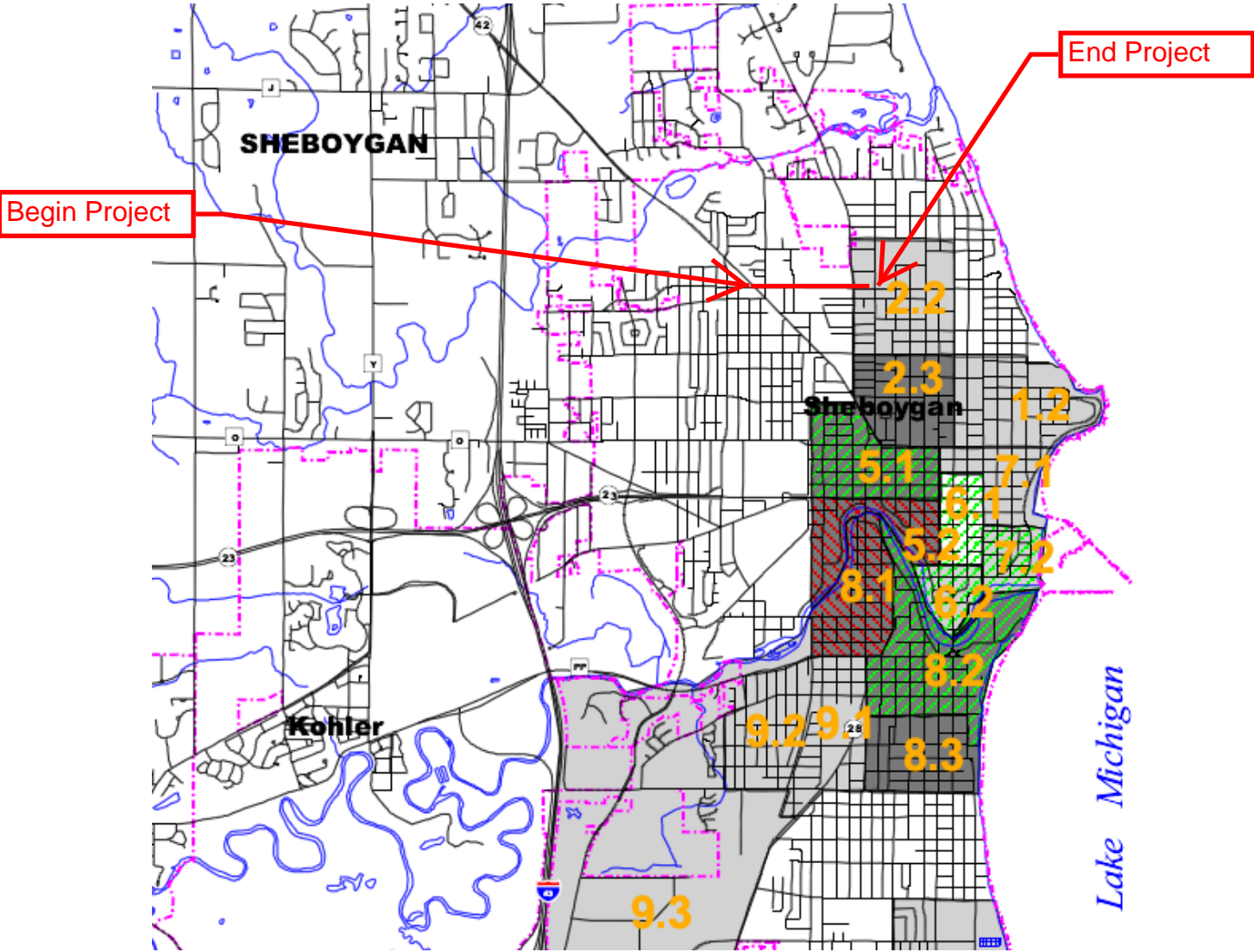
Exhibit D
Land Use Plans



Map E.1

Distribution of Environmental Justice Target Populations:
Sheboygan Metropolitan Planning Area

Update to the Year 2035 Sheboygan Area Transportation Plan (SATP)



Planned Bicycle
Priorities:
Sheboygan (North)

Recommended Facilities
by Priority Level

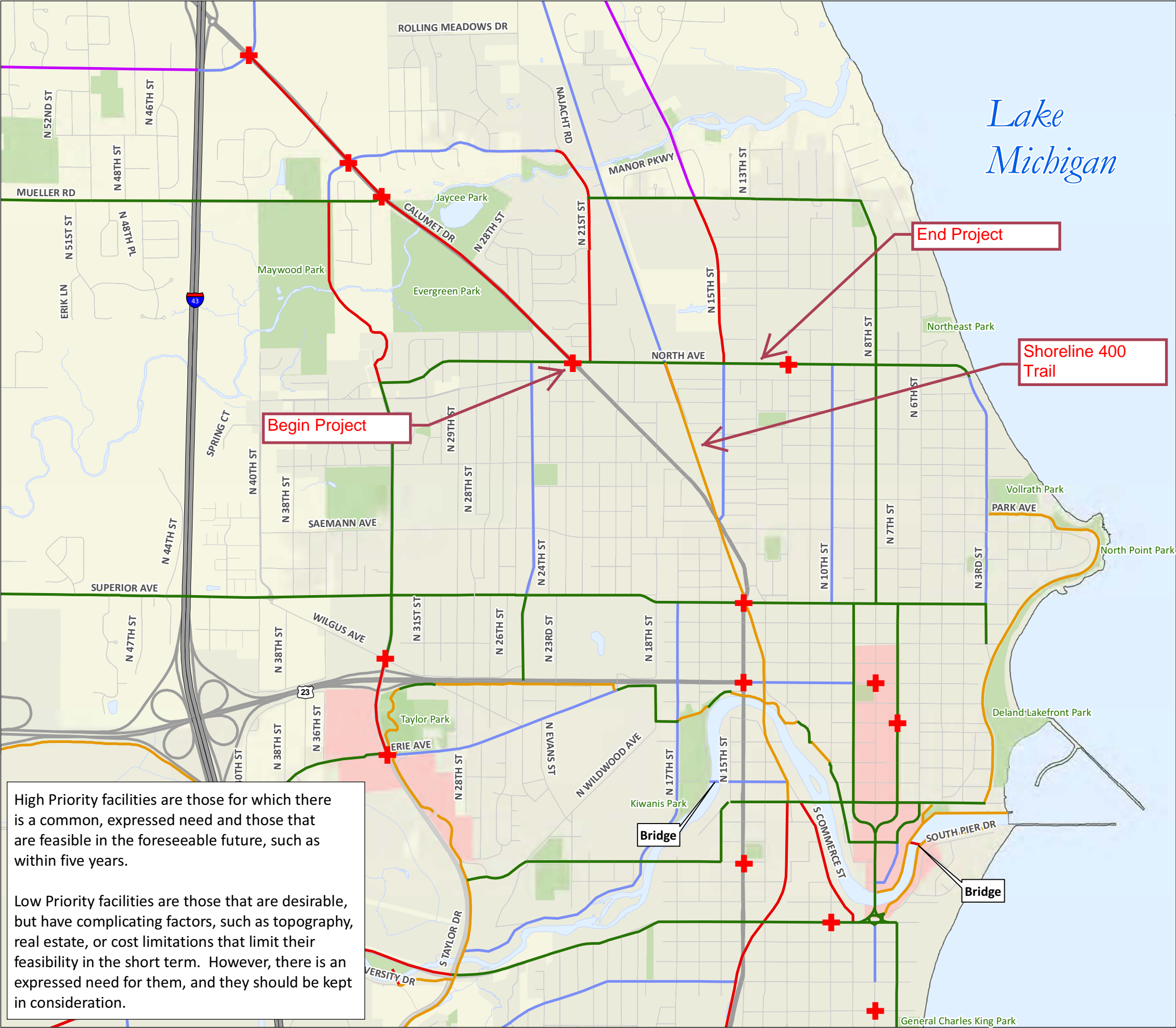
- High Priority
- Low Priority
- +

Areas of Concern
- Existing Bike Lanes/Routes
- Existing Paved Shoulders
- Existing Multi-use Pathways
- Commercial Areas
- Parks / Open Space Areas
- Municipal Boundary

Areas of Concern target locations such as intersections where multiple crashes, speed, site distance, the amount of traffic are problematic, and/or there is a perceived issue.



0 0.25 0.5 Miles



High Priority facilities are those for which there is a common, expressed need and those that are feasible in the foreseeable future, such as within five years.

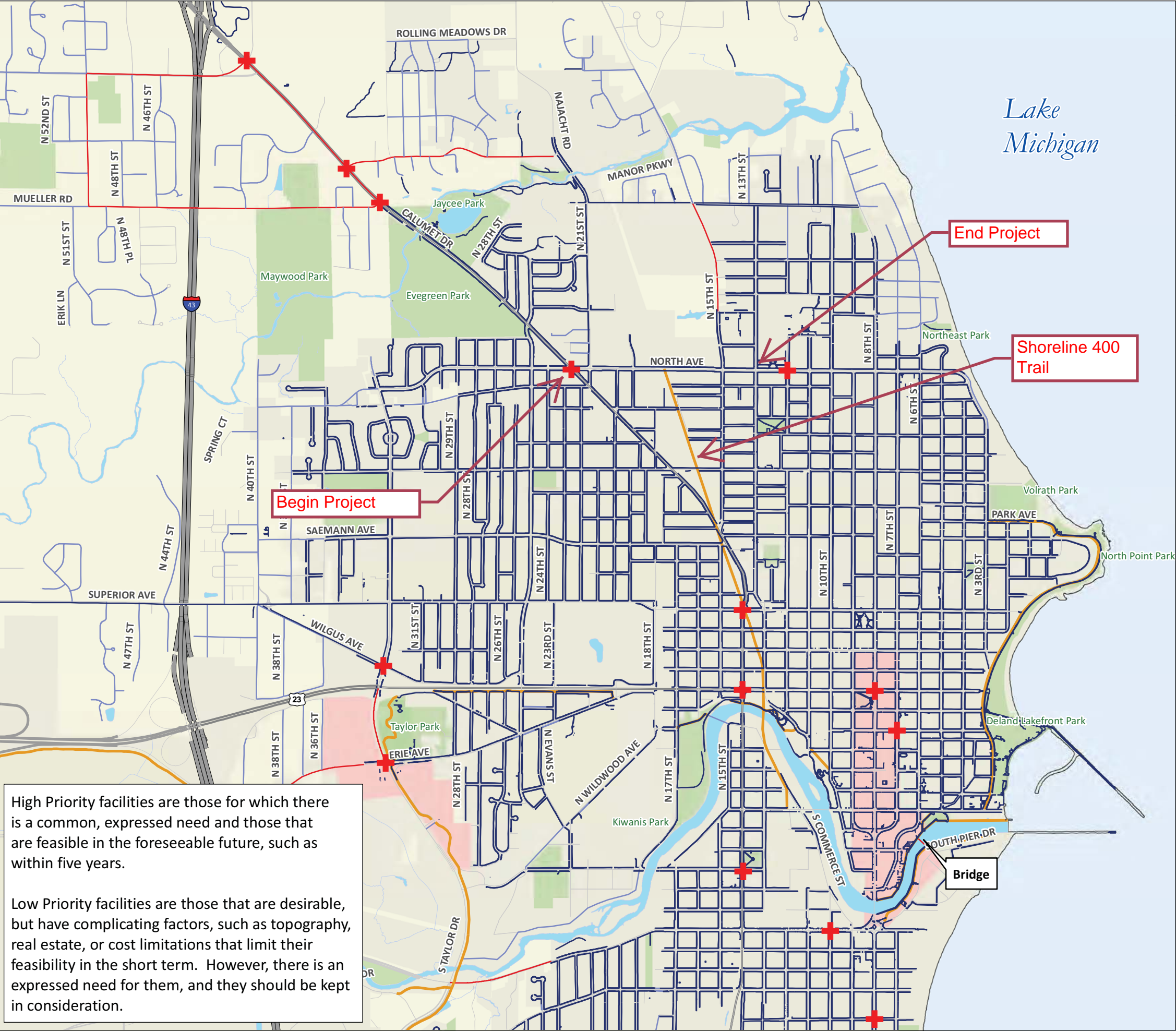
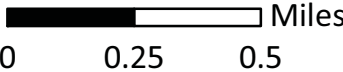
Low Priority facilities are those that are desirable, but have complicating factors, such as topography, real estate, or cost limitations that limit their feasibility in the short term. However, there is an expressed need for them, and they should be kept in consideration.

Planned Pedestrian
Priorities:
Sheboygan (North)

Recommended Sidewalks
by Priority Level

- High Priority
- Low Priority
- Areas of Concern
- Existing Sidewalk
- Existing Multi-use Pathway
- Commercial Areas
- Parks / Open Space Areas
- Municipal Boundary

Areas of Concern target locations such as intersections where multiple crashes, speed, site distance, the amount of traffic are problematic, and/or there is a perceived issue.



High Priority facilities are those for which there is a common, expressed need and those that are feasible in the foreseeable future, such as within five years.

Low Priority facilities are those that are desirable, but have complicating factors, such as topography, real estate, or cost limitations that limit their feasibility in the short term. However, there is an expressed need for them, and they should be kept in consideration.

Exhibit E
Traffic Data



WisDOT TRAFFIC FORECAST REPORT

PROJECT ID(S): 4996-01-78

ROUTE(S): North Ave

Region/COUNTY(IES): NE/SHEBOYGAN

LOCATION: Calumet Dr (STH 42) - 15th St

COMPLETED: 02/05/2016

Developed by: Vu Dang

Phone: (608) 266-2571

FAX #: (608) 267-0294

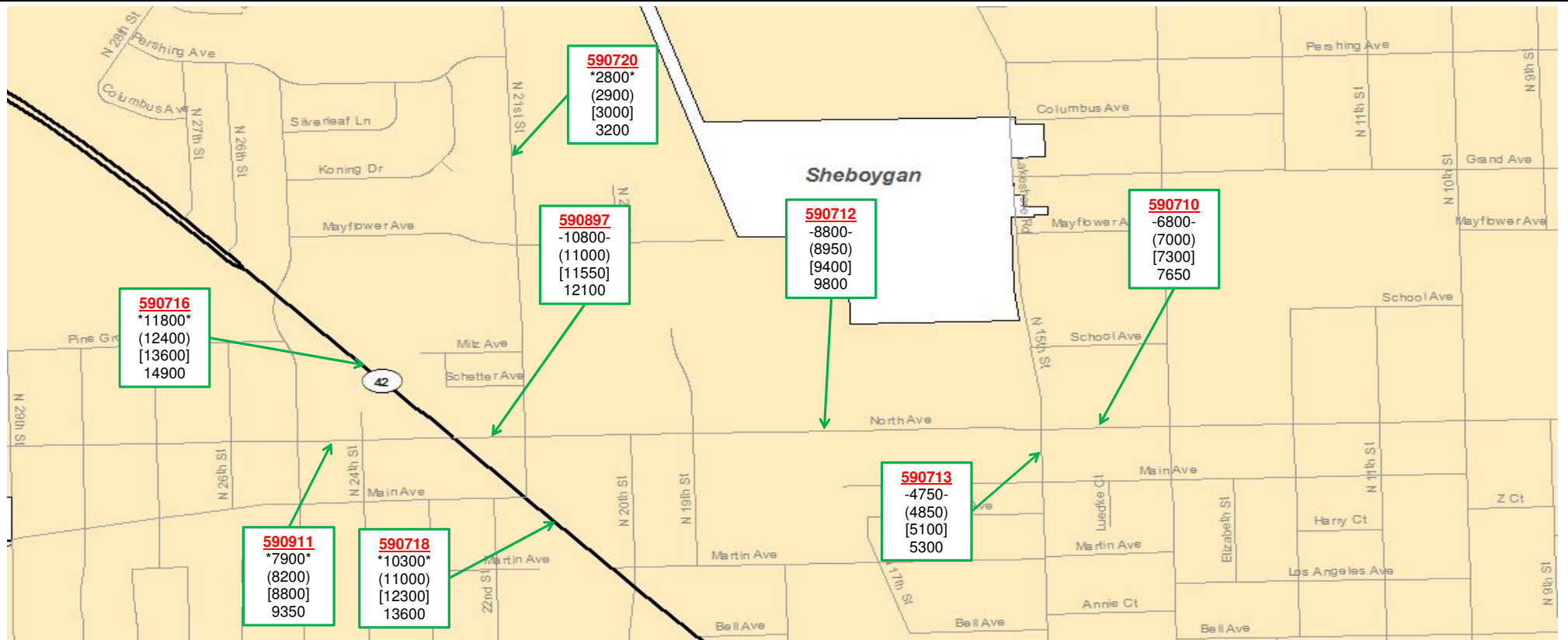
E-Mail: vu.dang@dot.wi.gov

Traffic Forecasting Section; Bureau of Planning and Economic Development; Division of Transportation Investment Management

Design Values (%)

Truck Classification

Site(s)	Route(s)	Volume(s)	Site Growth %	K250	K100	K30	P	D(Dsgn. Hr.)	T(DHV)	T(PHV)	AADTT	2D	3AX	2S1+2S2	3-S2	DBL-BTM	Total %
590911	North Ave	9340	0.74%	10.6	11.3	11.9	13.1	59/41	2.6	2.2	230	1.7	0.1	1.2	0.0	0.0	3.0%
590712	North Ave	9810	0.50%	10.5	11.2	11.8	13.1	59/41	3.1	2.7	310	2.2	0.1	0.9	0.3	0.0	3.6%
590710	North Ave	7630	0.50%	10.8	11.4	12.1	13.4	59/41	2.8	2.4	220	2.2	0.1	0.7	0.1	0.0	3.2%



Full Vehicle Classification

Site(s)	Route(s)	MC	CARS	SU2-4	BUSES	SU2-6	SU3	SU4+	ST4-	ST5	ST6+	MU5-	MU6	MU7+
590911	North Ave	0.3	73.8	22.9	0.1	1.6	0.1	0.0	1.2	0.0	0.0	0.0	0.0	0.0
590712	North Ave	0.1	75.4	20.9	0.3	1.9	0.1	0.0	0.9	0.3	0.0	0.0	0.0	0.0
590710	North Ave	0.3	73.3	23.2	0.2	2.0	0.1	0.0	0.7	0.1	0.0	0.0	0.0	0.0

SITE ID = Colored, **bolded**, and underlined

NOTES ON THE FORECAST:

Symbol	Count	Symbol	Forecast
-000-	2015 Count	000	2039 AADT
000	2014 Count	[000]	2029 AADT
		(000)	2019 AADT

- This projection assumes that no major new traffic generators will be added to the development already included in the 2010/2045 Northeast Regional Travel Demand Model.
- Truck classification percentages were taken from observed 2008 Wisconsin Vehicle Classification Data (Sites # 590911, 590712, and 590710).
- North Ave is a Factor Group II (Urban-Other) roadway (indicating low to moderate fluctuation in traffic from a seasonal perspective). It is functionally classified as a Urban Minor Arterial (16) for count purposes.
- The 2010/2045 Northeast Regional Travel Demand Model was used to complete this forecast. Traffic Analysis Forecasting Information System output was used as a comparison tool to check against the model output. Adjustments were made as needed.
- Roadway improvements coded within the existing plus committed (E+C) network of the 2010/2045 Northeast Regional Travel Demand Model were assumed to be in place for the purposes of developing this forecast.
- 2015 AADT were calculated using collected 12-hour turning movement count data and the 24-hr AADT Expander tool.

Exhibit F
Public Involvement Documentation

Mike Simon

Subject: FW: Project 4996-01-78, City of Sheboygan, North Avenue -Railroad Crossing-RR
Attachments: RR Layout_with bike bump-outs.pdf

From: Mike Simon
Sent: Tuesday, April 5, 2016 11:21 AM
To: Kinziger, Jared - DOT; Sazama, Ryan
Cc: Rich Glen
Subject: RE: Project 4996-01-78, City of Sheboygan, North Avenue -Railroad Crossing-RR

Jared and Ryan,

I am sending this email to summarize the results of our meeting with Plenco and our discussions afterward:

I attended a meeting yesterday morning with City and Plenco representatives to discuss the railroad crossing improvements. See attached PDF for the crossing layout discussed at the meeting. The installation shown with a raised median and flashing signals & gates, along with the relocation of Plenco's entrance, is considered the optimal configuration in terms of overall crossing safety. The purpose of the meeting was to determine what the impacts would be to Plenco's plant operations if the crossing improvements were constructed as shown.

Following is a summary of current plant operations provided by Plenco at the meeting:

- Trucks primarily travel to and from STH 42 to the west and enter and exit at the North Avenue entrance. Primary truck movements are a left in and a right out at this entrance.
- The North Avenue entrance is also a primary entrance to the employee parking areas.
- Currently there is a dedicated left turn lane on North Avenue for vehicles turning into Plenco.
- The North Avenue entrance aligns directly with an internal plant roadway that circulates around the west and north sides of the Plenco building.
- There is a guard shack and gate located approximately 70-ft north of the existing back of sidewalk at the entrance. Trucks must check in at the gate upon arrival. Large trucks waiting to check in, block the entrance. While the entrance is blocked, other vehicles waiting to turn left into the entrance queue in the left turn lane on North Avenue. This results in the queued vehicles being parked over both sets RR tracks.

Impacts to plant operations resulting from relocating the entrance:

- Trucks would need to utilize a large area of employee parking in order to maneuver to the guard shack and align with the internal plant roadway. The employee parking areas are full during shift changes (i.e. when shifts overlap). Plenco would need to replace the lost parking stalls elsewhere on their property.
- Even if the guard shack was relocated, trucks will still need to "square up" with the internal plant roadway prior to proceeding around the west side of the plant. This may require additional internal improvements.
- The left turn lane storage shown on the attached crossing layout would need to be extended to avoid having vehicles waiting to turn left into the plant from backing up into and blocking the EB travel lane on North Avenue.
- The raised median may make it difficult for trucks to turn right from the entrance to travel west. May need to reconfigure the entrance to accommodate this movement.
- Plenco stages rail cars on their siding track on the north side of North Avenue. While this is being done the existing flashing signals go into operation; vehicles stop at the crossing and then proceed forward. Plenco is concerned that if gates are added to the crossing, traffic on North Avenue will be blocked while these staging operations are on-going.

Discussion:

- Truck turning movements will be added to the plans so Plenco can better see the impacts to their operations if the crossing was constructed as shown. Ryan will drop this information off with Plenco when it is ready.
 - Note – If the guard shack remains in the same general location, there would be more room for trucks to queue on Plenco's property instead of on the street.
- Plenco prefers to keep the entrance in the same general location. They understand that the entrance would need to shift to the east a short distance to provide clearance to the proposed signal and gate.
- Plenco prefers that the left turn lane into their plant stays in the same location as existing with no median.
- Discussed briefly the possibility that without a median, gates may be required in four quadrants instead of two in order keep vehicles from driving around the gates.

Jared provided me with the following information after the meeting:

- The final decision on whether the driveway has to be relocated will need to be made by the City. The DOT and OCR do not really have jurisdiction on this.
- It is not uncommon to only have two gates even without a median. The problem is that vehicles can drive around the gates if a median is not constructed.
- At the OCR public hearing for the crossing, the railroad could take issue with not installing the median and gates. They may regard the left turns stacking on the two crossings, as well as the location of the entrance, as safety issues and could request modifications at that time.

Follow-up:

- Will discuss options and how to proceed after Plenco reviews the truck turning template drawings.

Thanks,
Mike

Mike Simon, PE
McMAHON
1445 McMahan Drive, PO Box 1025
Neenah, WI 54957-1025
Phone: (920)751-4200, ext.224
msimon@mcmgrp.com

(Meeting notes are shown in red, original agenda is shown in black)

**Meeting Notes/Agenda
for
North Avenue RR Crossing Improvements
Project ID 4996-01-78
North Avenue, City of Sheboygan
Calumet Drive to 15th Street
Date: 5-12-16
Time: 10:00 AM**

A. Attendance: See attached for sign-in sheet

B. Purpose of Meeting

The City of Sheboygan has received federal funding for the reconstruction of North Avenue. The proposed project is scheduled for construction in 2019. As part of the project, improvements are required for the two at-grade railroad crossings on North Avenue. These crossings, DOT crossing inventory No. 180267K (industrial lead track) and No. 180265W (main line track), are in close proximity to the plant entrance to Plenco. The purpose of this meeting is obtaining input from primary project stakeholders (City of Sheboygan, Plenco, Union Pacific (UP) Railroad, and WisDOT) regarding the proposed improvements. The goal is to develop an improvement alternative that will meet the needs of these primary stakeholders as well as all users of the North Avenue facility.

A. Background

As a federally funded project, North Avenue must be reconstructed to meet Federal and State design requirements. This includes improvements at the two at-grade railroad crossings. An initial meeting was held between Plenco and City representatives on Monday, April 4, 2016 to discuss proposed crossing improvements. The improvement presented required the relocation of a primary entrance into Plenco's site. Plenco had concerns regarding the driveway relocation and the potential impacts to their operations. Because of these concerns the City prepared a second improvement option and submitted it to Plenco for their review on April 11, 2016. This revised option still required the driveway to be relocated but to a much lesser degree.

B. Review Previous Options

- a. **Option 1** – Entrance to Plenco is shifted approximately 250-ft east of its current location. With this option left turning trucks turning into Plenco do not queue over the crossings. With this option, trucks would be required to travel through an employee parking area in order to reach the guard shack.
- b. **Option 2** – This is referred to as the "hybrid" option and requires the entrance to Plenco to be shifted approximately 50-ft east of its current location. With this option left

turning trucks turning into Plenco will queue over the crossings. This option would have fewer impacts to Plenco's employee parking area and truck operations than option #1.

C. Discussion:

- a. **WisDOT** – Jared reviewed the pros and cons of each option. WisDOT prefers option #1 because it keeps the trucks off of the crossings.
- b. **UP Railroad** – Rich noted that the existing flashing signal in the NE quadrant is too close to the crossing. Any new signal/gate would be located within the limits of the existing driveway. The UP Railroad also prefers option #1 for the same reasons cited by Jared.
- c. **Plenco** – Todd explained that the impacts to Plenco's internal operations would be substantial with option #1. They can't allow their trucks, many of which are hauling chemicals, to travel through the employee parking area. They would need to discontinue allowing employees to park in this area which results in a considerable loss of available parking. Of the two options, Plenco prefers option #2.
 - i. Todd asked why any improvements are required at the crossings. Lisa explained that whenever a roadway is being reconstructed with federal dollars WisDOT is required to review the adequacy of the crossing surfaces and warning devices. The crossings on North Avenue do not meet current design standards.
 - ii. Todd was asked about the number of trucks that turn left out of the entrance to travel east toward 15th Street. Todd said that he would check on this and get back to us.
- d. **City of Sheboygan** – Refer to alternatives discussion below.
- e. **Additional alternatives** – The following additional alternatives were discussed:
 - i. **Access from Mayflower** – Todd stated that Plenco looked at bringing trucks in from the west via Mayflower Avenue (this was discussed at the meeting on 4-4-16). This would require a new crossing over the both sets of tracks. Plenco decided against pursuing this option because there was not enough room available to accommodate the trucks.
 - ii. **Access from 15th Street** – Rich and Jared asked if trucks could be rerouted into the plant from 15th Street. The existing entrance at North Avenue could then be converted to a right-in and right-out only entrance. Todd said that they would consider this, but was concerned about the costs for relocating the guard shack and other internal changes that would be required.

- iii. **Elimination of east crossing** - Dave asked if the east crossing (closest to the Plenco entrance) could be eliminated. Rich said they had another customer on the south side that they need to provide service to. In order to eliminate the crossing, a new switch would be required on the south side and the lead track would need to be realigned. This would likely cost at least \$400,000.

D. Office of the Commissioner of Railroads Public Hearing

Due to the level of alterations proposed at the two North Avenue RR crossings, a public hearing will be required before the Wisconsin Office of the Commissioner of Railroads. The OCR is responsible for making the final decision regarding the adequacy, in terms of safety, of the proposed crossing alterations and warning devices.

The goal is for all parties to come to an agreement on the crossing alterations prior to petitioning the OCR for a public hearing.

Plenco will evaluate the various alternatives and then get back to the City regarding their preferred alternative.

North Avenue RR Crossing
5-12-16

Name	Representing	Phone	Email
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Mike Simon

From: Sazama, Ryan <Ryan.Sazama@sheboyganwi.gov>
Sent: Wednesday, June 15, 2016 10:05 AM
To: Mike Simon
Subject: FW: RE: Project 4996-01-78, City of Sheboygan, North Avenue -Railroad Crossing-RR

Mike: I just received this update from PLENCO.

From: Mohr, Jeff
Sent: Wednesday, June 15, 2016 9:36 AM
To: Sazama, Ryan
Cc: Meyer, Todd
Subject: RE: RE: Project 4996-01-78, City of Sheboygan, North Avenue -Railroad Crossing-RR

Ryan,

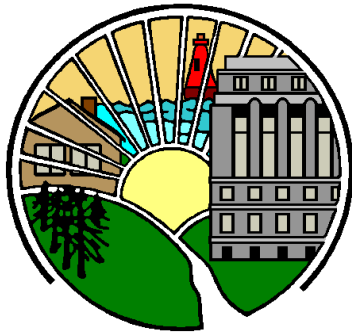
I just got the word that the "hybrid" design will work for us. We'd rather not have to move it, of course, but the hybrid will work. Thanks for your patience.

Jeff

NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.

**Project I.D. 4996-01-78
North Avenue, City of Sheboygan
Calumet Drive to 15th Street**

Sheboygan County



Public Involvement Meeting

Wednesday, May 18, 2016

4:30 p.m. to 6 p.m.

Presentation at 5:00 p.m.

**Maywood–Ellwood H. May Environmental Park
Ecology Center
3615 Mueller Road
Sheboygan, WI**

**Project I.D. 4996-01-78
North Avenue, City of Sheboygan
Calumet Drive to 15th Street
Sheboygan County**

The City of Sheboygan, in conjunction with the Wisconsin Department of Transportation (WisDOT), welcomes you to this public information meeting for the proposed reconstruction of North Avenue in the city of Sheboygan, Sheboygan County. Construction of this project is currently scheduled for 2019.

Purpose of meeting

The purpose of tonight's meeting is to familiarize you with the details of the project and seek your input. The meeting will be conducted in an open house format, with a brief presentation at 5:00 p.m. We encourage you to review the project information and the exhibits on display and direct questions or comments to any of the project representatives.

We want your comments

A public input form is attached to this handout for written comments. We appreciate your input and encourage you to complete the form, dropping it off at the meeting or mailing it to the address shown on the form. Please return any comments by June 1, 2016.

Project location and limits

The project is located along North Avenue in the City of Sheboygan, Sheboygan County. The project includes the reconstruction of the roadway from Calumet Drive to 15th Street.

Project need

The existing pavement section on this urban roadway is in poor condition, and the storm sewer system is undersized. The railroad crossings and warning devices do not meet current standards. The city's sanitary sewer and water systems also need improvements. There are currently no designated bike lanes on North Avenue; bicycles currently share the outside travel lanes with motorized vehicles.

Existing Facility

The typical cross section for North Avenue varies throughout the project. From Calumet Drive to the railroad crossings, the roadway consists primarily of a 4-lane undivided urban section with turn lanes and no parking lanes. East of the crossings the roadway consists primarily of a 2-lane divided urban facility with a raised/landscaped median and parking on both sides. The predominant width of the existing pavement is 60 feet from face of curb to face of curb west of the railroad crossing. East of the crossing, the predominant width of the existing section is 60 feet (measured from outside face of curb to outside face of curb), with a raised median width of 18-ft (measured from edge of travel lane to edge of travel lane). There is sidewalk on both sides of the roadway for the entire length of the project.

Proposed Facility

Improvements include:

- North Avenue is proposed to be predominately a 2-lane divided urban roadway with 11-foot wide travel lanes and 5-foot wide designated on-street bike lanes. The predominant width of the proposed pavement is 52 feet (measured from outside face of curb to outside face of curb), with a raised median ranging from 16-ft to 18-ft (Measured from edge of travel lane to edge of travel lane). On-street parking will be provided only on the south side of North Avenue between the railroad crossing and 15th Street; the pavement width in this parking area will be 57-ft measured from outside face of curb to outside face of curb.

At the east approach to the intersection with Calumet Drive to 21st Street, the roadway widens to a width of 67 feet in order to provide four travel lanes, a turn lane, and bike lanes. At the west approach to the 15th Street intersection, a left turn lane will be provided.

The existing sidewalk on both sides of the street will be removed and replaced. A grass terrace will be provided between the back of curb and the edge of the new sidewalk, the width of the terrace varies from 3-ft to 12.5-ft.

- A new continuous street lighting system will be installed. The proposed street poles and light fixtures will match the existing street lights on Calumet Drive, south of Main Avenue. These same poles and fixtures will be installed on Calumet Drive between Main Avenue and 26th Street as part of the 2017 reconstruction project.
- A new storm sewer system will be constructed, and the city will be making improvements to their sanitary sewer and watermain facilities. The sanitary sewer and watermain improvements will be done concurrently with the project.
- Improvements are planned for the two at-grade crossings with the Union Pacific (UP) Railroad. The City is currently in the planning stages with the Wisconsin DOT and the UP Railroad for these improvements. It is anticipated that crossing improvements will include new flashing signals with gates, and a new concrete panel surface. The final decision regarding improvements will be made by the Office of the Commissioner (OCR) of Railroads. A public hearing before the OCR will be held in the up-coming months.
- The intersection of 15th Street meets warrants for the installation traffic signals. The current plan is to install traffic signals and modify all approaches to include a designated left turn lane with shared thru/right travel lanes.

Traffic control during construction

North Avenue will be constructed in stages in order to maintain one lane of traffic in each direction during construction. Access to properties along the impacted side roads will generally be maintained during construction, and access for emergency services will be provided at all times.

Right-of-way needs

It is anticipated that the majority of improvements can be accommodated within the limits of the existing road right-of-way. However, minor fee acquisition may be required at the side street intersections in order to improve the turning radii. In addition, temporary easements will be required for driveways and sloping beyond the right-of-way.

Schedule

This project is anticipated to be constructed in 2019 and expected to last five to six months.

Funding

The project is being funded by the Federal Highway Administration and the City of Sheboygan. The preliminary cost estimate for the project is \$3.8 million. The City has received \$2.3 million in federal funding; all costs in excess of this amount are the responsibility of the City. The construction of the project will be administered by the Wisconsin Department of Transportation.

Public comments

Attached to this handout is a sheet for your written comments and concerns about the project. Please mail any written comments before June 1, 2016 or simply drop it off tonight.

For more information, please contact:

Ryan Sazama, City Engineer
City of Sheboygan
2026 New Jersey Avenue
Sheboygan, WI 53081
Phone: (920) 459-3485
Email: Ryan.Sazama@sheboyganwi.gov

PUBLIC INVOLVEMENT MEETING

Project I.D. 4996-01-78
North Avenue, City of Sheboygan
Calumet Drive – 15th Street
Sheboygan County

DATE:	TIME:	LOCATION:	PURPOSE:
5-18-16	4:30 PM	Ellwood H. May Environmental Park, Ecology Center	To discuss the purpose and need for the project.

ATTENDANCE RECORD

Please Note: The information in this document (including names, addresses, phone numbers, e-mail addresses, and signatures) is not confidential, and may be subject to disclosure upon request, pursuant to the requirements of the Wisconsin open records law, sections 19.31—19.39 of the Wisconsin Statutes.

NAME (Please Print)	ADDRESS	CITY/STATE/ZIP CODE	REPRESENTING	PHONE NUMBER

PUBLIC INVOLVEMENT MEETING

Project I.D. 4996-01-78

North Avenue, City of Sheboygan

Calumet Drive – 15th Street

Sheboygan County

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[illegible]

Exhibit G
Correspondence from US FWS

Mike Simon

From: Horton, Andrew <andrew_horton@fws.gov>
Sent: Friday, September 23, 2016 4:27 PM
To: Mike Simon
Cc: Peter Fasbender
Subject: Re: FW: FWS review request: WisDOT Project ID 4996-01-78/79; North Ave. - City of Sheboygan

Mike,

I have reviewed the proposed project and the following species may occur in Sheboygan County, Wisconsin:

Sheboygan	Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.
	Pitcher's <i>Cirsium pitcheri</i>	Threatened	Stabilized dunes, and blowout areas

Based on the information provided, we do not anticipate that either species will be impacted by any of the proposed actions. If you have any further questions, please let me know.

- Andrew

Andrew Horton
Twin Cities Ecological Services Field Office
U.S. Fish and Wildlife Service
4101 American Blvd East
Bloomington, MN 55425-1665
(952) 252-0092, ext. 208 **(New Phone Number!)**

On Tue, Sep 13, 2016 at 7:03 AM, Peter Fasbender <peter_fasbender@fws.gov> wrote:

Hi Mike –

Andrew will be contacting you regarding this. Thanks –

Pete

Exhibit H
Wisconsin Department of Natural Resources (DNR) Coordination



September 29, 2016

Via Email

Mike Simon
McMahon
1445 McMahon Drive
PO Box 1025
Neenah, WI 54957-1025

Subject: **DNR Initial Project Review:**
Project I.D. 4996-01-78
North Avenue: Calumet Drive – North 15th Street
City of Sheboygan, Sheboygan County
Section 15, T15N, R23E

Dear Mr. Simon,

The Department of Natural Resources (department) has reviewed the information you provided on September 12, 2016, for the proposed project referenced above. According to your proposal, the project will consist of reconstruction of the existing roadway, curb and gutter, and sidewalk from Calumet Drive to N. 15th Street. Storm sewer replacement, sanitary sewer rehabilitation, and replacement of the street lighting are included in the project scope. Minor horizontal re-alignment of the 15th Street intersection is anticipated.

Initial comments on the project as proposed are included below and assume that additional information will be provided as necessary to address all resource concerns identified. Supplementary information can be found by following the hyperlinks in the electronic version of this document.

A. Project-Specific Resource Concerns

Wetlands:

A wetland delineation report was provided to the department on March 11, 2016. The department has reviewed the report and has determined that the wetland boundaries have been accurately identified. Wetlands were identified near the rail road tracks that intersect the project (STA 27+00 to 29+00). If there is any disturbance beyond the existing sidewalk near the rail road tracks, wetland impacts may occur. Wetland impacts must be avoided and/or minimized to the greatest extent possible. Unavoidable wetland impacts must be mitigated for in accordance with the DOT/DNR Cooperative Agreement and the Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guideline.

Endangered Resources:

The Natural Heritage Inventory (NHI) database was reviewed on September 29, 2016. Several resources have been identified in the project area or its vicinity; given their habitat requirements, it is unlikely that any of the species identified will be impacted by the proposed project.

Fisheries/Stream Work:

No waterway impacts are associated with the proposed project.

Invasive species & VHS:

While there is minimal risk for the spread of invasive species from the project site, adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wisconsin Administrative Code. The following website provides further information and lists those species classified as Restricted or Prohibited under NR 40: <http://dnr.wi.gov/topic/invasives/classification.html>.

B. Construction Site Considerations

Erosion Control:

- An adequate erosion control implementation plan (ECIP) for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference.
- Erosion control measures must be inspected once per week and after every rainfall exceeding 1/2 inch. Any necessary repairs or maintenance must be performed after each inspection.
- A log of the erosion control inspections, repairs made, and rain events must be maintained. This must be made available to department personnel upon request and must remain on the project site at all times work is being performed.
- All demolition material from this project must be disposed of properly. Disposal of waste or excess materials in floodplains, wetlands, or waterways is not permitted.
- Construction materials and equipment must be stored in an upland location; storage in wetlands, waterways, or floodplains is not permitted.
- All temporary stock piles must be in an upland location and protected with erosion control measures (e.g. silt fence, rock filter-bag berm, etc.). Do not stockpile materials in wetlands, waterways, or floodplains.
- If dewatering is required for any reason, the water must be pumped into a properly selected and sized dewatering basin before the clean/filtered water is allowed to enter any waterway or wetland. The basin must remove suspended solids and contaminants to the maximum extent practicable. A properly designed and constructed dewatering basin must take into consideration maximum pumping volume (gpm or cfs) and the sedimentation rate for soils to be encountered. See the department's Dewatering Technical Standard [1061](#) to assist you in method selection by soil type. The dewatering technique may not be located in a wetland.
- Removal of vegetative cover must be restricted and exposure of bare ground kept to the minimum amount necessary to complete construction. Restoration of disturbed soils should take place as soon as conditions permit. If sufficient vegetative cover will not be achieved because of late season construction, it will be important that the site is properly winterized (e.g. dormant seeding, erosion control matting, sodding, etc.).

Mr. Mike Simon
September 29, 2016
Initial Review Letter
RE: Project # 4996-01-78
North Avenue: Calumet Drive – N. 15th Street
City of Sheboygan
Page 3

- After the site is stabilized all temporary erosion control measures must be removed and disposed of properly.

C. Other Issues/Unique Features

There are 10 closed Bureau for Remediation and Redevelopment Tracking System (BRRTS) sites located adjacent to or within the North Avenue right-of-way (T15N-R23E-Sec15). Additionally, there is one site with ongoing clean up (Kaltenbrun Roofing Company) in the northwest quadrant of the North Avenue and North 19th Street intersection (STA 21+00 to STA 22+00). Additional information is available at the department's Remediation and Redevelopment Sites web mapping application <http://dnr.wi.gov/topic/brownfields/rrsm.html>. Please keep in mind during your project planning that any contamination encountered must be properly handled and disposed of if disturbed. If there will be impacts beyond the existing roadway footprint in these areas, please notify the department.

All selected sites for waste and/or borrow must be an adequate distance from and not within any waterway, wetland, or floodplain. Selected sites must have erosion control measures (both temporary and/or permanent) installed to prevent offsite sediment runoff. An environmental review will have to be conducted on selected sites that are not permitted (commercial) facilities. Other special conditions may apply to any non-permitted selected sites.

The above comments represent the department's initial comments for the proposed project and do not constitute final concurrence. If you have any questions regarding the review of the project or the contents of this letter, please contact me by email at jeremiah.schiefelbein@wi.gov or by phone at 920-360-3784.

Sincerely,



Jay Schiefelbein
Environmental Analysis & Review Specialist
Northeast Region

ec: M. Helmrick, T. Kobus, P. Brauer – WisDOT, Green Bay
B. Gundrum – ACOE Brookfield
M. Magalski

c: File

Mike Simon

Subject: FW: North Avenue Wetland Delineation report

From: Schiefelbein, Jeremiah J - DNR [<mailto:Jeremiah.Schiefelbein@wisconsin.gov>]
Sent: Friday, November 10, 2017 10:48 AM
To: Mike Simon; Stuart Boerst
Subject: RE: North Avenue Wetland Delineation report

Good morning Mike and Stuart,
I have reviewed the delineation addendum for DOT project 4996-01-78 and it appears that the wetland boundaries in the delineation report accurately reflect the wetlands within the project limits.
I did have a few questions relating to Wetland 1 and Wetland 3. I spoke with Stacey Henk (who completed the field work) this morning and she informed me that she felt that the area to the west of Wetland 1 was also wetland even though sample points were not taken. We also discussed the southern boundary of Wetland 3 and how while vegetation was present (phrag) hydrology and soil indicators were absent just south of pit T3P2. Given my review of the report and the follow up discussion with Stacey, I concur with the delineation report and the wetland boundaries established.

If you have any questions, please call me. Thank you,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jay Schiefelbein
Phone: (920) 360-3784
Jeremiah.schiefelbein@wi.gov

From: Mike Simon [<mailto:MSimon@mcmgrp.com>]
Sent: Thursday, November 09, 2017 11:03 AM
To: Schiefelbein, Jeremiah J - DNR <Jeremiah.Schiefelbein@wisconsin.gov>; Stuart Boerst <SBoerst@mcmgrp.com>
Subject: RE: North Avenue Wetland Delineation report

Hi Jay,

I am sending this as a follow-up to our discussion from earlier today. We submitted an addendum on 7-12-17 to our original wetland delineation report for the North Avenue project in Sheboygan. The addendum was for the railroad improvements that will be done as part of the project. The email below includes your concurrence for the original delineation report. Can you please send us an email that lets us know that you also concurred with the addendum to the report?

Thanks,

Mike Simon, PE | Project Engineer | **McMahon Associates, Inc.** | T 920-751-4200 ext: 224

From: Schiefelbein, Jeremiah J - DNR [<mailto:Jeremiah.Schiefelbein@wisconsin.gov>]
Sent: Tuesday, May 24, 2016 10:44 AM
To: Stuart Boerst
Cc: Mike Simon; Gundrum, Bonnie J MVP (Bonnie.J.Gundrum@usace.army.mil)
Subject: RE: North Avenue Wetland Delineation report

Good morning Stuart,

I have reviewed the North Avenue Wetland Delineation report (the report) and based on the information submitted, the wetland areas within the project vicinity appear to have been accurately identified. The department concurs with the wetland delineation. Bonnie Gundrum, with the Army Corps of Engineers' Brookfield office may review the report once a permit application has been submitted. If you have any questions regarding the review of the report or the permitting process, please contact me state permitting, or Bonnie for federal permitting. Thank you,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jay Schiefelbein

Phone: (920) 360-3784

Jeremiah.schiefelbein@wi.gov

From: Schaeve, Matthew D - DNR

Sent: Wednesday, April 06, 2016 1:55 PM

To: Stuart Boerst

Cc: Schiefelbein, Jeremiah J - DNR; Mike Simon (MSimon@mcmgrp.com)

Subject: FW: North Avenune Wetland Delineation report

Hello Stuart,

As I'm running through all of my upcoming wetland field work, I came across this one, and looks like it is a City of Sheboygan (Sheboygan Co.) project. That is out of my area of coverage, but I've included Jay Schiefelbein on this email, he would be your point of contact for this project.

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Matt Schaeve

Phone: (920) 366-1544

E-mail: matthew.schaeve@wisconsin.gov

From: Stuart Boerst [<mailto:SBoerst@mcmgrp.com>]

Sent: Thursday, March 17, 2016 11:12 AM

To: Schaeve, Matthew D - DNR

Cc: Mike Simon

Subject: North Avenune Wetland Delineation report

Hi Matt,

Report is attached.

Stuart Boerst, P.S.S., P.H.

SENIOR ECOLOGIST/ ASSOCIATE



Exhibit I
Section 106 Documentation

17-1523/SB

SHPO



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
DT1635 6/2014

RECEIVED
NOV 29 2017

For instructions, see [FDM Chapter 26](#).

I. PROJECT INFORMATION

☐ Amended Submittal (include new information only)

Project ID 4996-01-78	Highway – State North Avenue	County Sheboygan
Project Termini Calumet Drive to 15 th Street		Region – Office NE
Regional Project Engineer – Project Manager Dave Schmidt		(Area Code) Telephone Number 920-360-0983
Consultant Project Engineer – Project Manager Mike Simon/McMAHON		(Area Code) Telephone Number (920)751-4200
Archaeological Consultant NA		(Area Code) Telephone Number NA
Architecture/History Consultant Heritage Research Ltd.		(Area Code) Telephone Number 262-251-7790
Date of Need 1-2-17		SHSW Number
Return a Signed Copy of This Form to Rich Glen- JT Engineering, 1077 Centennial Centre Blvd, Hobart, WI 54155-8820		

II. PROJECT DESCRIPTION

Project Length 0.5 miles	Land to be Acquired: Fee Simple 0.09 acres	Land to be Acquired: Easement 2.50 acres
-----------------------------	---	---

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	90'	90'	Terrace Width	2.5'-6'	3.5'-13'
Shoulder	NA	NA	Sidewalk Width	5'-6'	5'
Slope Intercept	43'	45'-55'	Number of Lanes	Varies 2 to 4 lanes	Varies 2 to 4 lanes
Edge of Pavement	29'-32.5'	24'-33'	Grade Separated Crossing	NA	NA
Back of Curb Line	30.5'-34'	25.5'-34.5'	Vision Triangle acres	NA	NA
Realignment	NA	NA	Temporary Bypass acres	NA	NA
Other – List: Median			Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree Topping and/or Grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Brief Narrative Project Description: Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements. For amendments (e.g. design refinements, scope changes, etc) description should only include new/added project actions and materials.

This project consists of reconstructing of North Avenue between Calumet Drive on the west and a point approximately 600' east of N. 15th Street on the east. The project corridor is approximately 0.5-mile long and is located in the City of Sheboygan, Sheboygan County. Refer to attached project location map and project overview.

Currently, North Avenue between Calumet Drive and N. 15th Street is an urban roadway whose cross section ranges between 60' and 67'. The roadway includes two driving lanes throughout plus combinations of shared lanes, bike lanes, turn lanes as well as two-way left-turn lanes. Sidewalks that range between 5' and 6' flank the roadway and are separated from it by a variable-width terrace (2.5'-6'). There is a railroad crossing located 1200' west of 15th Street. Between the railroad crossing and 15th Street there is an 18' grassy median. East of the intersection with N. 15th Street, North Avenue transitions into a 60'-wide roadway consisting of a two 10' driving and 11' combination bike/parking lanes divided by an 18' grassy median; a 6' terrace separates the roadway on each side from a 6' sidewalk. Refer to attached existing typical sections.

The proposed project between Calumet Drive and N. 15th Street consists primarily of a 52' cross section consisting of an 11' driving lane and 6' bike lane on each side of a 16'-18' median. The roadway expands at select locations to 68.5' to incorporate four 11' driving lanes, two 6' bike lanes and a 12.5' two-way left-turn lane. East of N. 15th Street, a 200'-300' section of the existing median will be replaced with a left-turn lane. The limits of full reconstruction end at the limits of the proposed left turn lane. East of the reconstruction limits, the existing median width will be reduced by 1-ft on each side (2-ft total). This will require the removal and replacement of the median curb. The reduction in median width is being done to provide additional width for bike lanes. The existing pavement adjacent to this median will be milled and then overlaid with asphalt pavement. Also, the current four-way stop at the North Avenue/N. 15th Street intersection will be replaced with traffic signals. Refer to attached plans.

In order to match the proposed roadway profile, the Union Pacific Railroad will be raising their railroad tracks and installing a new crossing surface. In addition, the Railroad will be removing the existing warning devices at the crossing and replacing them with new signals and gates. This work will be funded by the project under the following project ID's: 4996-01-80 (crossing surface and track raise) and 4996-01-81 (signals and gates).

The current right-of-way width is about 90' throughout. Temporary Limited Easements are expected throughout the project limits. No property relocations are anticipated. Limited ROW acquisition may occur at the following North Avenue intersection locations: 19th Street, Muth Court, and 15th Street.

Following a review of the project length, the Area of Potential Effects (APE) was determined to be limited to those properties immediately adjacent to North Avenue between Calumet Drive and N. 15th Street and along the side streets and North Avenue east of N. 15th Street where construction is expected. Also included in the APE are the properties immediately adjacent to the improvements being constructed by the Union Pacific Railroad.

As a result, eleven properties were surveyed of which the gas station at 2709 N. 15th Street is recommended for a Determination of Eligibility (DOE) under Criterion C: Architecture. Meanwhile, the four houses located at 1422, 1417, 1416 and 1413 North Avenue lie at the western edge of the proposed North Avenue Residential Historic District first identified in the City of Sheboygan Architectural and Historical Intensive Survey (2002-04). Upon coordination with WisDOT BTS/CR and SHPO, a district DOE is recommended.

☐ Add continuation sheet, if needed.

SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION (continued)

Wisconsin Department of Transportation DT1635

III. CONSULTATION

How has notification of the project been provided to:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Property Owners | <input checked="" type="checkbox"/> Historical Societies/Organizations | <input checked="" type="checkbox"/> Native American Tribes |
| <input checked="" type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Info. Mtg. Notice |
| <input type="checkbox"/> Letter - Required for Archaeology | <input checked="" type="checkbox"/> Letter | <input checked="" type="checkbox"/> Letter |
| <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |

Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

IV. AREA OF POTENTIAL EFFECTS – APE**ARCHAEOLOGY:** Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.**HISTORY:** Describe the area of potential effects for buildings/structures.

Following a review of the project length, the Area of Potential Effects (APE) was determined to be limited to those properties immediately adjacent to North Avenue between Calumet Drive and N. 15th Street and along the side streets, and North Avenue east of N. 15th Street where construction is expected. Also included in the APE are the properties immediately adjacent to improvements being constructed by the Union Pacific Railroad.

As a result, eleven properties were surveyed of which the gas station at 2709 N. 15th Street is recommended for a Determination of Eligibility (DOE) under Criterion C: Architecture. Meanwhile, the four houses located at 1422, 1417, 1416 and 1413 North Avenue lie at the western edge of the proposed North Avenue Residential Historic District first identified in the City of Sheboygan Architectural and Historical Intensive Survey (2002-04). Upon coordination with WisDOT BTS/CR and SHPO, a district DOE is recommended.

V. PHASE I – ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed	<input checked="" type="checkbox"/> Architecture/History survey is needed
<input type="checkbox"/> Archaeological survey is not needed	<input type="checkbox"/> Architecture/History survey is not needed
<input type="checkbox"/> Screening list (date)	<input type="checkbox"/> Screening list (date)
<input type="checkbox"/> Burial site in project area, Wis. Stat. 157.70 applies	<input type="checkbox"/> No structures or buildings of any kind within APE
	<input type="checkbox"/> Non-Survey History Documentation attached

VI. SURVEY COMPLETED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> NO archaeological sites(s) identified – ASFR attached	<input type="checkbox"/> NO buildings/structures identified – Report attached
<input type="checkbox"/> NO potentially eligible site(s) in project area – Phase I Report attached	<input checked="" type="checkbox"/> Potentially eligible buildings/structures identified in the APE – Report attached
<input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached	<input type="checkbox"/> Avoided through redesign
<input type="checkbox"/> Avoided through redesign	<input type="checkbox"/> Previously listed/eligible property identified in the APE – Report attached
<input type="checkbox"/> Phase II conducted – go to VII (Evaluation)	
<input type="checkbox"/> Phase I Report – Cemetery/cataloged burial documentation	

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

<input type="checkbox"/> No arch site(s) eligible for NRHP – Phase II Report attached	<input type="checkbox"/> No buildings/structure(s) eligible for NRHP – DOE attached
<input type="checkbox"/> Arch site(s) eligible for NRHP – Phase II Report attached	<input checked="" type="checkbox"/> Building/structure(s) eligible for NRHP – DOE attached
<input type="checkbox"/> Site(s) eligible for NRHP – DOE attached	

VIII. COMMITMENTS/SPECIAL PROVISIONS – must be included with special provisions language

- ☐
- Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction.

IX. PROJECT DECISION

- ☐
- No historic properties (historical or archaeological) in the APE.
-
- ☐
- No historic properties (historical or archaeological) affected.
-
- ☒
- Historic properties (historical and/or archaeological) may be affected by project;
-
- ☒
- Go to Step 4: Assess affects and begin consultation on affects.

☐ Documentation for Determination of No Adverse Effects is included with this form. WisDOT has concluded that this project will have No Adverse Effect on historic properties. Signature by SHPO below indicates SHPO concurrence in the DNAE and concludes the Section 106 Review process for this project.

X. SIGNATURES

X

[Signature] 10/20/17

(Regional Project Manager
Signature)

(Date –
m/d/yy)

X

[Signature] 11/22/17

(WisDOT Historic Preservation
Officer Signature)

(Date –
m/d/yy)

X

[Signature]

(State Preservation Officer
Signature)

(Date –
m/d/yy)

X

[Signature] /M. MAHON 10/18/17

(Consultant Project Manager
Signature)

(Date –
m/d/yy)

Dec 14 2017

17-1523/SB
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NOV 29 2017

Wisconsin Historical Society
Determination of Eligibility Form

BY: (Revised Nov. 2015)

WisDOT Project ID #: 4996-01-78

WHS #: _____

Property Name(s): Clark Super 100 Gas Station
Address/Location: 2709 N. 15th Street
City & County: City of Sheboygan, Sheboygan County Zip Code: 53083
Town: _____ Range: _____ Section: _____
Date of Construction: 1954

WisDOT Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility:

- ☒ Meets the National Register of Historic Places criteria.
☐ Does not meet the National Register of Historic Places criteria.

John M. Huls

11/22/17

WisDOT Historic Preservation Officer

Date

State Historic Preservation Office

In my opinion, the property:

- ☒ Meets the National Register of Historic Places criteria.
☐ Does not meet the National Register of Historic Places criteria.

Jim Duggan

12/13/17

State Historic Preservation Officer

Date

Comments (FOR AGENCY USE ONLY):

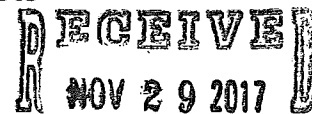
17-1523/SB

Wisconsin Department of Transportation
Determination of Eligibility Form for Historic Districts

(Revised Nov. 2015)

Agency #: 4996-01-78

WHS #: _____



BY:

District Name: North Avenue Residential Historic District
Location: North Avenue between N. 11th and N. 15th streets
City & County: City of Sheboygan, Sheboygan County Zip Code: 53083
Town: _____ Range: _____ Section: _____

Dates of Construction: 1925-1961

WisDOT Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility:

- ☒ Meets the National Register of Historic Places criteria.
☐ Does not meet the National Register of Historic Places criteria.

Stan M. Noto
WisDOT Historic Preservation Officer

11/22/17
Date

State Historic Preservation Office

In my opinion, the property:

- ☒ Meets the National Register of Historic Places criteria.
☐ Does not meet the National Register of Historic Places criteria.

Jim Dwyer
State Historic Preservation Officer

12/13/17
Date

Comments (FOR AGENCY USE ONLY):

Division of Historic Preservation/Public History
Wisconsin Historical Society
816 State Street
Madison, WI 53706

17-1523/SB

Determination of No Adverse Effect
WisDOT Project ID: 4996-01-78
WHS # 17-1523/SB

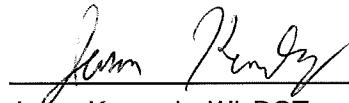
RECEIVED
MAR 13 2018

North Avenue
Calumet Drive – 15th Street
City of Sheboygan
Sheboygan County

BY:

The proposed undertaking is the reconstruction of approximately 0.64 miles of North Avenue between Calumet Drive to 15th Street. Project activities include the reconstruction of the current roadway, including curb and gutter and sidewalk, addition of bike lanes, and storm and sewer upgrades. The intersection of North Avenue and 15th Street will be upgraded to accommodate new turn lanes. Some temporary-limited easements will be required to accommodate work (see attached plans). Two historic properties are located in the Area of Potential Effects (APE), the determined eligible Clarke Super 100 Gas Station and the determined eligible North Avenue Historic District.

In accordance with 23 USC 138(b), WisDOT, on behalf of FHWA, hereby informs SHPO that the Determination of No Adverse Effect (DNAE) may be used in considering whether a de minimis Section 4(f) finding is appropriate and SHPO concurrence with the DNAE serves as acknowledgement of this official notification.



Jason Kennedy, WisDOT
Environmental Analysis & Review Specialist

3/13/18
Date

We concur with your current finding of "no adverse effect" for this project.



Kimberly Cook, SHPO

April 25 2018
Date

Determination of No Adverse Effect

WisDOT ID #4996-01-78

North Avenue
Calumet Drive to 15th Street
Local Street
City of Sheboygan
Sheboygan County
08 February 2018

Note - Refer to project files for a complete copy of the DNAE including all appendices

I. DESCRIPTION OF PROPOSED UNDERTAKING:

This project is located in the City of Sheboygan, Sheboygan County. It extends along North Avenue, between Calumet Drive and 13th Street, a length of approximately 0.64 miles (see Appendix A, Figure 1, Page 11 and Figures 2 & 3, Page 12).

The proposed alternative is to reconstruct North Avenue within the already extant 90-foot ROW. It will employ six cross sections, the first of which will extend from STA 12+33.85 to STA 18+00. It will include a 5-foot sidewalk on the west, followed by a 4-foot terrace, 6-foot bike lane (including the curb and gutter), 0 to 11-foot driving lane, 11-foot driving lane, 12-foot 6-inch two-way left turn lane, 11-foot driving lane, 0 to 11-foot driving lane, 6-foot bike lane (including the curb and gutter), 4-foot 6-inch terrace and 5-foot sidewalk (see Appendix A, Figure 4, Page 13). Next is a segment that reaches from STA 18+00 to STA 29+00 that consists of a 5-foot sidewalk, 11-foot terrace, 6-foot bike lane (including the curb and gutter), 11-foot driving lane, 16-foot f/c-to-f/c¹ median (excluding the curb and gutter on each side), 11-foot driving lane, 6-foot bike lane, 11-foot terrace and 5-foot sidewalk (see Appendix A, Figure 4, Page 13). The third segment continues from STA 29+00 to STA 37+75. It will include a 5-foot sidewalk, 11-foot terrace, 6-foot bike lane (including the curb and gutter), 11-foot driving lane, 14-foot f/c-to-f/c median (excluding the curb and gutter on each side), 11-foot driving lane, 5-foot bike lane, 8-foot parking lane, (including the curb and gutter), 6-foot terrace and 5-foot sidewalk (see Appendix A, Figure 5, Page 14). Segment four reaches from STA 37+75 to STA 39+75 and includes a 5-foot sidewalk, 11-foot terrace, 6-foot bike lane (including the curb and gutter), 11-foot driving lane, 14 to 16-foot left turn lane, 11-foot driving lane, 6-foot bike lane (including the curb and gutter), 13-foot terrace and 5-foot sidewalk (see Appendix A, Figure 5, Page 14). The fifth segment reaches from STA 39+75 to STA 43+06. It will consist of a 5 to 6-foot sidewalk, 3 to 5-foot terrace, 8 to 11-foot parking and turn lane (including the curb and gutter), 5-foot bike lane, 11-foot driving lane, 14-foot left turn lane, 11-foot driving lane, 5-foot bike lane, 8-foot parking lane (including the curb and gutter), 5-foot terrace and 6-foot sidewalk (see Appendix A, Figure 6, Page 15). The final project component deals with only resurfacing and the addition of a bike lane between STA 43+06 to STA 46+23. That requires 1-

¹ f/c-f/c means face-of-curb-to-face-of-curb.

foot from each side of the median, which will then have a 12-foot f/c-to-f/c width (see Appendix A, Figure 6, Page 15).

North Avenue is functionally classified as a Minor Arterial.² The project is framed by Calumet Drive, a Principal Arterial, on the west and 15th Street, a Minor Arterial, to the east, though bike lane accommodations will be continued east to 13th Street, a Local Road. Additional cross-roads include 20th and 19th streets – both classified as Local Roads. Also in the corridor are two alleys and two railroad crossings. ADT along the project length is broken into three segments. From Calumet Drive to 21st Street, it was 10,800 vehicles per day (VPD) in 2015, a number that is expected to increase to 12,100 in design year 2039. Between 21st and 15th streets, the existing VPD was 8,800 in 2015 and anticipated to grow to 9,800 in 2039. The final segment, between 15th and 13th streets, was 6,800 VPD in 2015 and projected to be 7,650 in 2039. Truck traffic constitutes 3.2 to 3.6% of the traffic along the corridor.

The current roadway employs six cross sections. The first is between STA 12+33.85 and STA 14+00 and consists of a 6-foot sidewalk on the north, 2-foot 6-inch terrace, 6-foot bike lane (including the curb and gutter), two 11-foot driving lanes, 11-foot turn lane, two 11-foot driving lanes, 6-foot bike lane (including curb and gutter), 5-foot terrace and 6-foot sidewalk to the south (see Appendix A, Figure 7, Page 16). Second is a segment that extends from STA 14+00 to STA 18+00. It includes a 6-foot sidewalk, 2-foot 6-inch terrace, 12-foot shared lane (including curb and gutter), 13-foot driving lane, 0 to 18-foot two-way left turn lane, 12-foot driving lane, 12-foot shared lane (including curb and gutter), 5-foot terrace and 6-foot sidewalk (see Appendix A, Figure 7, Page 16). The next segment reaches from STA 18+00 to STA 29+00 and consists of a 6-foot sidewalk, 6-foot terrace, 20-foot shared lane (including curb and gutter), 10-foot driving lane, 10-foot driving lane, 20-foot shared lane (including curb and gutter), 6-foot terrace and 6-foot sidewalk (see Appendix A, Figure 8, Page 17). Segment four continues from STA 29+00 to STA 38+50. It contains a 6-foot sidewalk, 6-foot terrace, 11-foot parking and bike lane (including curb and gutter), 10-foot driving lane, 16-foot f/c-f/c median, 10-foot driving lane, 11-foot parking and bike lane (including curb and gutter), 6-foot terrace and 6-foot sidewalk (see Appendix A, Figure 8, Page 17). The fifth segment reaches from STA 38+50 to STA 40+50 and includes a 6-foot sidewalk, 6-foot terrace, 12-foot parking and bike lane (including the curb and gutter), 12-foot driving lane, 12-foot turn lane, 12-foot driving lane, 12-foot turn lane (including gutter), 6-foot terrace and 6-foot sidewalk (see Appendix A, Figure 9, Page 18). The final section currently extends from STA 40+50 to STA 46+23. The only component segment that will be affected is the median, the current width of which is 14 feet f/c-to-f/c (see Appendix A, Figure 9, Page 18).

Records suggest that the concrete roadway between Calumet and the railroad tracks was constructed in 1952 and that the conveyance between the tracks and 15th Street was constructed in 1936 and overlaid with asphalt in 1977. That part of the project between 15th and 13th streets

² A Principal Arterial generally carries traffic into, through or out of a town. Minor Arterials and Collectors then help to distribute traffic from Arterials to general neighborhoods and Local Roads.

was also built in 1936, although it was overlaid with asphalt in 2009.

Several deficiencies are associated with the present facility. First, since the roadway was last constructed or rehabilitated, pavement deterioration has become apparent. According to the Pavement Surface Evaluation Rating System, the street from Calumet Drive to 15th Street is rated a 4, which suggests that it is in fair condition at best. (That section from 15th to 13th streets is considered to be a 9 - excellent.)³ Second is the fact that the storm sewer beneath North Avenue is both deteriorating and undersized. It does not meet current design standards and promotes on-street flooding during heavy rain. Third, the sanitary sewer system is deteriorating and must be improved to insure safe and efficient service. Fourth, bicycle use on North Avenue is presently accommodated by shared use parking or travel lanes. This system does not meet Sheboygan County's comprehensive plan, which requires, dedicated bike lanes. Fifth, there are significant traffic backups at the four-way stop at 15th Street and North Avenue during peak travel periods which must be addressed. Sixth, some sidewalk segments and most curb ramps fail to meet ADA requirements, which they must do. And seventh, the two railroad crossings (one main-line, one spur-line) east of 19th Street are within 88 feet of each other and operate independently. It is a situation that does not meet current design standards and requires an improved roadway profile and coordinated crossing signals that address both tracks.

The cost of the proposed roadway reconstruction is estimated to be about \$3,200,000.

II. EFFORTS TO IDENTIFY HISTORIC PROPERTIES:

The project's Area of Potential Effect (APE) starts at Calumet Drive and extends 0.64 miles east along North Avenue to 13th Street. It included all immediately adjacent structures. Seven individual properties and one potential Historic District were observed and discussed in the resulting historic resource survey report. Two of the entries (the Clark Gas Station, 2709 N. 15th, AHI #232686, and the North Avenue Historic District, various AHI #s) were evaluated for National Register eligibility and subsequently found to be eligible. This document, therefore, considers the Clark Station and the Historic District and any impact the project may have on them and those components that make them eligible for the National Register.

An archaeological survey was completed with no sites or resources being identified (see Appendix B, Page 4 [Section 106 Review Form]).

III. DESCRIPTION OF THE HISTORIC PROPERTIES:

CLARK SUPER 100 GAS STATION:

This gas station was constructed in 1954 by Milwaukee's Clark Oil Company, which claimed

³ The PASER system establishes roadway condition ratings as follows: 1) 10 or 9 is considered to be excellent; 2) 8 is very good; 3) 7 and 6 are reported to be good; 4) 5 and 4 are considered to be fair; 5) 3 is poor; 6) 2 is very poor; and 7) is failed.

158 service stations in 1953. That number grew by 168 stations built across the Midwest in 1954. Clark operated 700 stations by the end of the 1950s and 1,489 by 1970, after which rising oil prices forced the consolidation of the company. It then closed 400 outlets and implemented new marketing opportunities at those remaining. The Clark family sold the company in 1981.

Clark's stations were efficient, small and distinct. They were designed by architect Walter Pollatz and notable for their angled roofs and floor-to-ceiling, angled plate-glass windows that typically enclosed three sides of the structure which contained a product display area and cashier. Despite updated signage, new pumps and a dominant early 1990s canopy, the station was found eligible for the National Register under Criterion C (architecture) as an example of the company's 1954 stations that retains good integrity (see Appendix B, Page 7).

The historic boundary for the gas station is essentially a square that measures 108 feet (east/west) by 112 feet (north/south). All four sides are defined by parcel lines. That on the south is further identified as the back of the North Avenue sidewalk while that to the west is marked by the back of the 15th Street sidewalk (see Appendix A, Figure 12, Page 20 for a property map, and Figures 10 & 11, Page 19, for an images of the gas station).

NORTH AVENUE RESIDENTIAL HISTORIC DISTRICT:

The North Avenue Residential Historic District was determined eligible for the National Register under Criterion C (Architecture). The approximately 16 acre entity claims forty-six residential structures and one school, all of which are contributing elements within the District. Built between 1925 and 1961, the entity includes nine Period Tudor Revival houses and eight Cape Cod structures, along with examples of the Dutch Colonial Revival, American Foursquare and Mediterranean Revival styles. A number of vernacular examples are also in the District. Thirty-nine of the houses are sheathed with brick, stone or stucco. An Art Deco, former high school built in 1938 is also included in the District which was initially noted in the 2002-2004, Wisconsin Historical Society sponsored *City of Sheboygan, Wisconsin, Architectural and Historical Intensive Survey Report*. The District is an intact neighborhood in the city (See Appendix B, Page 8).

The District is bisected by North Avenue, to which all of its houses are oriented, and extends from a point just east of 15th Street on the west to N. 11th Street on the east. It includes twenty-eight houses on the south side of the street and eighteen houses and one school to the north (see Appendix A, Figure 15, Page 22 for the boundary of the District, and Figures 13 & 14, Page 21 for general pictures of the District).

IV. DESCRIPTION OF THE UNDERTAKING'S EFFECT ON THE RESOURCES:

CLARK SUPER 100 GAS STATION:

Work adjacent to this property includes two primary components. The first is to add a right turn

lane that accommodates traffic movements from westbound North Avenue to northbound 15th Street. Accordingly will the present curb along North Avenue be moved 4 feet to the north, an action that will move the current back-of-sidewalk north by 2 feet 7 inches to a point immediately south of the curb that defines the gas station's apron. And the second objective is to flatten the corner adjacent to the gas station. The street's curb will be moved 15 feet to the northeast at its greatest point, thus will the gas station's apron curb need to be moved up to 11 feet to the east northeast at its greatest point. This will take 183 square feet from the apron (see Appendix A, Figures 16-19, Pages 23-25).

NORTH AVENUE RESIDENTIAL HISTORIC DISTRICT:

Regarding the Historic District, 106 feet of the median will be removed at its far west edge in order to accommodate a westbound North Avenue to southbound 15th Street turn lane, after which there will be a 36-foot transitional median to the east. As well, the first 130 feet of terrace on the north side of the street be reduced from a width of 6 feet to 5, east of which there will be 30 feet of transition from 5 feet back to 6. Additionally will the north side sidewalk be moved back about 3 feet for a length of 12 feet (this to accommodate the westbound North Avenue to northbound 15th Street turn lane). Thereafter will the sidewalk move back to its present location. The south side terrace will also be reduced from 6 feet to 5, but this only for the first 120 feet in the District, after which it will transition back to 6 feet (see Appendix A, Figures 20 & 21, Page 26). The only other change in the District will be needed to accommodate the installation of east and westbound bike lanes in the 1400 and 1300 block. 1-foot will be taken from the north and south sides of the median (see Appendix A, Figures 22 & 23, Page 27).

V. APPLICATION OF THE CRITERIA OF NO ADVERSE EFFECT:

The preferred alternative will not destroy, alter, relocate, or cause the neglect of either the gas station or the Historic District. Nor will the setting change, a matter that is further discussed in Criterion 4 and 5.

4. *Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance:*

CLARK SUPER 100 GAS STATION:

The gas station building is the only eligible feature (Criterion C) within the Historic Boundary. It is located in the northeast corner of the property, while project work will occur at the southwest corner. Between the work proposed and the station building is a dominant canopy sheltering modern gas pumps beneath, all of which was installed in the early 1990s. Those features break any sense of visual continuity and connection between the 1954 building and the rest of the property. Thus may it be concluded that the work proposed in the southwest corner will not have an adverse effect on the

eligible gas station building in the northeast corner or the features that qualify it for the National Register (see Appendix A, Figures 16-19, Pages 23-25).

An initial opinion was sought from SHPO in this matter. Staff acknowledged that the work will have an effect on the property, but that it will not be an adverse effect (see Appendix B, Pages 37-41 for a copy of the material sent to the agency and its subsequent opinion letter).

NORTH AVENUE RESIDENTIAL HISTORIC DISTRICT:

It was noted previously that the District includes forty-six residential structures and a school. The four westernmost houses in the District (two on the north side of the street and two on the south side) are adjacent to work associated with the removal of 106 feet of median, as well as the installation of west bound turn lanes to the north and south at the North Avenue/15th Street intersection. That 106 feet is less than 7% of the District's 1,650-foot length. The terraces to the north and south will also be reduced from 6 feet to 5 for 130 feet and 120 feet, respectively, before transitioning back to the original 6 feet. The 1-foot loss of terrace is negligible. And there will be no reduction in the setback behind the sidewalk. This work is on the peripheral, west end of the District. It will have an effect, but it will not be an adverse effect that calls into question the eligibility of the architecturally significant District (see Appendix A, Figures 20 & 21, Page 26).

East of the work associated with the intersection, the median will be reduced from 14 feet f/c-to-f/c to 12 feet with 1-foot coming off each side. That width is needed for a bicycle lane in each direction. None of the trees in the median will be affected, nor any of the street-scape beyond the median. Again, this will be an affect but one that is no more than nominally detectable – if it is even that. Work will not adversely affect the District's character or physical features (see Appendix A, Figures 22 & 23, Page 27).

5. *Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features:*

This is not a capacity expansion project. It is simply intended to replace deteriorating infrastructure and promote safety. Accordingly will there be no atmospheric or noise-related components with which to deal.

CLARK SUPER 100 GAS STATION:

The work proposed at the Clark Station focuses on adding the North Avenue to 15th Street right turn lane, as well as flattening the turning radius of that corner. The work proposed is well illustrated by Figures 16-19, found in Appendix A, Pages 23-25. The curb adjacent to North Avenue will be moved north by 4 feet and the back of the current sidewalk will be shifted north by 2 feet 7 inches. It will not encroach on the curb that

defines that side of the gas station apron. There will, however, be an encroachment on the apron as the right turn is flattened. Indeed, the roadway curb will be moved 15 feet closer to the gas station property at its farthest point. The only eligible structure is the gas station building itself, and it is separated from the work proposed by a large and dominant canopy and the gas pumps beneath it. With the visual interference the canopy and pumps offer, it may be concluded that the project will still have an effect on the visual character of the gas station building, but it will not be an adverse effect.

Again, please refer to the SHPO opinion letter found in Appendix B, Pages 37-41.

NORTH AVENUE RESIDENTIAL HISTORIC DISTRICT:

The west end of the Historic District will see 106 feet of the median removed, as well as the north side terrace reduced from 6 feet to 5 for a length of 130 feet. That on the south will also be reduced from 6 feet to 5 for a length of 120 feet. Thereafter will the terrace width transition on both sides of the street from 5 feet back to 6. And the sidewalk in the first 12 feet of the District, on the north side of North Avenue, which had been pushed north by 3 feet to accommodate the North Avenue to 15th Street right hand turn, will be transitioned back to its current location. That is 12 feet, or 0.72%, of the Historic District's length (see Appendix A, Figure 20, Page 26). Please know that this work is adjacent to only the first two houses in the District on each side of the street. It will have a visual effect on the District, but it will not make the District any less eligible for the National Register.

Regarding the median, at the east end of the 106 feet to be removed (see Appendix A, Figure 21, Page 26) there will be a 30-foot transition to a 12-foot f/c-to-f/c median, as opposed to the current 14-foot f/c-to-f/c median. 1-foot will be removed from each side of the median in order to accommodate a bike lane in each direction. No vegetation will be removed from the median, nor will there be anything else done to affect the streetscape or its visual impact (see Appendix A, Figures 22 & 23, Page 27).

VI. VIEW OF SHPO AND INTERESTED PARTIES:

Letters describing the project and its objectives were sent to all Native American Tribes as required by WisDOT. A copy of the tribal letter, the mailing list to which it was sent, and any responses received are included in Appendix B, pages 9-13.

A project letter inviting recipients to attend a public information meeting about the project was sent on 10 May 2016. A copy of the letter, and a list of property owners to which it was sent, is attached in Appendix B, Pages 14-24.

The Public Information Meeting for this project was held on 18 May 2016. No issues regarding historic buildings were raised. Sign-in sheets and handouts are also included in Appendix B,

Pages 25-33.

Letters advising of the project and the historical resource survey being completed were sent on 10 August 2016 to the Sheboygan Historic Preservation Commission and the Sheboygan County Research center. Those letters are attached in Appendix B, Pages 34-36.

As the project evolved, and the assessing of its effects on adjacent historic resources was considered, we sought clarification from the State Historic Preservation Office as it pertained to considering potential effects at the Clark Oil gas station in the NE corner of North Avenue and 15th Street. The project team believed that the project would have an effect on the Clark station, but not an adverse effect. SHPO tentatively concurred with that finding. Appendix B, Pages 37-41, include our letter seeking comment and SHPOs response.

The North Avenue Residential Historic District, a three-block long entity, was found eligible for the National Register of Historic Places under Criterion C. Given the nature of the project, and the fact that the east three-quarters of the 15th Street to 13th Street block will only be resurfaced, although with 1-foot coming off each side of the current 17-foot wide terrace in order to help accommodate bike lanes, adjacent property owners received letters seeking comments. After consultation with WisDOT Cultural Resource Staff, it was determined unnecessary to make follow up calls to these letter recipients. See Appendix B, Pages 42-50, for the letter, the mailing list to which it was sent, and confirmation of the fact that no comments were received.

A letter was also sent to the four residents in the North Avenue Residential Historic District that are closest to the District's western limit (two on the north side of the street and two on the south) and that are immediately adjacent to more substantial median work and the construction of two turn lanes. No responses were initially received, thus was a follow up letter sent after which we visited each of the four properties on 30 November 2017 and knocked on the doors. That latter effort yielded a conversation with the owner of the property at 1416 North Avenue who indicated that she had no immediate concerns about the project and its ability to affect the Historic District. Then, on 12 December, we received a call from the owner of the property located at 1413 North Avenue. She stated that she understood the project and its need, but was sorry to see the Historic District encroached upon. Copies of both letters, the mailing list to which they were sent, and the conversation summaries with the two owners are found in Appendix B, Pages 51-60.

Thereafter was a letter sent to the owner of the Clark Oil gas station that had been found to be individually eligible for the Register. The owner stated, in response, that he was disappointed with the project and that it would affect access to his business. He was then given the name and number of McMahon's project engineer who, as of 01 February 2018, he has not followed up with. The letter and a summary of our telephone conversation are found in Appendix B, Pages 61-68. Please note as well that SHPO tentatively concurred that the project would not have an adverse effect on the gas station (see Appendix B, Pages 37-41).

Finally was Chad Pelishek, the city staff liaison to the city's Historic Preservation Commission contacted on 08 January 2018 by telephone. He explained that the HPC was only concerned about properties that were listed on the National Register, not those that had only been determined eligible. Thus did he have no concerns about the project or its ability to affect historically significant properties along it. A letter was sent on 23 January 2018 to the Sheboygan County Historical Society. A follow up telephone conversation on 01 February 2018 with its executive director revealed that he has no concerns about the project and does not think it will make the two Register-eligible entities any less eligible. Copies of these communications are found in Appendix B, Pages 69-73.

VII. DE MINIMUS SECTION 4(F) FINDING:

We hereby inform you of WisDOT's intent, on behalf of FHWA, to consider your concurrence in a finding of No Adverse Effect under Section 106 as meeting one of the criteria for a de minimus finding under Section 4(f). Concurrence with the DNAE serves as acknowledgment of this official notification.

Appendix A

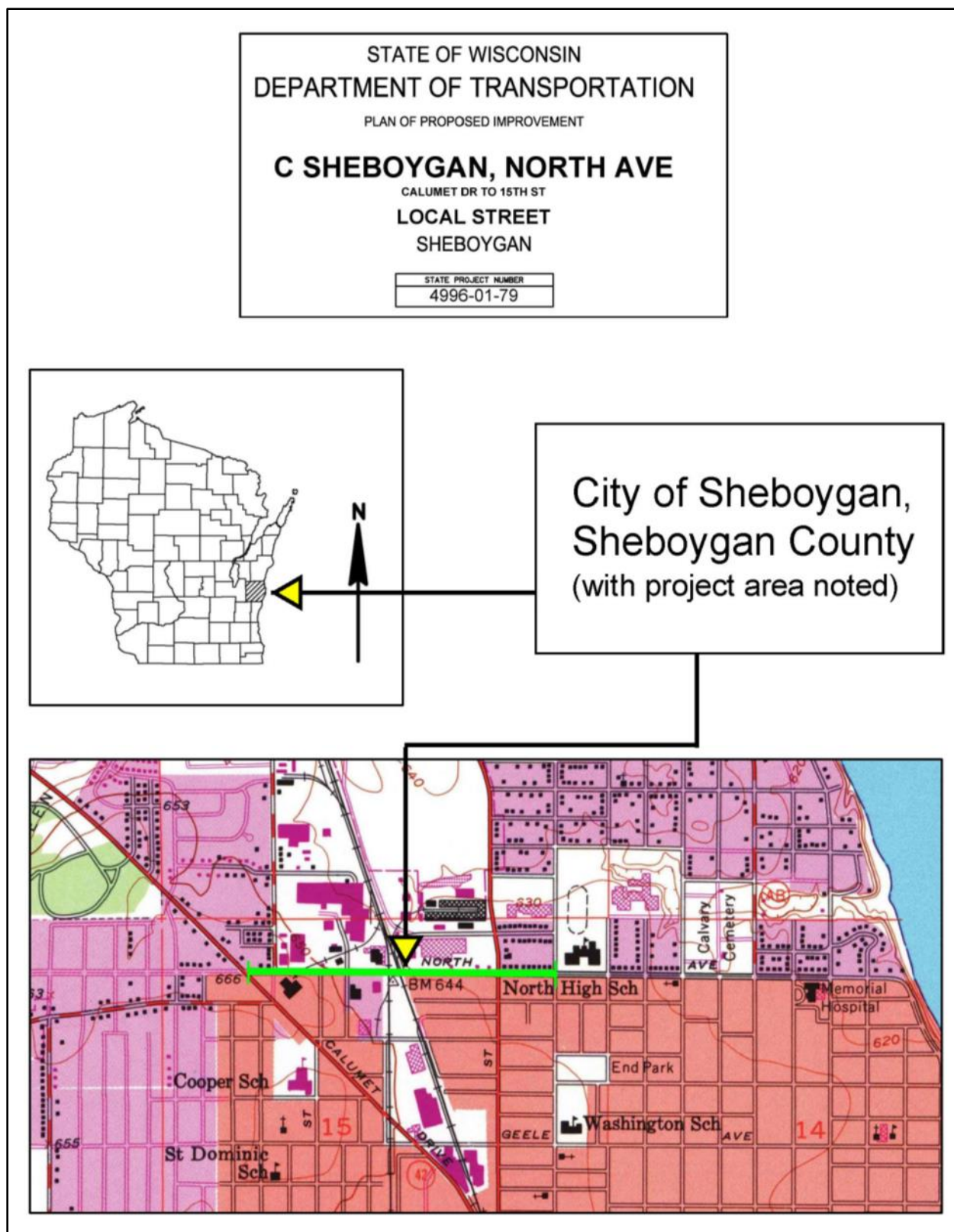


Figure 1: Project location in the State of Wisconsin, Sheboygan County, City of Sheboygan.



Figure 2: This close-up image illustrates in some detail the project area and its two components, as well as the location of the National Register-eligible Clark Station (2709 N. 15th Street) and North Avenue Residential Historic District (image adapted from a bing.com aerial picture).

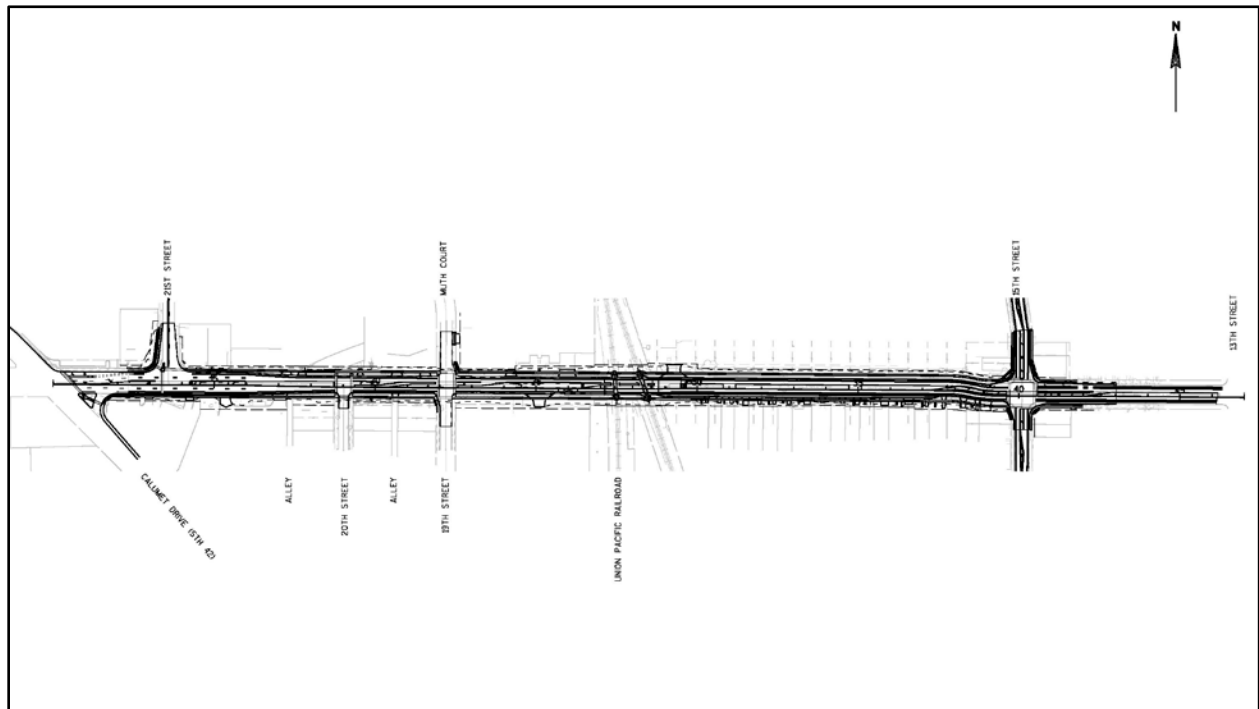


Figure 3: Identified in this illustration are the streets that intersect with the North Avenue project length and the nominal extent of construction on those streets.

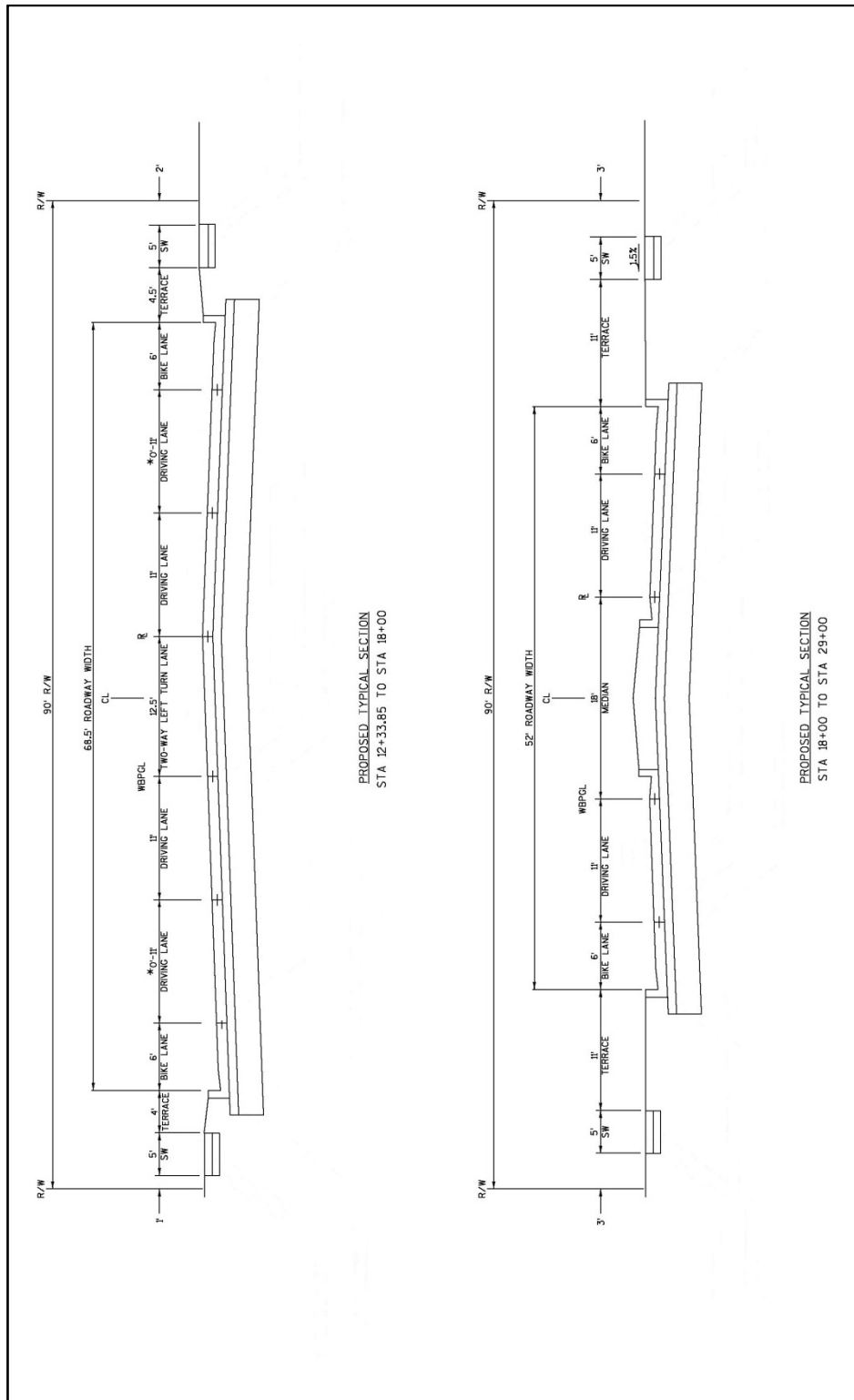


Figure 4: Proposed cross section, between the two images, essentially from Calumet Drive on the west to a point immediately east of the railroad tracks. (Despite the designation of an 18-foot median on the right-side image, which includes pans, it will only be 16 feet f/c-to-f/c.)

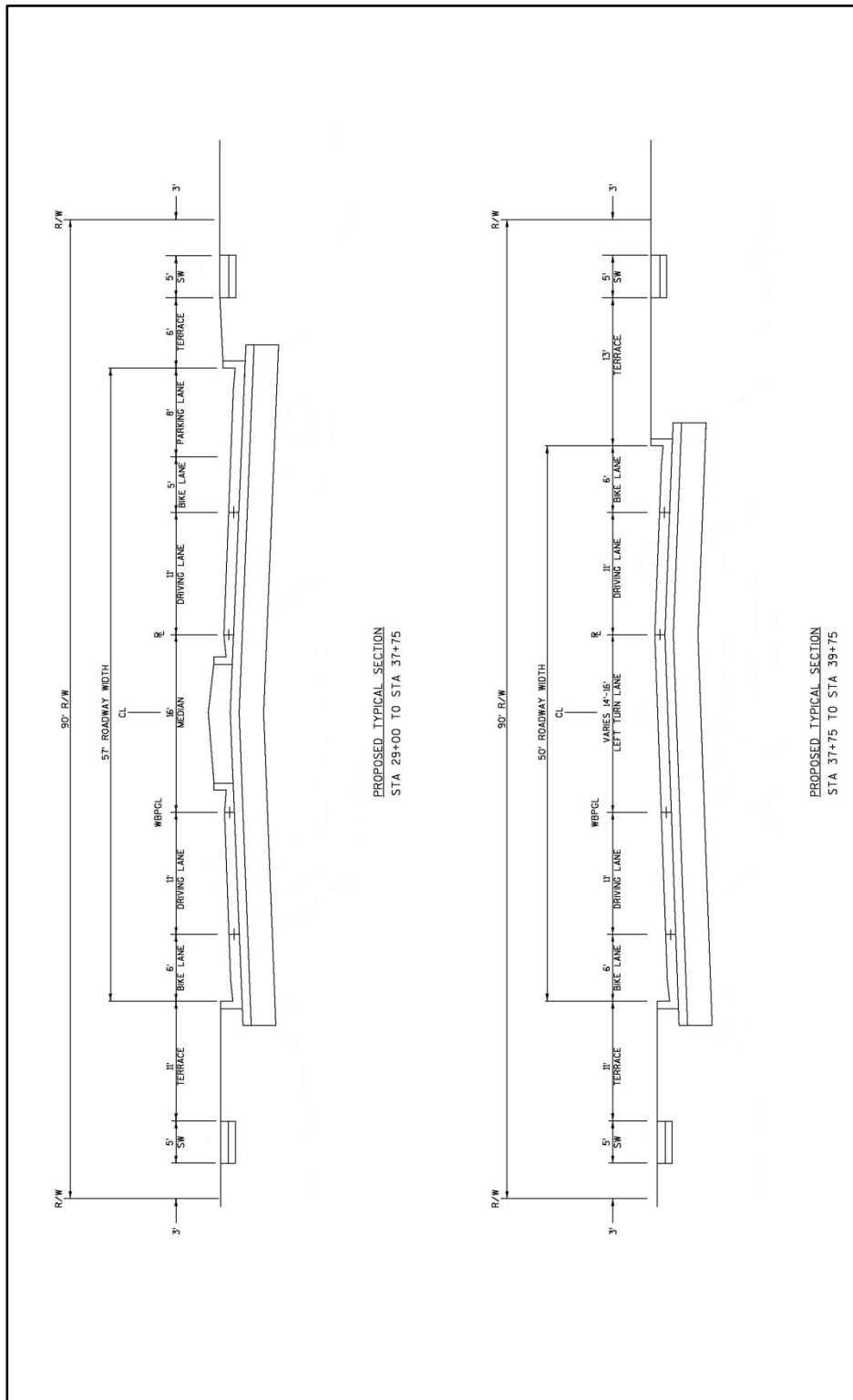


Figure 5: Existing cross section, between the two images, essentially from a point immediately east of the railroad tracks on the west to a point immediately west of 15th Street on the east. (Despite the designation of a 16-foot median on the left-side image, which includes pans, it will only be 14 feet f/c-to-f/c.)

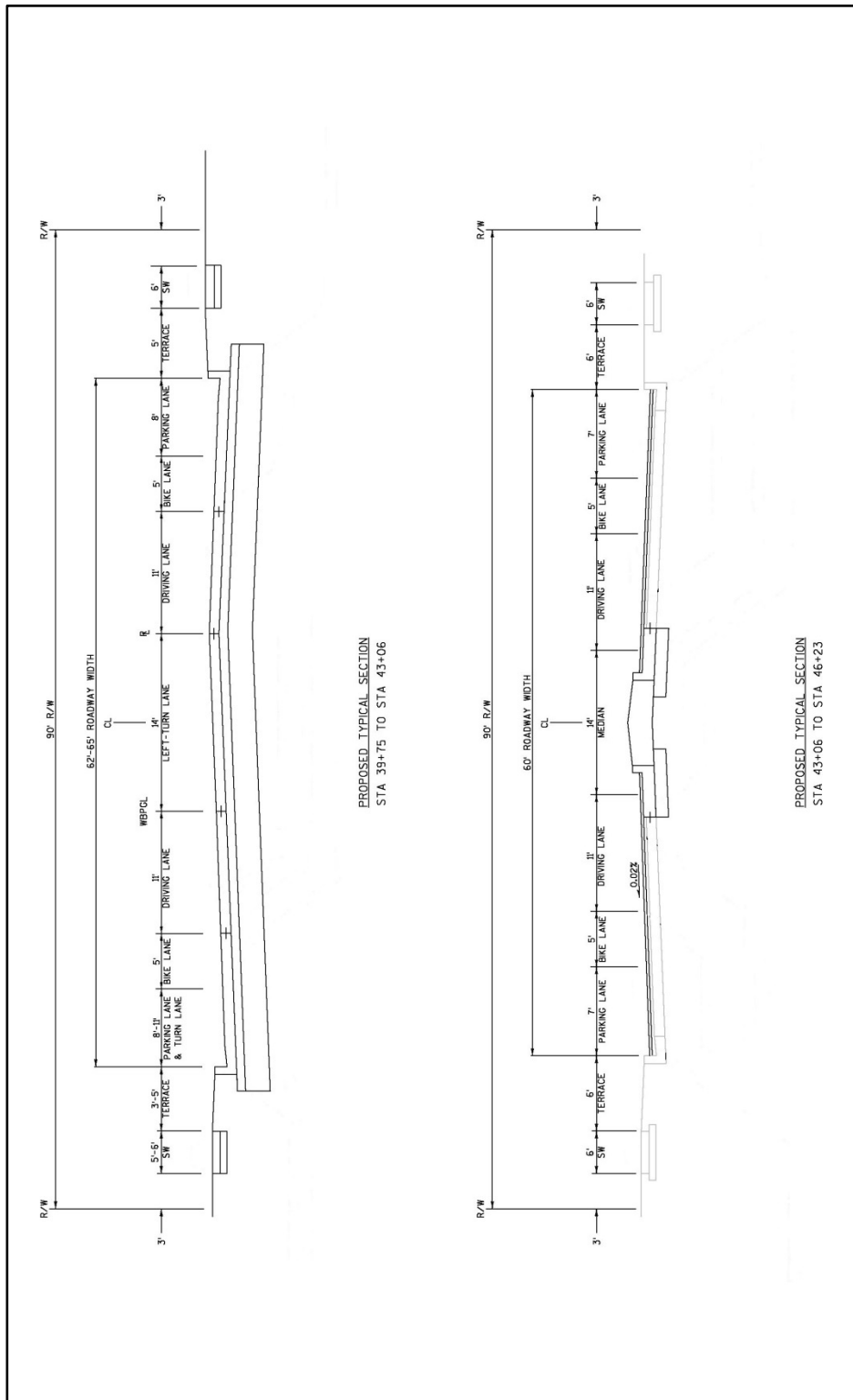


Figure 6: Proposed cross section, between the two images, essentially from a point immediately west of 15th Street on the west to 13th Street on the east. Despite the designation of a 14-foot median on the right-side image, which includes pans, it will only be 12 feet f/c-to-f/c.)

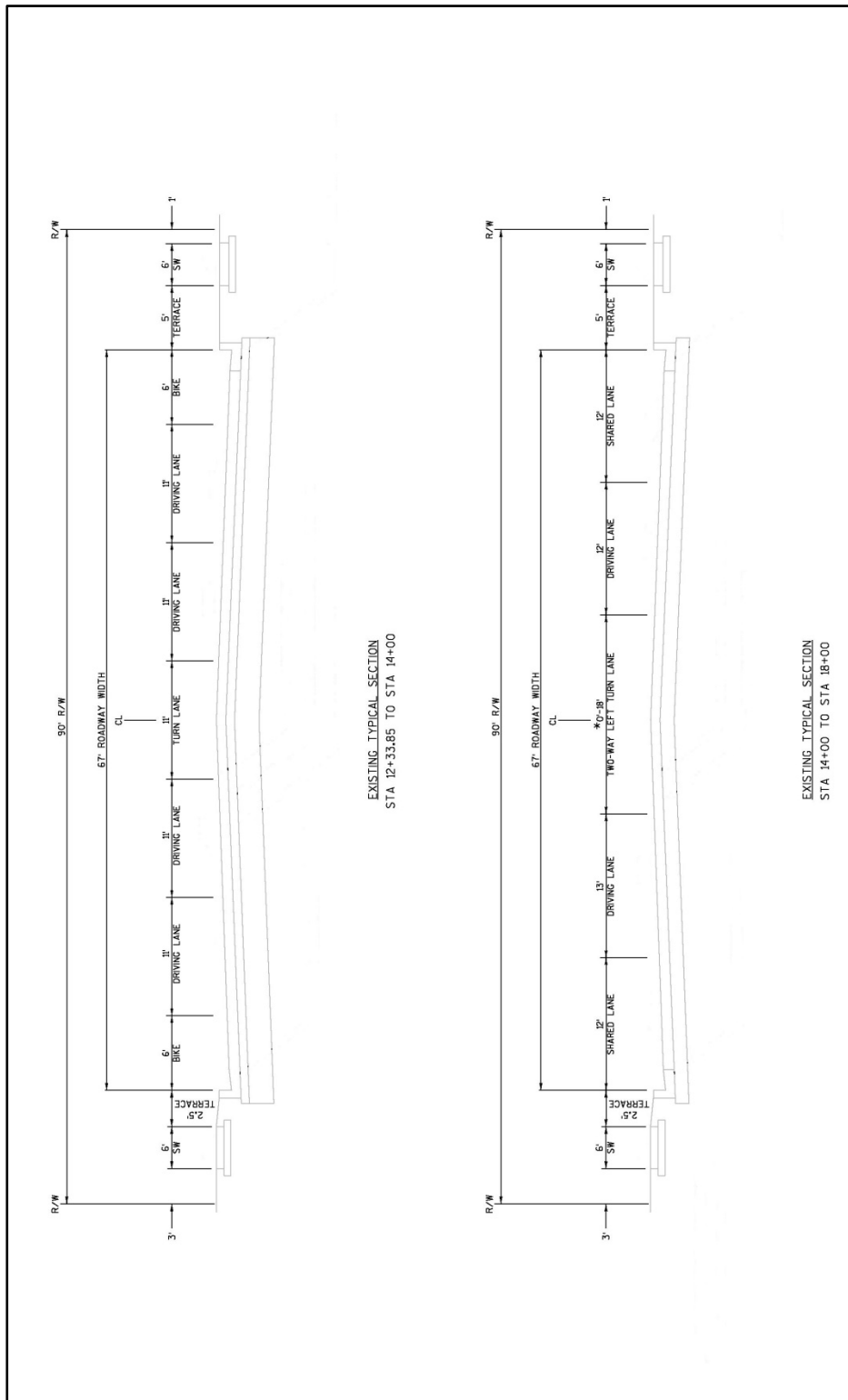
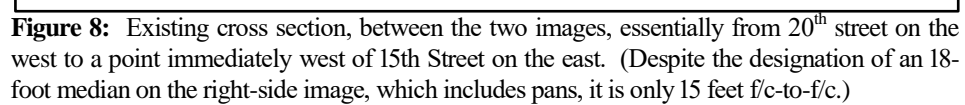


Figure 7: Existing cross section, between the two images, essentially from Calumet Drive on the west to 20th Street on the east.



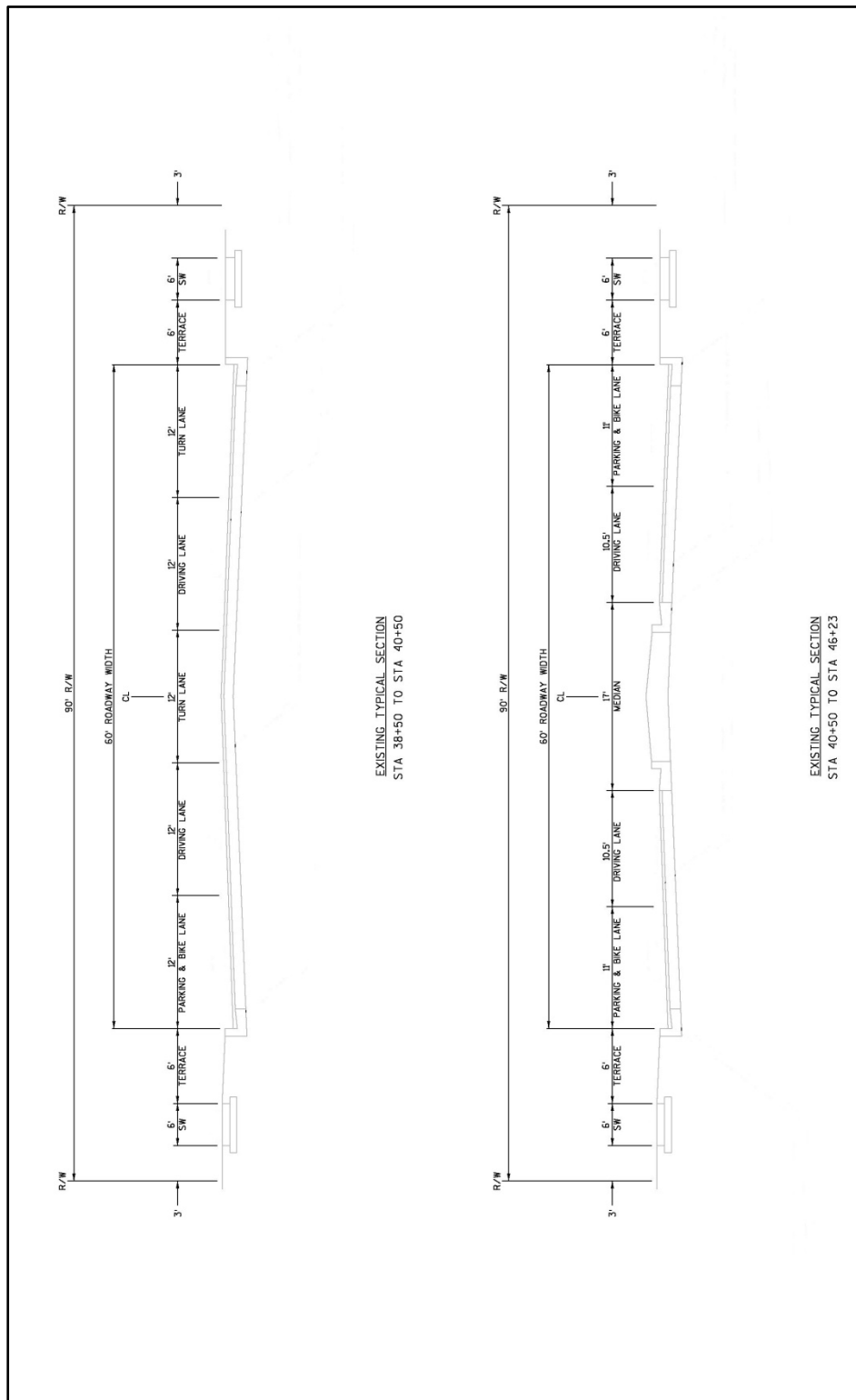


Figure 9: Existing cross section, between the two images, essentially from a point immediately west of 15th Street on the west to 13th Street on the east. (Despite the designation of a 17-foot median on the right-side image, which includes pans, it is only 14 feet f/c-to-f/c.)



Figure 10: Clark Oil Gas Station. View to north.



Figure 11: Clark Oil Gas Station. View to the north. Close-up image of the only contributing resource within the property boundary.

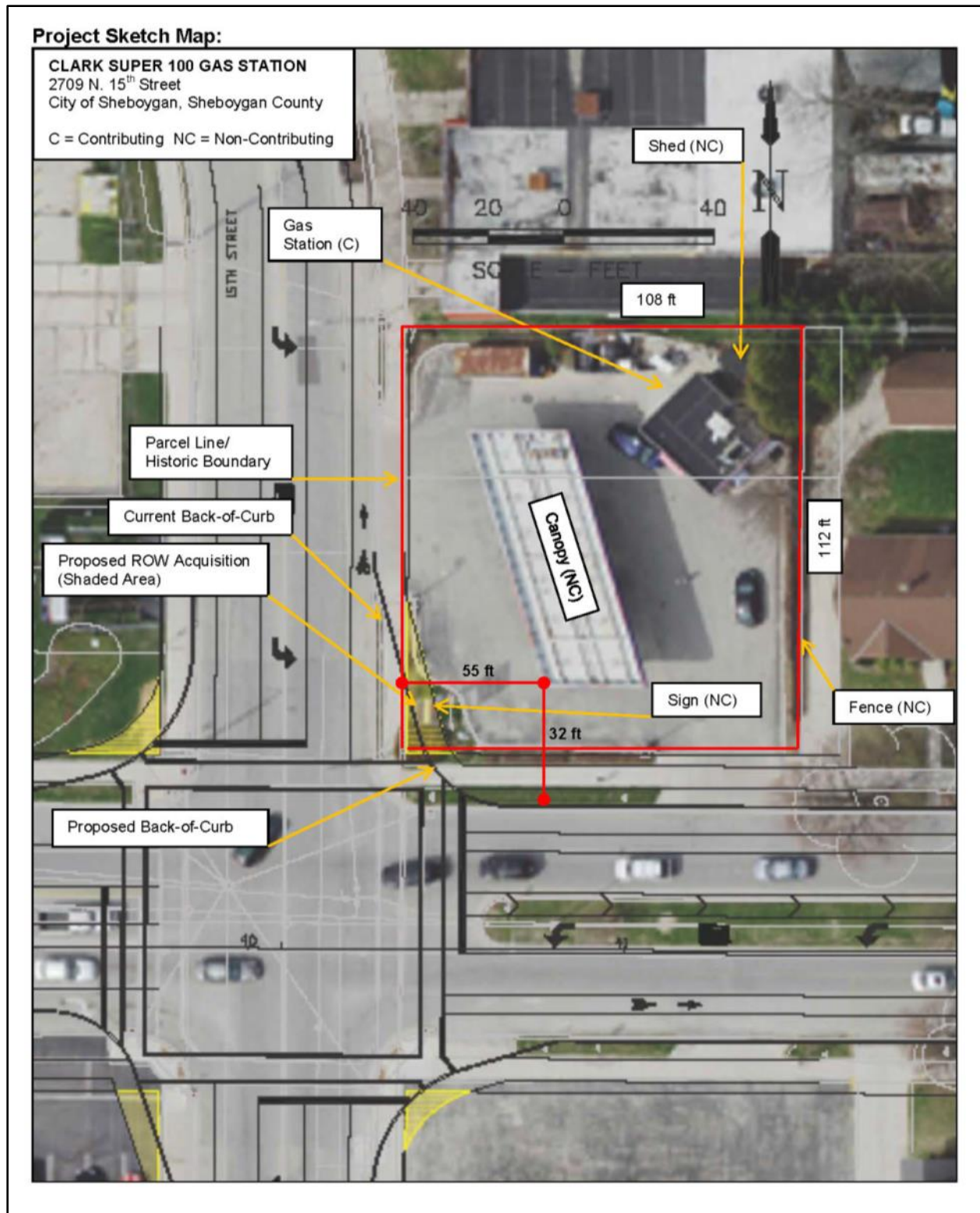


Figure 12: Clark Super 100 sketch map prepared for the DOE. This is an illustration of the historic boundary, as well as the contributing and non-contributing components. Project plans have evolved since this map was prepared and the ROW acquisition it shows is NOT accurate. See Figure 16, Page 23 for the final ROW acquisition.



Figure 13: The North Avenue Residential Historic District, view to the northeast. This image illustrates houses in the western most third of the District, on the north side of the street.



Figure 14: This image illustrates a view to the southwest of the 1400-1300 block of the North Avenue Residential Historic District. This is the westernmost third of the District, south side of the street.

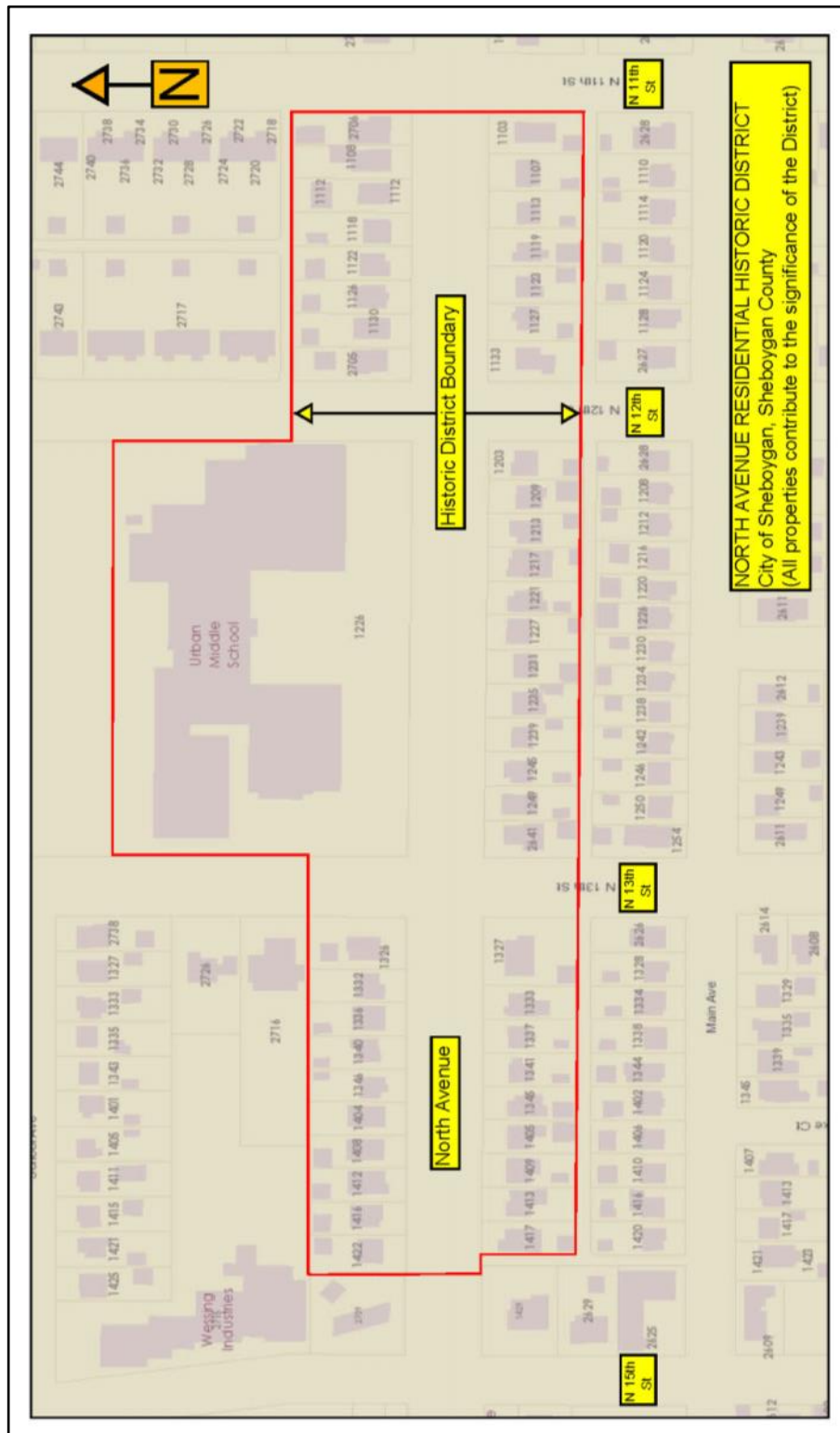


Figure 15: Illustrated here is the boundary of, and all of the buildings included in, the North Avenue Residential Historic District.

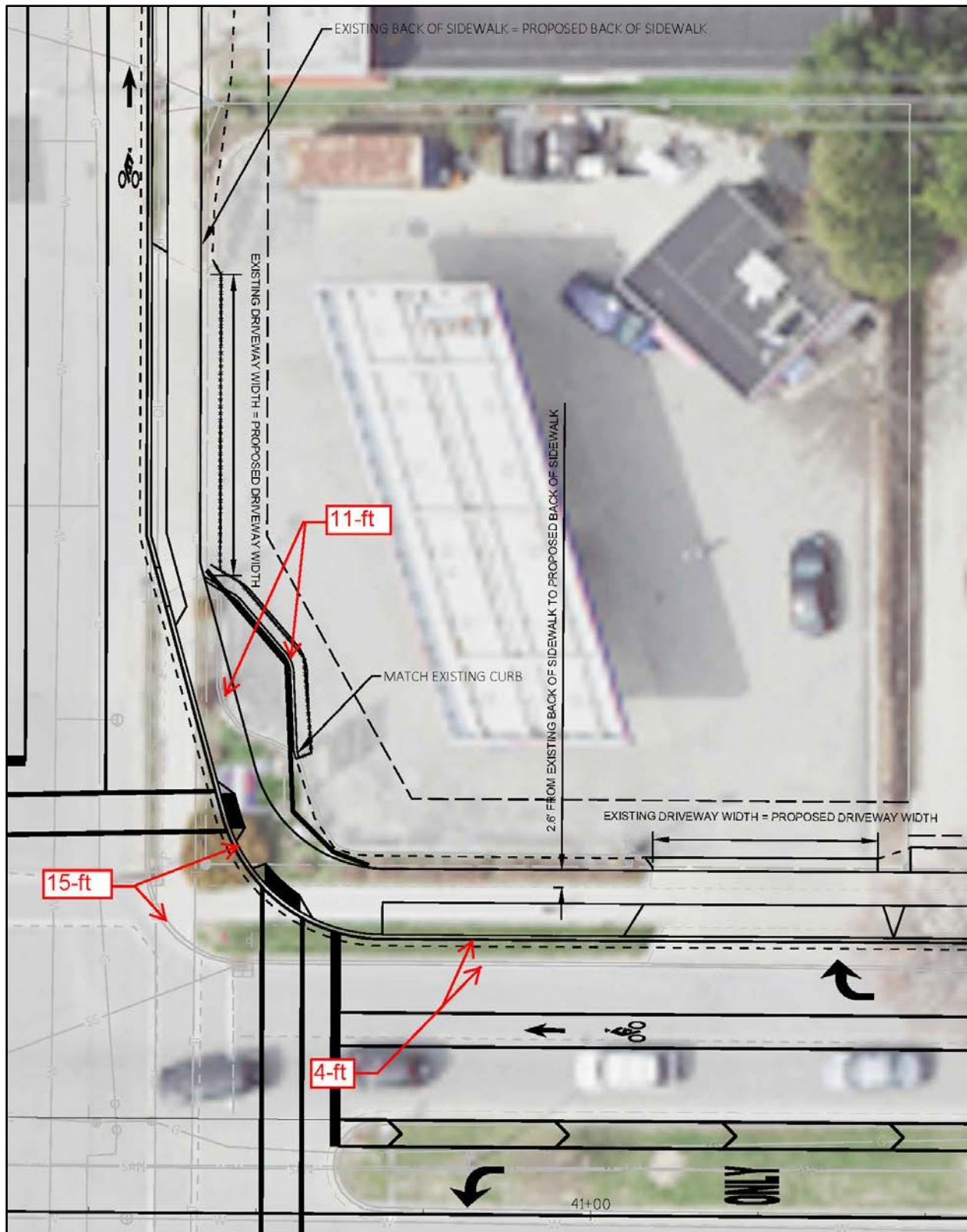


Figure 16: The former Clark Station is situated in the northeast corner of the North Avenue/15th Street intersection. The heavy, dark line to the southwest of the canopy illustrates the proposed new edge of the apron.

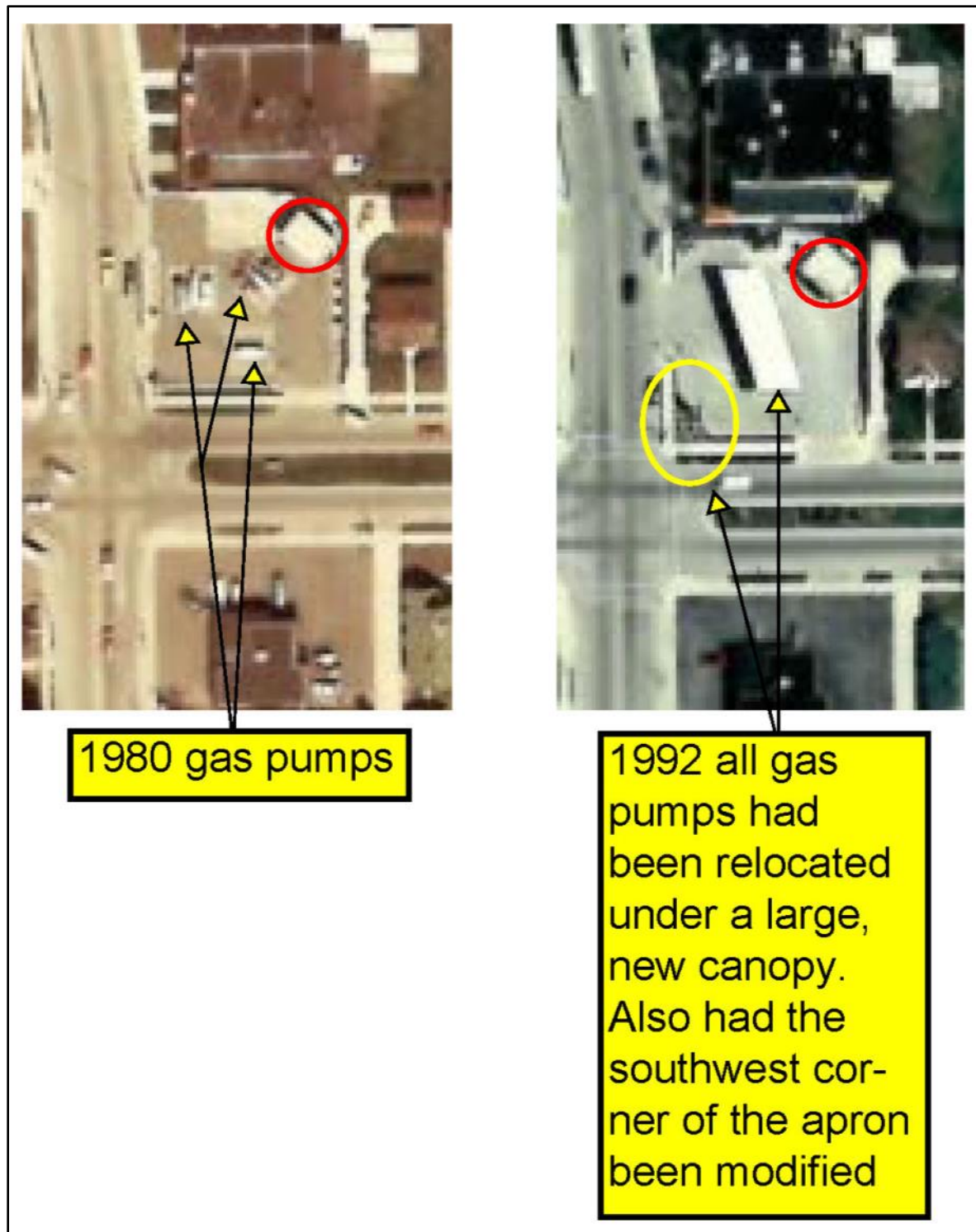


Figure 17: This illustration includes a picture of the station in 1980 and 1992. It is apparent in 1980 that the lot included the station building itself (circled in red) and three gas pump islands. The situation was entirely changed in 1992, however, when the new canopy was apparent with all of the gas pumps now located under it. The southwest corner of the lot had also been modified by that time. It is argued, therefore, that there is nothing historically significant about the canopy (which is non-contributing) or the previously disturbed southwest corner. The one significant gas station building itself will be unaffected by the project.



Figure 18: This image illustrates the gas station property with a view to the north northeast. It, and the one below, show well how the modern canopy and gas pumps will shelter the work in the foreground, in the vicinity of the grass and the gas station's apron curb beyond the sidewalk, from the station office in the background.



Figure 19: Taken along with the picture above, this illustration again emphasizes the visual obstruction the non-contributing pumps and canopy provide between the location of the proposed work in the foreground that the station office in the background.

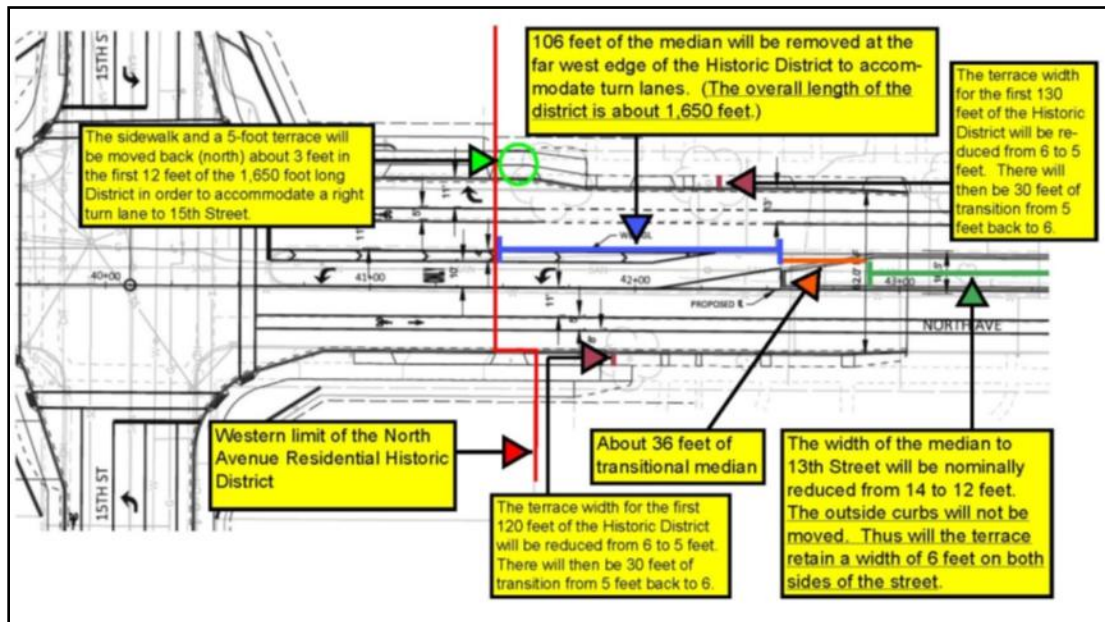


Figure 20: This illustration pictures what will be happening in the final 150 feet of the Historic District's west end. The work, with the removal of the median and narrowing of the terraces, will only occur adjacent to the two, western-most houses on both sides of the street at the District's west end.



Figure 21: Reflected in this image is that part of the median immediately east of 15th Street that will be removed to accommodate turn lanes (view to the west).



Figure 22: Taken from a point just east of 15th Street, this picture shows how little impact the narrowing of the terrace from 14 feet to 12 feet will have on the median as it extends to 13th Street (view to the east).

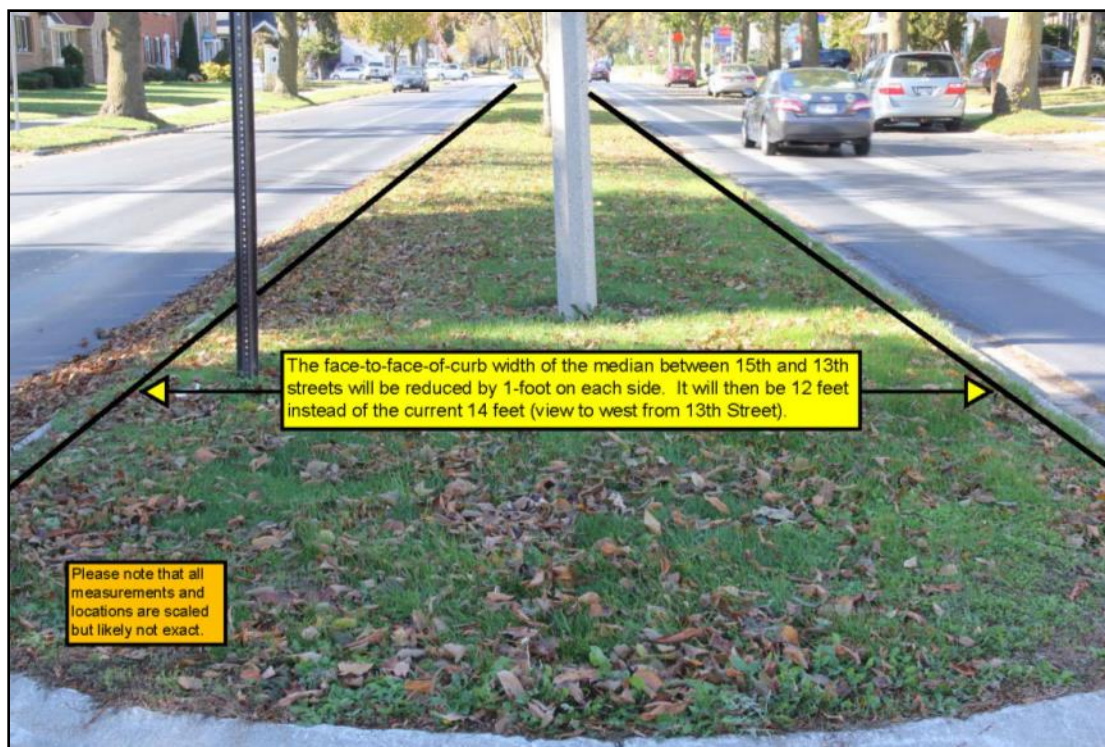


Figure 23: As with Figure 19, only with a view to the west from 13th Street, this image reveals the negligible affect the narrowing of the terrace by 1-foot on each side will have on its character and appearance.

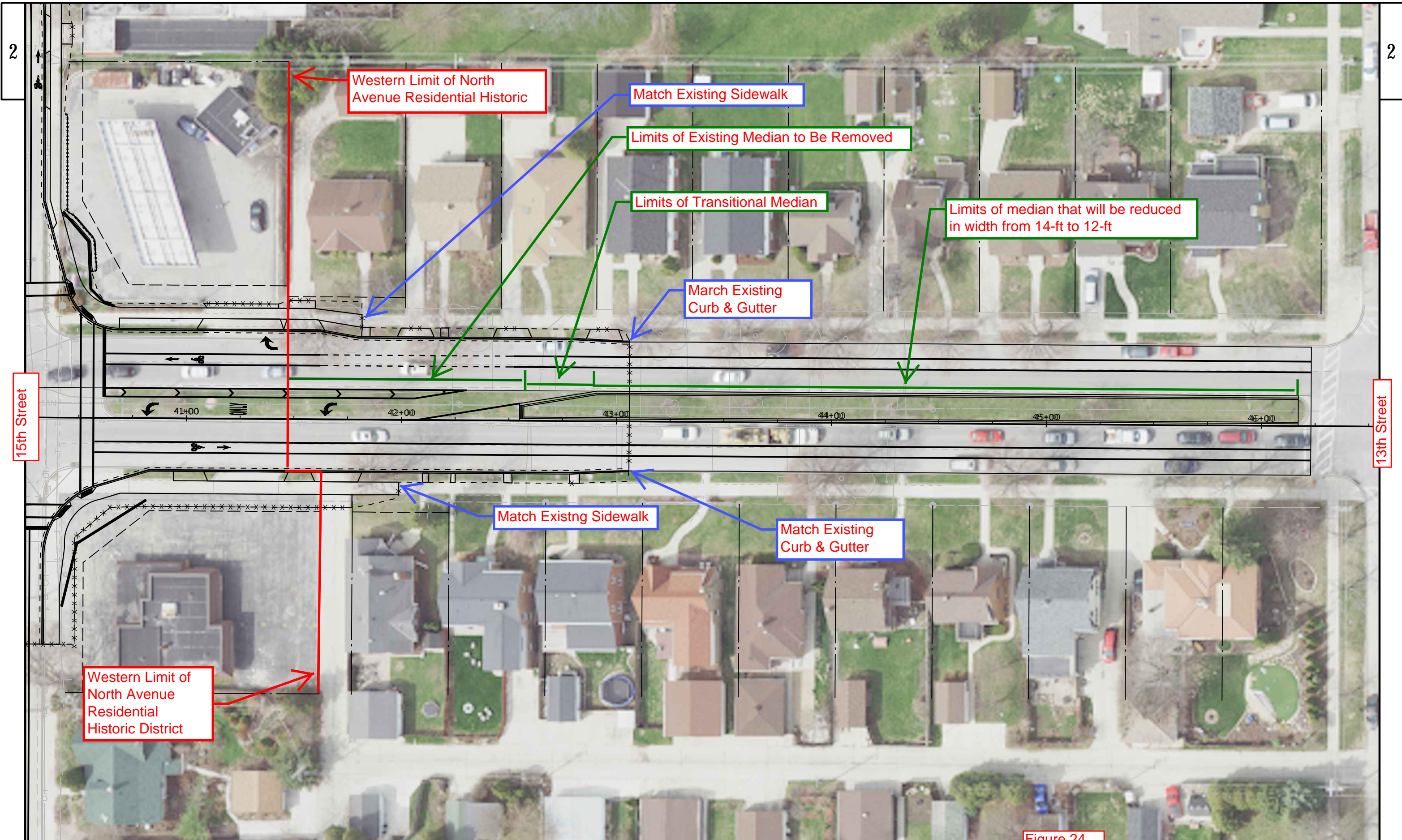


Figure 24



May 10, 2016

Sample PIM letter sent to
current residents and
property owners

SUBJECT: Public Information Meeting
Project ID 4996-01-78
North Avenue, City of Sheboygan
Project Limits: Calumet Drive to N. 15th Street

Dear Property Owner:

The City of Sheboygan, in conjunction with the Wisconsin Department of Transportation (WisDOT) Northeast Region, will conduct an informational meeting to discuss the purpose and need for the North Avenue project from Calumet Drive to N. 15th Street in the City of Sheboygan. **The meeting will be held on Wednesday, May 18, 2016, at Maywood – Ellwood H. May Environmental Park, in the Ecology Center, located at 3615 Mueller Road, Sheboygan, WI 53083, from 4:30 p.m. to 6:00 p.m. A short presentation will be made at 5:00 p.m.**

The project includes reconstruction of the existing roadway. The roadway will be modified to provide on-street bike lanes. Other proposed improvements include removal and replacement of the existing sidewalk, installation of a new street lighting system, modifications to the N. 15th Street intersection, and new storm sewer. The project is anticipated to be constructed during the 2019 construction season with an estimated duration of five months (mid-May thru mid-October). City and WisDOT staff will be available to discuss the project on an individual basis and obtain your input. We also ask you to share any knowledge you may have about historic buildings and structures, archaeological sites, septic systems, drain tiles, or drainage problems near the project with the project staff.

You are encouraged to attend the meeting to review and discuss the proposed improvements. We also ask that you please share any questions, comments, or concerns about the project at the meeting with one of our staff members.

Maywood's Ecology Center is wheelchair accessible. Persons who are unable to attend the meeting can make their comments by contacting the City Engineer, Ryan Sazama, at 2026 New Jersey Avenue, Sheboygan, WI 53081 at 920-459-3485 or by e-mail at Ryan.Sazama@sheboyganwi.gov. **Citizens who are deaf or hard of hearing and/or who require an interpreter may request one by contacting Ryan Sazama at least three working days prior to the meeting.**

Sincerely,

Ryan J. Sazama, P.E., AIA
City Engineer

DEPARTMENT OF
PUBLIC WORKS
ADMINISTRATION

2026 NEW JERSEY AVE.
SHEBOYGAN, WI
53081-4790

920/459-3366
FAX 920/459-3443

Listing of residents that were sent PIM invitation letters
--

CURRENT RESIDENT
1408 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1412 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1422 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1429 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1509 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1511 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1515 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1537 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1545 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1603 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1629 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1645 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1804 MARTIN AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1809 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1810 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1837 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
1932 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2022 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2033 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2108 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2235 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2307 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2422 NORTH AVE
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2610 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2619 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2622 N 15TH ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2625 N 15TH ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2642 N 19TH ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2702 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2713 CALUMET DR
SHEBOYGAN, WI 53083

Listing of residents that were sent PIM invitation letters
--

CURRENT RESIDENT
2715 N 15TH ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2720 MUTH CT
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2722 N 21ST ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2732 N 15TH ST
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2733 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2757 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2801 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2802 CALUMET DR
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2802 MUTH CT
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2821 MUTH CT
SHEBOYGAN, WI 53083

CURRENT RESIDENT
2829 CALUMET DR
SHEBOYGAN, WI 53083

Exhibit J
Hazardous Materials Investigations

Executive Summary

The Wisconsin Department of Transportation (WisDOT) is planning to improve North Avenue between Calumet Drive (west end) to approximately 500 feet east of N. 15th Street and the Union Pacific Railroad right-of-way (ROW) from 500 feet north of North Avenue south to Martin Avenue. The road construction project involves the City of Sheboygan and Sheboygan County, and will include right-of-way (ROW) acquisition, reconstruction of pavement and subsurface utilities, and other improvements.

GEI Consultants, Inc. (GEI) was retained by WisDOT to complete Phase 2.5 Subsurface Investigations (Phase 2.5 SI) within the existing ROW adjacent to, or within proposed construction or ROW acquisition areas at three sites along the North Avenue/N. 15th Street intersection that were identified as being candidates for further assessment in a Phase I Hazardous Material Assessment report (Phase I Report) previously prepared for the corridor (McMahon Associates, Inc., *Phase I Hazardous Materials Assessment, North Avenue, Calumet Drive to N. 15th St., and The Railroad Right-of-Way from 500' North of North Avenue to Martin Avenue*, June 2017): Former Bruns Chiropractic (1429 North Avenue), Clark Oil Station (2709 N. 15th Street), and Auto Plus (1509 North Avenue). The objective of the Phase 2.5 SI was to assess the environmental condition of proposed acquisition areas and/or the potential for impacted media (soil and/or groundwater) to be encountered during the planned project (WisDOT ID 4996-01-79).

The Phase 2.5 SI included completing subsurface exploration by advancing soil probes and installing temporary groundwater monitoring wells. GEI and a subcontract environmental probe firm completed subsurface exploration along the corridor on October 31, 2017. Soil and groundwater samples were collected for chemical analysis of contaminants of potential concern and additional landfill waste characterization analytes.

Results of the Phase 2.5 SI indicate that subsurface impacts above State of Wisconsin regulatory standards were detected in the ROW adjacent to and/or within the areas proposed for WisDOT construction and/or acquisition, as summarized below:

- **Site 8 (Former Bruns Chiropractic - 1429 North Avenue):** Petroleum odors and elevated photoionization detector (PID) readings were observed for soil samples collected generally deeper than 2 feet below ground surface (bgs), and elevated concentrations of petroleum volatile organic compounds (PVOCs) were detected in soil at concentrations representing a potential direct contact risk to human health and a potential risk to groundwater quality. PVOCs were also detected in groundwater above Preventive Action Limits (PALs) and Enforcement Standards (ESs).
- **Site 9 (Clark Oil Station – 2709 N. 15th Street):** Volatile organic compounds (VOCs) were not detected in Phase 2.5 soil or groundwater samples, and lead was not detected above its background threshold value (BTV) in Phase 2.5 soil samples. However, based on previous soil and groundwater data generated for the site as part

of a closed leaking underground storage tank (LUST) case, it is anticipated that PVOCs are present in soil and groundwater within the ROW near this site, potentially at concentrations exceeding applicable state standards.

- **Site 10 (Auto Plus – 1509 North Avenue):** PVOCs (methyl-tert butyl ether [MTBE] and 1,2-dichloroethane) were detected in groundwater at concentrations above the PAL but below the ES. VOCs were not detected in soil samples collected from the ROW near this site during the Phase 2.5 SI. Polycyclic aromatic hydrocarbons (PAHs) were detected in one soil sample at concentrations below residual contaminant levels (RCLs). However, based on previous soil and groundwater data generated for the site as part of a closed LUST case reviewed with current Phase 2.5 data, it is anticipated that PVOCs and possibly also PAHs are present in soil and groundwater at concentrations exceeding regulatory standards.

Based on Phase 2.5 SI results, and information obtained from the Wisconsin Department of Natural Resources (WDNR), it is anticipated that petroleum/gasoline-impacted soil will be encountered during the construction project adjacent to Sites 8, 9 and 10 and PAH-impacted soil may be encountered near Site 10. Therefore, we recommended that excavations adjacent to Sites 8, 9, and 10 be field-screened by an environmental consultant during construction. Much of the soil excavated from near those sites will require treatment and/or disposal at a WDNR-licensed bioremediation/landfill facility. However, it is anticipated that a portion of the material excavated from near those sites, soil which exhibits low-level impacts, will be considered environmentally-suitable for reuse as backfill in the excavation from which it came. Material with low-level impacts that is unable to be reused due to construction constraints (excess material and/or material considered unsuitable for geotechnical reasons) will require disposal at a WDNR-licensed bioremediation/landfill facility. Existing pavement, sidewalk, and base course at the Phase 2.5 SI locations are not anticipated to be impacted, and therefore, those materials should be able to be managed as common excavation. Existing pavement, sidewalk, and base course at the Phase 2.5 SI locations are not anticipated to be impacted, and therefore, those materials should be able to be managed as common excavation.

Groundwater or moist soil as evidence of groundwater was encountered at depths as shallow as 5 feet bgs during the Phase 2.5 SI. Groundwater infiltration into the open borehole or well casing was slow at many locations due to the low permeability of the natural silty clay deposits. Therefore, although excavations associated with reconstruction of storm sewer may extend to depths below the water table, significant dewatering may not be required. If dewatering is necessary to facilitate construction, water generated during those activities should not be discharged to the surface, storm sewer, or sanitary sewer unless such discharge is approved and/or permitted by the WDNR and/or the City of Sheboygan Wastewater Treatment Plant (City WWTP). If dewatering occurs, it is anticipated that much of the water generated in the vicinity of Sites 8, 9, and 10 will be approved by the City WWTP to discharge directly to the sewer and/or be transported to the City WWTP for disposal. However, a portion of the water may need to be temporarily staged at the construction site for testing and/or pretreatment prior to discharge to the sanitary sewer or transportation to the City WWTP, and there is a possibility

for some water to require off-site treatment and disposal at a facility other than the City WWTP.

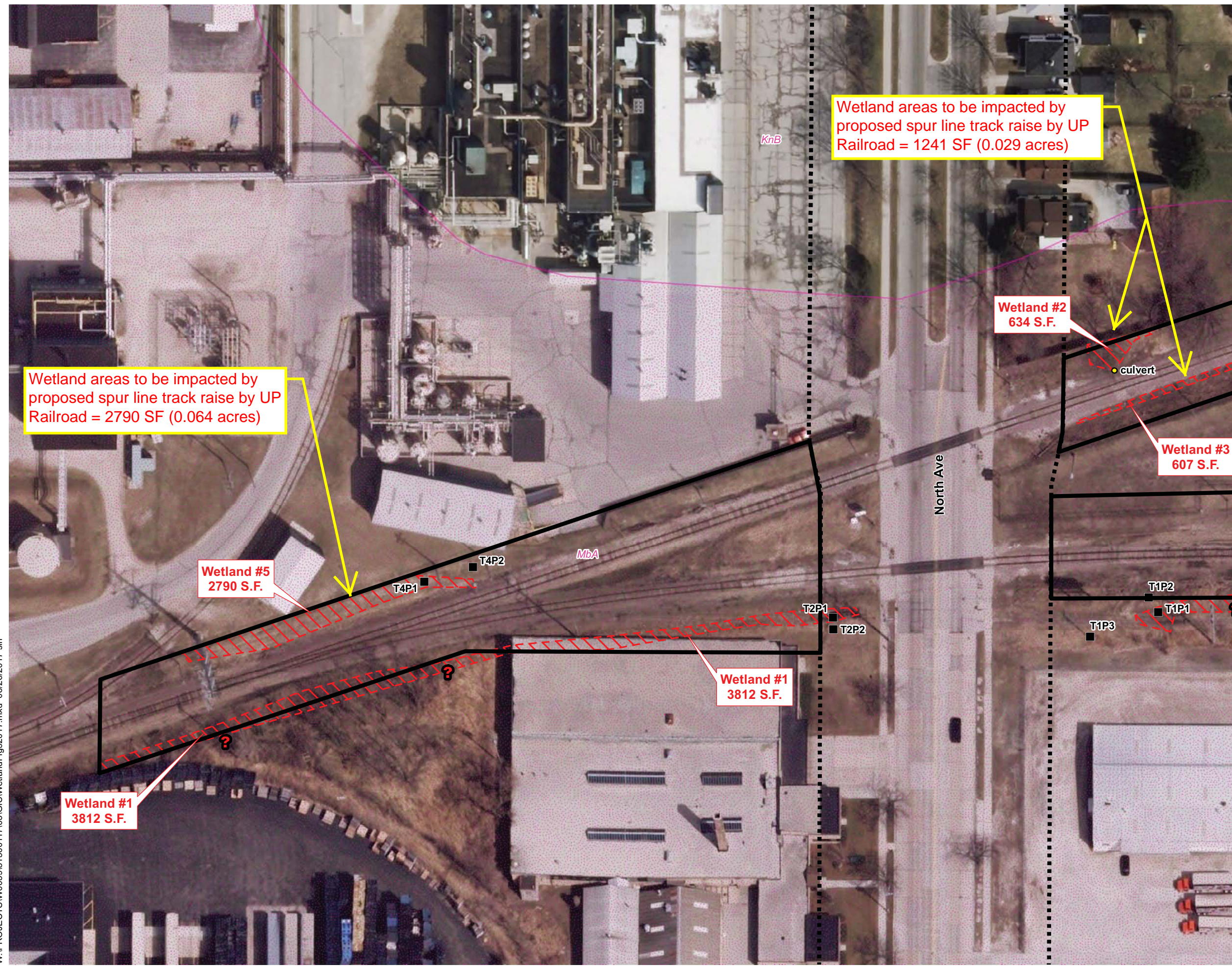
Further subsurface investigation for the purposes of preparing for the intersection improvement project, does not appear warranted at this time. However, we recommended that the City and WDNR be notified of these assessment results. Additionally, we recommended that the owners of the sites subject of Phase 2.5 SI sampling be notified of the soil and groundwater test results associated with their site.

Soil and/or groundwater impacts were identified near and/or within the areas proposed for WisDOT acquisition on Sites 8, 9, and 10; therefore, WisDOT may wish to consider an alternate means of securing access to those proposed acquisition areas for the purposes of completing the improvement project (e.g., permanent limited easements [PLEs] or temporary limited easement [TLEs]), if possible.

Contract special provisions for management of impacted soil and groundwater that may be encountered during construction activities were prepared and are appended to this report.

Exhibit K
Wetlands

W:\PROJECTS\W005918\1500117\03\GIS\WetlandFig32017.mxd 06/26/2017 sh



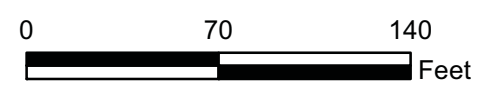
Mapped Features

- 2017 Review Area (3.43 acres)
- - - - 2015 Review Area
- T1P1 ■ Transect Line Number & Sample Point Number
- [Red Hatched] Wetland Area (9781 S.F. within review area)
- Ⓢ Wetlands Extend Beyond Review Area
- [MdB] Wetland Indicator Soil

1 inch = 70 feet

Source: Sheboygan County, 2010-2014.

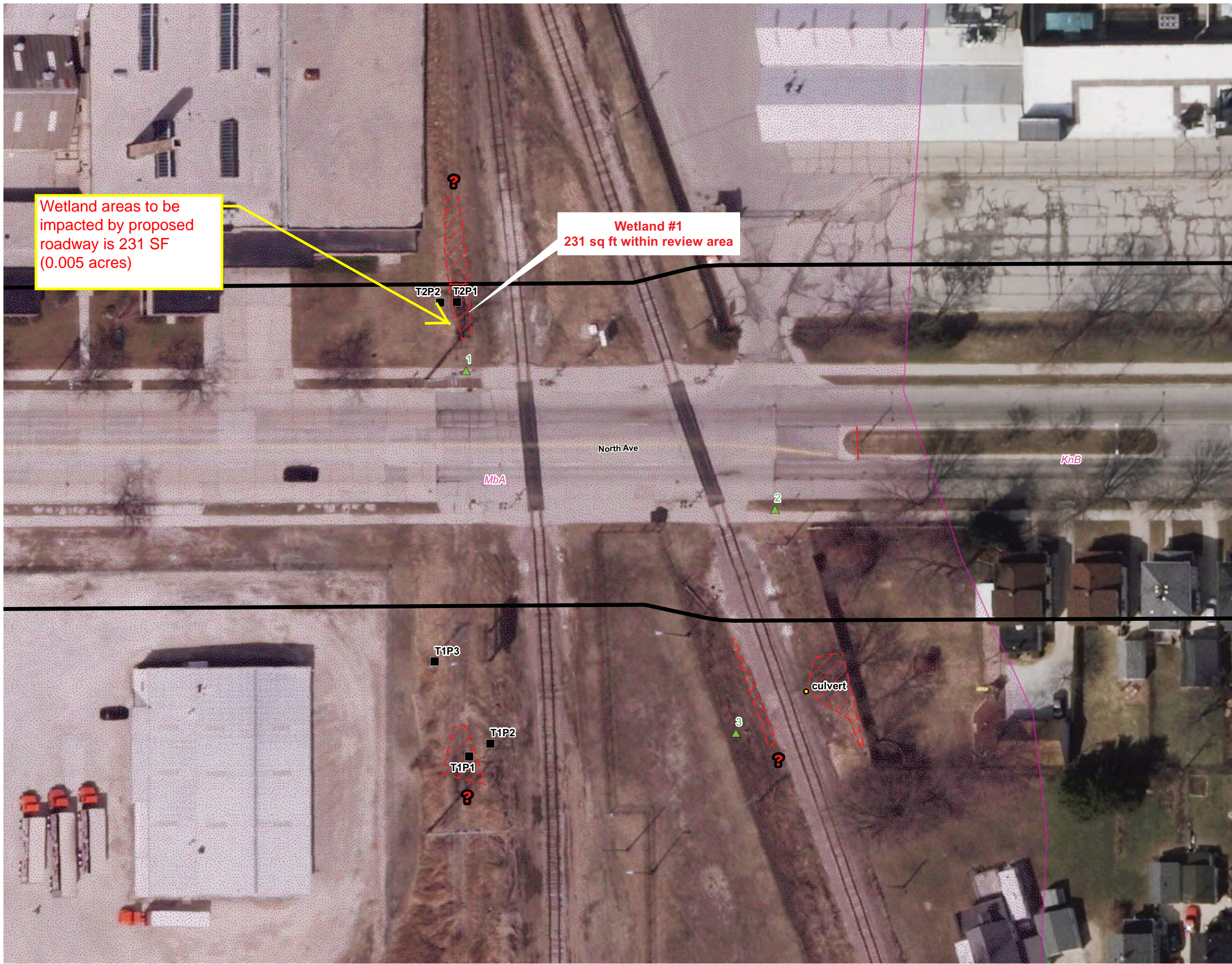
Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



McMAHON
ENGINEERS ARCHITECTS
McMAHON ASSOCIATES, INC.

FIGURE 3A
WETLAND DELINEATION MAP
ADDENDUM TO
NORTH AVENUE RECONSTRUCTION
CITY OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN

W:\PROJECTS\W005918\150011703\GIS\WetlandFig3.mxd 11/30/2015 slh



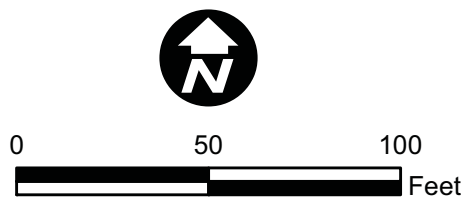
Mapped Features

- Review Area (13.02 acres)
- T1P1 Transect Line Number & Sample Point Number
- Wetland Area (231 square feet within review area)
- Wetlands Extend Beyond Review Area
- MCA Wetland Indicator Soil
- 1 Photo Location & Number

1 inch = 50 feet

Source: Outagamie County, 2010-14.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



McMAHON
ENGINEERS ARCHITECTS

FIGURE 3B
WETLAND DELINEATION MAP
NORTH AVENUE RECONSTRUCTION
CITY OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN

Exhibit L
Section 4(f) Finding of De Minimis Impact for Clark Station

Wisconsin Federal Highway Administration
Finding of *De Minimis* Impact on Historic Property (Updated 7/25/2017)

1. Project Description

WISDOT ID: 4996-01-78

Route: North Avenue

Termini: Calumet Drive to 15th Street

City/County: City of Sheboygan/Sheboygan County

Project Description:

The proposed project is the reconstruction of North Avenue in the City of Sheboygan. The limits of the project are from Calumet Drive (STH 42) to 15th Street; the total project length is 0.642 miles. North Avenue is classified as a minor arterial on the urban system with a design classification of urban type 2b. The intent of the project is to reconstruct this urban roadway and provide a more consistent typical section throughout the project limits. In general, the project will consist of a 4-lane undivided facility from Calumet Drive to 21st Street, and then transition to a 2-lane divided roadway with a raised median for the remainder of the project. Designated on-street bike lanes will be provided throughout the corridor. All existing sidewalk will be removed and replaced. The only section of the roadway where a parking lane will be provided is from the railroad crossings to 15th Street, however, parking will only be provided on the south side of the street.

There are two railroad crossings included within the project limits. Improvements will be made to these crossings concurrently with the project. The project will include a revised roadway profile at the crossings, new crossing surfaces, and new crossing warning devices.

Following is a segment by segment summary of the proposed facility; refer to Exhibit B for drawings of the existing typical sections and Exhibit A for a project overview map that shows the stationing referenced below:

- 1.) Match point of project ID 4630-05-71 (Sta. 12+33.85) to 20th Street (Sta. 18+00): This segment will consist of four travel lanes (two EB and two WB), and a TWLTL. There is a lane drop for both outside lanes between Sta. 16+00 and Sta. 18+00, with the outside travel lanes transitioning from 11-ft wide to 0-ft wide in 200-ft. The raised median begins at Sta. 16+00. Sidewalk and designated on-street bike lanes are provided.
- 2.) 20th Street to Sta. 29+00 (Sta. 18+00 to 29+00): This section will consist of a two travel lanes (one EB and one WB) with a raised median. Left turn lanes are provided at 20th Street, Muth Court, and the Plenco Plant Entrance. From approximately Sta. 24+50 to Sta. 26+50, there will be a break in the raised median with a TWLTL provided; this is needed to accommodate truck traffic entering and exiting businesses on both sides of the roadway. Sidewalk and on-street bike lanes are provided.
 - Railroad Crossing Profile: The roadway profile will be “flattened” at each approach to meet current design standards. The modified approach grades will require the spur track to be raised.
 - Railroad Crossing Surfaces: A new widened crossing surface will be provided at each crossing to meet current standards. The Union Pacific Railroad will be constructing these improvements under Project ID 4996-01-80.

- Railroad Crossing Warning Devices: The crossing will be modified so that it will operate as one single crossing instead of two individual crossings. The existing warning devices will be removed and replaced with mast mounted flashing light signals and gates placed at each approach to the consolidated crossing. An overhead cantilever mounted flashing light signal will also be provided for improved visibility at the two lane west approach. The consolidated crossing will be operated by a single controller with the gates and flashing signals activated whenever a train is approaching on either track. The Union Pacific Railroad will be constructing these improvements under Project ID 4996-01-81.
 - Truck Entrance at Crossing: The existing truck entrance to Plenco will be relocated to the east. The relocation will provide enough space between the crossing and the driveway so that a single truck waiting to turn left into the facility will not be over the tracks. In addition, there will be enough space provided between the entrance and the spur track to allow for the proper positioning of the signals and gate so that clearance requirements are met. Refer to Exhibit C for additional information.
 - Truck and Bus Stopping Requirements at the Crossing: The WisDOT successfully petitioned the OCR to allow the crossing to be exempt from the state statute that requires buses and trucks hauling tanks with combustible fluids to stop prior to proceeding across the tracks. The addition of gates at the crossing as well as the other proposed improvements significantly reduces the likelihood of rear end crashes at this location. Refer to the public involvement section below for additional information.
 - Sight Distance: Trees, brush, and phragmites will be removed in all quadrants of the crossing in order to improve the view for drivers of on-coming trains.
- 3.) Typical Section Sta. 29+00 to Sta. 37+75: This section will consist of a two travel lanes (one EB and one WB) with a raised median. Parking will be provided only on the south side of the roadway. Openings in the raised median will be provided to allow for access to the residential driveways on the south side of the roadway; these openings will be at the same locations as the existing openings. Sidewalk and on-street bike lanes are provided.
- 4.) Sta. 37+75 to Sta. 39+75: This section will consist of a two travel lanes (one EB and one WB) with a left turn lane provided at the west approach to 15th Street. Sidewalk and on-street bike lanes are provided.
- 5.) Sta. 39+75 to Sta. 43+06): This section will consist of a two travel lanes (one EB and one WB). The existing raised median will be removed between Sta. 40+50 and 42+50 in order to provide a left turn lane at the east approach 15th Street; a right turn lane will also be provided at this approach. The limit of full reconstruction for this project ends at Sta. 43+06. Sidewalk and on-street bike lanes are provided.
- Intersection of North Avenue and 15th Street: Traffic signals will be installed to improve traffic operations. Designated left turn lanes will be added at the north and south approaches on 15th Street. The geometrics will be improved to allow large trucks to complete their turning movements without driving over the curb & gutter or crossing into adjacent travel lanes. Pedestrian signal faces with push buttons will be added to improve safety for pedestrians crossing both streets.

- 6.) Sta.43+06 to Sta. 46+23: The existing median will be narrowed from 17-ft to 14-ft in order to provide the space needed to allow for designated on-street bike lanes plus parking lanes on both sides of the roadway. The existing curb and gutter at the outside edge of pavement, along with the existing sidewalk, will remain in place. The existing asphalt pavement will be milled and overlaid.

All new storm sewers will be constructed within the North Avenue corridor to replace the existing undersized and deteriorating system. The existing sanitary sewer will be improved with a combination of new sewer installations or the re-lining of existing pipes to increase their useful life.

The intent of the project is to reconstruct the roadway in stages in order to maintain thru traffic on North Avenue whenever school is in session; no detour will be provided during this time frame. During the time frame from June thru August when school is not in session, the contractor will be allowed to close North Avenue for approximately 6 weeks to make improvements within the limits of the railroad stage as shown on the detail included with Exhibit C. The Union Pacific Railroad will make all crossing improvements during the railroad stage, including crossing surfaces, flashing signals, and gates. During the railroad stage a detour route for North Avenue traffic will be provided. Local access will be maintained throughout the railroad stage. Coordination will be required with the City's 2019 reconstruction project on 15th Street in order to maintain traffic at the intersection of 15th Street and North Avenue.

The new sidewalk will be constructed in stages to coincide with the staged construction of the roadway. In general, pedestrian access will be maintained on the south side of the roadway when the westbound lanes are reconstructed and on the north side when the eastbound lanes are reconstructed. Pedestrian access across the tracks will be closed during the railroad stage; a sidewalk detour route will be provided during this stage.

The cost of the proposed action is estimated at \$3,500,000, and is scheduled for construction in 2019. This project satisfies the criteria for an FHWA (c) –listed Categorical Exclusion (CE). Refer to Section I (Description of Proposed Undertaking) in the attached “Determination of No Adverse Effect” document for additional information regarding the proposed project.

2. Name of historic property: Clark Super 100 Gas Station
3. Briefly describe the historic property and list the attributes of the property which qualify it for inclusion in the National Register of Historic Places (from the Determination of Eligibility for the property):
Refer to Section III (Description of Historic Property) in the attached “Determination of No Adverse Effect” document for a description of the attributes of the property. A map and photos of the property are included.
4. Description of Impacts:

Refer to Section IV (Description of the Undertaking's Effect on the Resource) in the attached “Determination of No Adverse Effect” document for a description of the impacts to the property.
5. Discuss how the above resulted in a Section 106 finding of No Historic Properties Affected or No Adverse Effect. In making this determination, consideration may be given to any

impact avoidance, minimization, and compensation or enhancement measures incorporated into the project.

Refer to Section V (Application of the Criteria of No Adverse Effect) in the attached “Determination of No Adverse Effect” document.

6. Public Opportunity to Comment

Note – The appendix references below are to the attached “Determination of No Adverse Effects”.

Letters describing the project and its objectives were sent to all Native American Tribes as required by WisDOT. A copy of the tribal letter, the mailing list to which it was sent, and any responses received are included in Appendix B, pages 9-13. A project letter inviting recipients to attend a public information meeting about the project was sent on 10 May 2016. A copy of the letter, and a list of property owners to which it was sent, is attached in Appendix B, Pages 14-24. The Public Information Meeting for this project was held on 18 May 2016. No issues regarding historic buildings were raised. Sign-in sheets and handouts are also included in Appendix B.

Letters advising of the project and the historical resource survey being completed were sent on 10 August 2016 to the Sheboygan Historic Preservation Commission and the Sheboygan County Research Center. Those letters are attached in Appendix B, Pages 34-36. As the project evolved, and the assessing of its effects on adjacent historic resources was considered, we sought clarification from the State Historic Preservation Office as it pertained to considering potential effects at the Clark Oil gas station in the NE corner of North Avenue and 15th Street. The project team believed that the project would have an effect on the Clark station, but not an adverse effect. SHPO tentatively concurred with that finding. Appendix B, Pages 37-41, include our letter seeking comment and SHPOs response.

Thereafter was a letter sent to the owner of the Clark Oil gas station that had been found to be individually eligible for the Register. The owner stated, in response, that he was disappointed with the project and that it would affect access to his business. He was then given the name and number of McMahon’s project engineer who, as of 01 February 2018, he has not followed up with. The letter and a summary of our telephone conversation are found in Appendix B, Pages 61-68. Please note as well that SHPO tentatively concurred that the project would not have an adverse effect on the gas station (see Appendix B, Pages 37-41).

7. Name of the official(s) with jurisdiction over the property.

The attached “Determination of No Adverse Effect” document was approved by SHPO on April 25, 2018. As noted in Section VII of the attached document, it is WisDOT’s intent, on behalf of the FHWA, to consider SHPO’s concurrence in a finding of No Adverse Effect under Section 106 as meeting one of the criteria for a de minimus finding under Section 4(f).

This *de minimis* determination documentation was prepared by

Signature_____ Date _____

Print Name & Title_____
(*Consultant or Region Project Staff*)

This *de minimis* determination documentation was reviewed by

Signature_____ Date _____

Print Name & Title_____
(*Regional Environmental Coordinator or Region Local Program Manager*)

Signature_____ Date _____

Print Name & Title_____
(*EPDS Liaison or Section Manager*)

This *de minimis* determination documentation was reviewed and approved by

Signature_____ Date _____

Print Name & Title_____
(*Federal Highway Administration*)

cc: WISDOT Bureau of Technical Service /EPDS
WISDOT Region

Exhibit M
Coordination with Office of Commissioner of Railroads

OFFICE OF THE COMMISSIONER OF RAILROADS**STATE OF WISCONSIN**

Petition of the Wisconsin Department of Transportation for a
Determination of the Adequacy of Warning Devices, the Alteration, and
the Exemption of the Public Crossing of the Union Pacific Railroad Co.
tracks with North Avenue in the City of Sheboygan, Sheboygan County

9040-RX-1347

FINAL DECISION

This is the Final Decision in the proceeding conducted as a Class 1 proceeding by the Office of the Commissioner of Railroads (Office) on the December 6, 2016, petition of the Wisconsin Department of Transportation (WisDOT). The WisDOT wants to reconstruct the public main and spur crossings (crossings no. 180265W / MP 151.29 and 180267K / MP 54.12) of the Union Pacific Railroad Company (UP) tracks with North Avenue in the city of Sheboygan, Sheboygan County.¹ The WisDOT also seeks a determination under Wis. Stat. § 195.28 of the adequacy of the warning devices.

On February 2, 2017, the WisDOT supplemented its petition and requested, under Wis. Stat. § 195.285, that the crossing be declared exempt from the stopping requirements of Wis. Stat. § 346.45.²

The public hearing in this docket was noticed on March 6, 2017,³ and held in Madison and Sheboygan on March 23, 2017, before Administrative Law Judge (ALJ) David Albino. A list of parties and interested persons appears at Appendix A.

¹ [PSC REF#: 295126.](#)

² [PSC REF#: 297545.](#)

³ [PSC REF#: 298843.](#)

The ALJ issued a Proposed Final Decision on June 27, 2017.⁴ The UP⁵ and the WisDOT⁶ submitted timely comments incorporated herein.

The Commissioner ADOPTS the Proposed Final Decision as modified by the comments and GRANTS the petition subject to conditions.

Introduction

The WisDOT and the city are reconstructing a 0.52 mile section of North Avenue in the city of Sheboygan.⁷ The reconstruction will extend from Calumet Drive to 15th Street. As part of the project, two closely spaced crossings with the UP's Haven Industrial Lead are affected. This project is scheduled for letting on December 11, 2018.

North Avenue will be constructed in stages in order to maintain traffic;⁸ however, the road will be closed to complete the railroad crossing work. It is anticipated that reconstruction of North Avenue will begin in the spring of 2019 and be completed in October, 2019.

Findings of Fact

1. The Federal Railroad Administration's (FRA) record lists the rail traffic on the main line to consist of six through freight trains at a maximum timetable speed of 10 mph and two switching moves per day.

2. The average daily traffic over this crossing was 8,800 vehicles in 2015 and is expected to be 9,800 vehicles in 2039.

⁴ [PSC REF#: 324036](#).

⁵ [PSC REF#: 327456](#).

⁶ [PSC REF#: 327872](#).

⁷ [PSC REF#: 298428](#).

⁸ [PSC REF#: 298428](#) at 6.

3. There are four crashes in the FRA database for the west crossing from 1985, 1984, 1983, and 1976 and one crash is listed for the east crossing from 1977.
4. The main track crosses North Avenue at an angle of 85 degrees with a left hand forward skew.
5. The spur crosses North Avenue at an angle of 71 degrees with a left hand forward skew.
6. The spur line serves Polyfab Corp, located approximately 1000 feet from the North Avenue, several times a month.
7. North Avenue is a four-lane undivided urban roadway with a posted speed limit of 25 mph.
8. Both crossings are old but in fair condition and have rubber surfaces for the roadway and are extended though the sidewalks with timber and asphalt.
9. The existing main crossing is 87 feet long and the existing spur crossing is 92 feet long, both measured along the track.

Conclusions of Law

1. The UP is a railroad as defined in Wis. Stat. § 195.02(1).
2. The Office has authority under Wis. Stat. §§ 189.02, 195.03, 195.04, 195.06, 195.28, 195.285, 195.29, 195.30, Wis. Stat. § 227.47(1), and Wis. Admin. Code §§ RR 1.15, to issue this final decision authorizing the proposed project.

Opinion

North Avenue consists of a 10-foot driving lane in each direction and 20-foot shared lane that serves as a second through lane as well as allowing for parking and bicycle usage. The total

roadway width is 40 feet from face of curb to face of curb. On both sides of the road, there is a six-foot sidewalk and six-foot terrace as measured from the face of curb to sidewalk. East of the crossing, North Avenue becomes a two-lane divided urban roadway where it consists of an 18-foot median between lane lines and 10-foot driving lane on either side, an 11-foot shared parking and bike lane, a six-foot terrace, and a six-foot sidewalk.

The new roadway will have an 18-foot median between lane lines and on either side of the median will consist of an 11-foot driving lane, a six foot bike lane, an 11-foot terrace, and a five-foot sidewalk. Through the crossing, a 10-foot turn lane is carved out of the median in the eastbound direction for the relocated driveway in the northeast quadrant. The driveway will be relocated to the east to allow enough space for a truck stopped and waiting to turn into the driveway to be clear of the spur track. The WisDOT states that discussions with the city indicate that there is rarely more than one truck waiting to make a left turn into this driveway and accommodating one truck will be sufficient. At the spur crossing, the new sidewalk and curb and gutter flare out to allow pedestrians and bicyclists to cross at about a 90-degree angle.

The WisDOT proposes to install new concrete crossing surfaces at both crossings. The UP agrees but states that in order to provide a smooth transition for the road project, the crossings will need to be replaced in their entirety. The track structure itself would have to be upgraded from the current one hundred pound (100 lb.) per yard rail dating to 1931 in order to accommodate concrete panels. The new concrete panels will be extended beyond the existing footprint of the rubberized vehicular crossing surfaces to accommodate the sidewalk. The main crossing will need to be approximately 89.5 feet to match the existing crossing length and would

be entirely the railroad's responsibility because this is a local road. The spur crossing will need to be approximately 97.5 feet.

Crossing Elevation

Wisconsin Stat. § 86.13(1) states that when a "... street or highway shall be or is about to be paved, surfaced or otherwise improved, the railway company shall improve, pave or surface such crossing between the tracks and rails and extending 4 feet beyond the outside rails on its right-of-way *in substantially the same manner as the adjacent highway and with substantially the same materials, ...*". (italics added)

The American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual for Railway Engineering recommends that the surface of a highway-rail grade crossing be in the same plane as the top of the rails for a distance of two feet outside of the rails. The WisDOT Facilities Design Manual (FDM) extends the distance to two-feet, six-inches, with a maximum deviation from the plane of 3-inches within 30 feet from the near rail, in "order to avoid driver losing control of their vehicles through "bottoming" or "vaulting", and to avoid low profile vehicles from hanging up on the crossing".⁹

It is common for railroads to raise their tracks when replacing crossings. A track raise of 2 to 4 inches is routine, particularly when old track is replaced by new heavier rail, which, is often taller.¹⁰ Allowing the railroad to raise the tracks accommodates new ballast and heavier rail and is entirely reasonable. The difference is that trains must operate in a much narrower range of grade changes than highway vehicles.

⁹ See WisDOT FDM, § 17-60-5.3, at <http://wisconsindot.gov/rdwy/fdm/fd-17-00toc.pdf>.

¹⁰ For example, 100-pound rail is 5.75 inches in depth (or height), while 136-pound rail is 7.3125 inches in depth.

The WisDOT originally proposed lowering the main line and raising the spur line to improve the ride for traffic on North Avenue. Such road profile met the WisDOT's design speed requirements of 30 mph (for posted speed 25 mph)¹¹ as well as the 3-inch in 30-feet from nearest rail rule.¹² At a teleconference with the UP, the UP indicated that it did not want to lower the mainline. Thus, the WisDOT revised the road profile to keep the mainline elevation (or raise it slightly) while raising the spur line elevation about a foot in order to smooth out the profiles on both the roadway and the railroad. The revised road profile met FDM design speed requirements.

The UP objected stating that it would not be able to change the elevation beyond two or three inches at the subject crossings. The UP stated that track geometry, signal circuitry, track condition and existing elevations in the area would not permit a greater increase in the height of the track at the crossings.¹³ The UP added that it would need to upgrade the track and associated structure for 500 feet in both directions of the spur crossing at an estimated \$400,000. However, raising the tracks two-to-three inches through the crossing would require 136-lb rail and associated rail ties, ballast and other structure to support concrete panels at a cost of \$100,000.

Following the UP's objection, the WisDOT made two alternative revisions. The first alternative is to raise both tracks by 2.5 inches.¹⁴ The resulting change in grade in percent using alternative one is 2.24. The second alternative is to raise the spur track 2.5 inches while keeping the main crossing at the existing elevation.¹⁵ The resulting change in grade in percent using

¹¹ See WisDOT FDM Table 1.1, at <http://wisconsindot.gov/rdwy/fdm/fd-11-00toc.pdf>.

¹² PSC REF#: 300819 at 7-8; see also FDM § 11-10-5.4.1 and § 17-60 attachment 5.1.

¹³ PSC REF#: 299447 at 3.

¹⁴ PSC REF#: 300819 at 13.

¹⁵ PSC REF#: 300819 at 14.

alternative two is 1.79. According to the FDM, the maximum change in grade in percent without a vertical curve is 1.0 for a 30 mph design speed; and 1.20 for a 20 mph design speed.¹⁶

Neither alternative meets the 30 mph design speed. While design speeds less than the posted speed limit do not necessarily present an unsafe operating condition, the Federal Highway Administration recommends that a safety analysis be performed to determine the need for lower speed limits, informational signs or other mitigation measures. Unreasonably low speed limits, also called irrational speed limits, are not effective and have several negative effects.¹⁷ Research shows that drivers do not reduce their speed to the posted limit on the basis of signage alone. Resulting negative effects include higher financial cost due to need for increased enforcement, higher potential for crashes due to larger variability in vehicle speeds, and encouragement of motorist disregard of other, rational posted speed limits.

While not inherently dangerous for a crossing with a design speed under 20 mph to have a 25 mph posted speed limit, it is unreasonable to ask that drivers alone mitigate any potential risks associated with such a design. Coupled with the fact that both alternatives fail to meet the 3-inches in 30-feet rule, drivers losing control of their vehicles by bottoming or vaulting, or drivers avoiding bottoming by slowing and getting rear-ended, or low profile vehicles hanging up on the crossing, are reasonable safety concerns.

On June 22, 2017, the WisDOT filed an update stating that the WisDOT and the UP have agreed to raise the spur by six-inches.¹⁸ While a six-inch raise would constitute an alteration, it was not clear to the ALJ that WisDOT's update met the 30 mph design speed and the 3-inches in

¹⁶ See FDM, Table 5.8.

¹⁷ See WisDOT Traffic Guidelines Manual 13-5-1 (August 2009) at 4, available at <http://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/teops/13-05.pdf>.

¹⁸ [PSC REF#: 306327](#).

30-feet rule. The ALJ sought a final design with explanatory notes regarding adherence to, or deviation from, the 30 mph design speed and the 3-inches in 30-feet rule. On July 13, 2017, the WisDOT submitted explanatory notes that a six-inch track raise as redesigned would meet both the FDM design standards and the 3-inch in 30-foot rule.¹⁹ The Commissioner finds that the design speed and the 3-inches in 30-feet rule are satisfied.

Warning Devices

The existing warning devices consist of separate flashing-light signal installations at each crossing with the signals operating independently. Because the crossings are about 88 feet apart at the roadway centerline, the WisDOT proposes to control both crossings as a single crossing with one bungalow. The WisDOT proposes a cantilever-mounted flashing light signal with a supplemental crossbuck installed on the cantilever arm, a gate, a short counterweight, and an electronic bell for eastbound traffic in advance of the main crossing.²⁰ The WisDOT proposes a mast-mounted flashing light signal with a gate, counterweight, and electronic bell for westbound traffic in advance of the spur crossing. In the alternative, the WisDOT proposes mast-mounted flashing lights between the crossings in the standard locations if the crossings remained two separate crossings.²¹ The cost of upgrading the signals will be entirely funded by the project.

Sight Distances²²

The project involves two crossings that intersect North Avenue at two different angles. The distance between the tracks on the north side of North Avenue is about 80 feet; the distance between the tracks on the south of North Avenue is about 93 feet.

¹⁹ [PSC REF#: 327872](#).

²⁰ All of the accidents at this crossing involved vehicles traveling eastbound.

²¹ [PSC REF#: 300819](#) at 12.

²² [PSC REF#: 298427](#).

Where multiple tracks are present, clearing sight distance is treated differently:²³

At multiple track highway-rail grade crossings of two or more in-service railroad tracks through the roadway, and where two or more trains can operate simultaneously over or in close proximity to the crossing, the presence of a train on one track can restrict or obscure a driver's view of a second train approaching on an adjacent track. Such crossings must be treated the same as any other crossing having insufficient clearing sight distance.

Main Crossing. The stopping and clearance sight distances at the main crossing exceed what is required and are adequate. However, there are some restrictions to the corner sight distances.

There is a driveway located in the northeast quadrant that is 100-ft from the crossing. There is a fence with privacy slats and some landscaping (shrubs and evergreen trees) that hinder vision in the northeast quadrant and do not allow for the vision requirement to be met.

The northwest quadrant has a building that that hinders the vision, but sight requirements are met. There is a tree in the terrace that partially blocks the vision that should be removed.

In the southwest quadrant there is a building and chain link fence that limits visibility, but sight requirements are met. At the 25-ft setback there is a billboard that limits visibility but requirements are still met. There are also phragmites (tall perennial wetland grass) along the west side of the tracks that limit a driver's vision. Under current conditions, the phragmites limit the quadrant sight distance to 120-ft; if these are cut down, the quadrant sight distance can be increased to 350-ft.

The southeast quadrant has a decorative fence and landscaping that limits the vision of the tracks, but sight requirements are met.

²³ 8 GUIDANCE ON TRAFFIC CONTROL DEVICES AT HIGHWAY-RAIL GRADE CROSSINGS. Washington DC: Federal Hwy Administration, Highway/Rail Grade Crossing Technical Working Group, November 2002, at 5. Available at http://safety.fhwa.dot.gov/intersection/other_topics/fhwasa09027/resources/Guidance%20On%20Traffic%20Control%20at%20Highway%20Rail%20Grade.pdf.

Spur Crossing. The stopping sight distances are adequate and all but the clearing sight distance in the southeast quadrant are adequate.

There is a driveway located in the northeast quadrant that is 19-ft from the crossing that is proposed to be relocated. There is a fence with privacy slats and some landscaping (shrubs and evergreen trees) that hinder vision in the northeast quadrant and do not allow for the vision requirement to be met.

The northwest quadrant has a building that hinders the vision, but sight requirements are met. There is a tree in the terrace that partially blocks vision that should be removed.

In the southwest quadrant sight requirements are met. There is some ditch vegetation along the tracks that can be trimmed to improve vision. There is a billboard where the support posts limit visibility but sight line requirements are still met. There are also some phragmites along the ditch of the spur tracks that may limit visibility.

The southeast quadrant has a decorative fence and landscaping that obstructs the vision of the tracks so the vision requirement is not met.

Exemption

The WisDOT and the city jointly seek exemption from the stopping requirements of Wis. Stat. § 346.45 at both crossings. The addition of gates significantly reduces the likelihood of a train related crash. Low train volumes and speeds would also mitigate the severity of a crash if there were one. No stopping lanes are proposed at the crossings.

Because of the layout of the two crossings, it is possible that a driver may stop at both crossings, especially in the eastbound direction where the crossings are farther apart. If vehicles were to stop for both crossings, it would increase the chance of a rear-end collision or at least

create unnecessary delays. It is also possible that a vehicle stopping for the second crossing could either still be on the first crossing or cause a following vehicle to stop on the first crossing, possibly in the path of an on-coming train.

Cost Share

If the spur crossing can only be raised two to three inches, the WisDOT does not believe it is an alteration and thus the UP should be responsible for the crossing surface. Because the spur crossing will need to be extended by 5.5 feet, however, the WisDOT proposes a railroad cost share of 94 percent based on the existing 92 feet prorated over the proposed 97.5 feet. The project will cover the remaining six percent.

The UP proposes to entirely fund replacing the mainline crossing with new track structure and concrete panels and that the project fund the spur crossing and upgraded warning devices. Given the possible significant grade change of six inches, the work at the spur crossing surface would be considered an altered crossing and the full cost of reconstruction would be put onto the project. Thus, the Office will wait on an acceptable final design before deciding final cost share not involving upgrading the warning devices.

Order

1. The **UP** shall install and maintain reconstructed crossings at-grade of North Avenue with its main and spur tracks in accordance with the design plans of the **WisDOT** in the city of Sheboygan, Sheboygan County by **August 1, 2019** (crossings no. 180265W and 180267K).

2. The **UP** shall install and maintain a cantilever-mounted flashing light signal with a supplemental crossbuck installed on the cantilever arm, a gate, a short counterweight, and an

electronic bell and other appropriate appurtenances for eastbound traffic in advance of the main crossing (180265W) in accordance with such design plans as are filed with and approved by the Office at the crossing of its tracks with North Avenue by **August 1, 2019**.

3. The **UP** shall install and maintain a mast-mounted flashing light signal with a gate, a short counterweight, an electronic bell and other appropriate appurtenances for westbound traffic in advance of the spur crossing (180267K) in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with North Avenue by **August 1, 2019**.

4. In reconstructing the crossings, the UP shall construct roadway approaches that conform to the design standards set forth in the WisDOT FDM.

5. In reconstructing the crossings, the WisDOT shall conform to the design speed standards set forth in the WisDOT FDM.

6. It is reasonable for the WisDOT to submit a final design with explanatory notes regarding adherence to, or deviation from, the 30 mph design speed and the 3-inches in 30-feet rule in consultation with the spur line customer by **August 4, 2017**. The UP engineering department shall timely review the final design and approve or provide constructive feedback.

7. The **UP** shall clear brush and trees from its right-of-way for 330 feet down the tracks in each direction from the main and spur crossings by **August 1, 2019**.

8. The **city of Sheboygan** shall clear brush and trees from its right-of-way for 330 feet down the roadway in each direction from the main and spur crossings by **August 1, 2019**.

9. The **city of Sheboygan** shall install and maintain R15-3 EXEMPT signs on the signal masts on the approaches to the main and spur crossings; and, W10-1a advance warning

EXEMPT signs in accordance with the Wisconsin Manual on Uniform Traffic Control Devices, by **August 1, 2019**.

10. The signal installation work herein ordered shall not begin until the regional office of the WisDOT informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

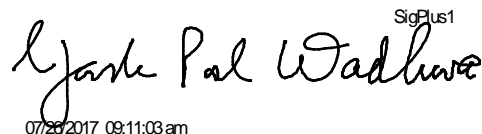
11. The UP shall notify the Office upon completion of the signal project.

12. The UP shall bear the cost of installation of the main track. The UP shall bear no part of the cost of (a) the crossing signal materials or installation thereof, and (b) the installation of the spur track to the extent such work is deemed an alteration.

13. The UP shall bear the cost assessed to the railroad pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

14. This Final Decision is effective one-day after service.

15. Jurisdiction is retained.

 SigPlus1
07/26/2017 09:11:03 am

Yash P. Wadhwa, P.E.
Commissioner of Railroads

DA:jg: DL: 01555006

See attached Notice of Rights

OFFICE OF THE COMMISSIONER OF RAILROADS
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES
ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE
NAMED AS RESPONDENT**

The following notice is served on you as part of the Commissioner's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Office of the Commissioner of Railroads (Office) for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. The petition for rehearing must be filed with the Office and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Office within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Office serves its original decision.¹ The Office must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: April 16, 2016

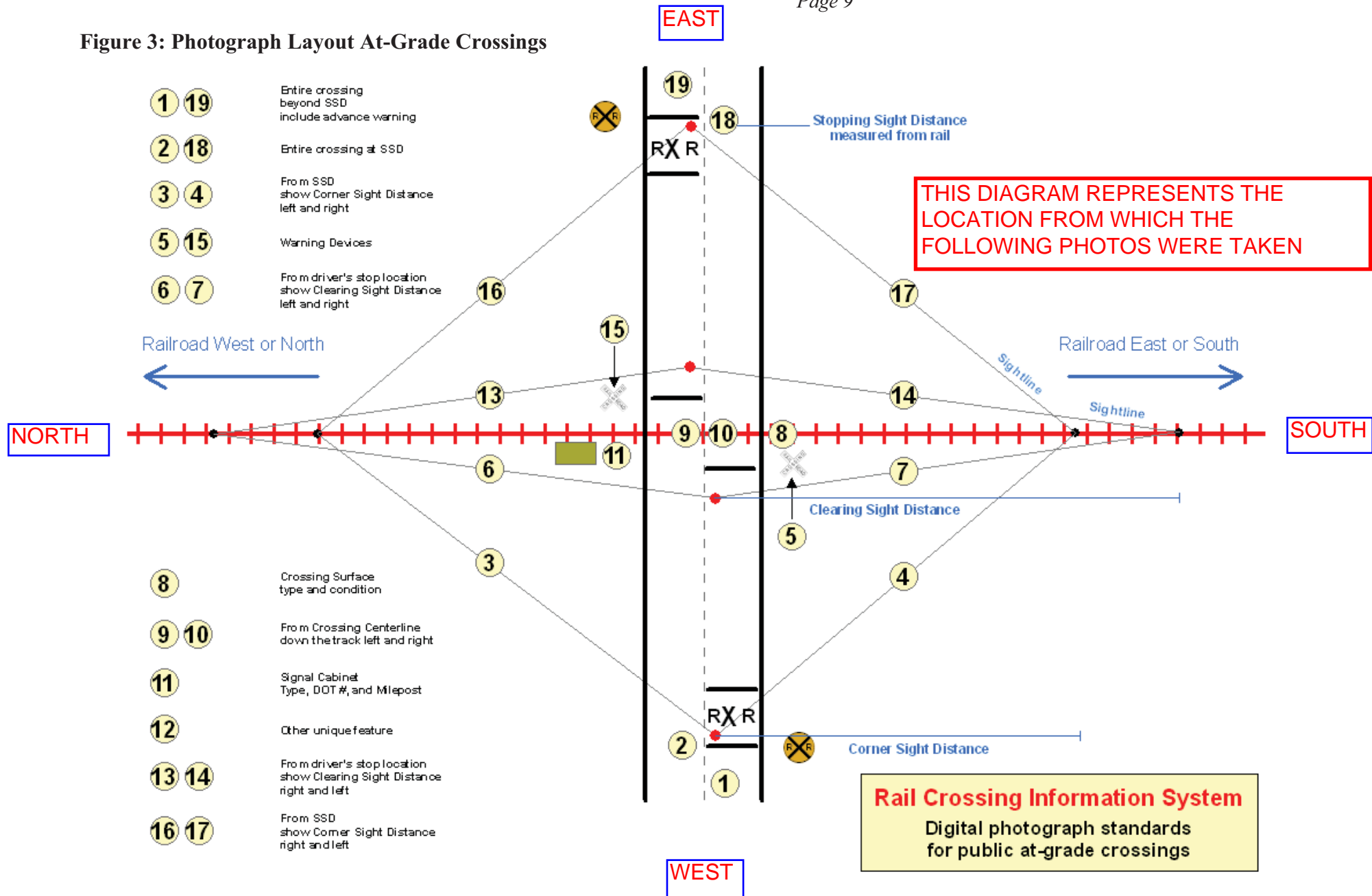
¹ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

Appearances

Wisconsin Department of Transportation
by
Jim Pavelski
Grade Crossing Safety Engineer
4802 Sheboygan Avenue, Room 701
Madison Wisconsin, 53707

Union Pacific Railroad
by
Mack H. Shumate, Jr.,
UP Law Department
101 North Wacker Drive, Suite 1920
Chicago, Illinois 60606

Figure 3: Photograph Layout At-Grade Crossings



Date: 4-4-16, and 4-8-16

Photographer: Mike Simon

Crossing ID: 4996-01-80

Rail Direction: North – South

Photo #	Position	Crossing Photo	Comments
1	Beyond SSD entire crossing	Y	Photo #085140
2	At SSD entire crossing	Y	Photo #121339
3	At SSD corner sight distance left (N)	Y	Photo #121722
4	At SSD corner sight distance right (S)	Y	Photo #121726
5	Approaching STOP warning Devices	Y	Photo #121948
6	At STOP clearing sight distance left (N)	Y	Photo #125128
7	At STOP clearing sight distance right (S)	Y	Photo #122651
8	Main(W): At crossing surface type & condition	Y	Photo #122033
8A	Lead(E):At crossing surface type & condition	Y	Photo #124306
9	Main(W): At crossing CL down track left (N)	Y	Photo #122058
9A	Lead(E): At crossing CL down track left (N)	Y	Photo #123700
10	Main(W):At crossing CL down track right (S)	Y	Photo #122102
10A	Lead(E): At crossing CL down track right (S)	Y	Photo #123655
11	Main(W): Signal Cabinet	Y	Photo #122819
11A	Lead(E): Signal Cabinet	Y	Photo #122834
12	Other Features: Recreation trail between the two tracks, south side	Y	Photo #124955
12A	Other Features: Driveway with truck loading docks, 125-ft west of main track on north side, with overhead utility lines on north side of road	Y	Photo #121303
12B	Other Features: Crossing surface through sidewalk on south side on main track (W)	Y	Photo #122024
12C	Other Features: Crossing surface through sidewalk on south side on lead track (E)	Y	Photo #122728
12D	Other Features: Driveway and inlet at stop location west of main track (W) on south side of road	Y	Photo #122128
12E	Other Features: Driveway and inlet between tracks on north side of road	Y	Photo #122804
12F	Other Features: Crossing surface through sidewalk on lead track (E) and main track (W)	Y	Photo #124213
12G	Other Features: Driveway entrance to Plenco, 40-ft east of lead track (E) on north side of road (40-ft from CL crossing to CL of driveway)	Y	Photo #123729
12H	Other Features: Driveway entrance to Plenco, 40-ft east of lead track (E) on north side of road (40-ft from CL crossing to CL of driveway)	Y	Photo #123753

12I	Other Features: Overhead utility lines on west side of main track (W), crossing road	Y	Photo #125158
12J	Other Features: Overhead utility lines crossing main track (W) on north side of roadway	Y	Photo #125214
13	At STOP clearing sight distance right (N)	Y	Photo #123557
14	At STOP clearing sight distance left (S)	Y	Photo #123601
15	Approaching STOP warning devices	Y	Photo #123629
16	At SSD corner sight distance right (N)	Y	Photo #123503
17	At SSD corner sight distance left (S)	Y	Photo #123508
18	At SSD entire crossing	Y	Photo #123424
19	Beyond SSD entire crossing	Y	Photo #123413

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Photo #1



Photo #2



Photo #3



Photo #4



Photo #5



Photo #6



Photo #7



Photo #8



Photo #8A



Photo #9



Photo #9A



Photo #10



Photo #10A



Photo #11



Photo #11A



Photo #12



Photo #12A



Photo #12B



Photo #12C



Photo #12D



Photo #12E



Photo #12F



Photo #12G



Photo #12H



Photo #12I



Photo #12J



Photo #13



Photo #14



Photo #15



Photo #16



Photo #17



Photo #18



Photo #19