

**FEDERAL HIGHWAY ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACTS  
AND  
PROGRAMMATIC SECTION 4(f) EVALUATION  
FOR  
BROADWAY VIADUCT IMPROVEMENTS  
COUNCIL BLUFFS, IOWA  
POTTAWATTAMIE COUNTY  
IOWA DOT PROJECT NUMBER: NHSX-6-1(109)-3H-78**

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human and natural environment. This Finding of No Significant Impact is based on the attached Environmental Assessment (EA), which has been independently evaluated by FHWA and determined to adequately and accurately discuss the purpose and need for the project, its environmental impacts, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

01/10/06  
Date

Michael L. Leticia  
For Division Administrator  
Federal Highway Administration

## **FEDERAL HIGHWAY ADMINISTRATION**

### **Finding of No Significant Impact for Broadway Viaduct Improvements In Council Bluffs, Iowa Pottawattamie County**

#### **Description of Proposed Action**

The Iowa Department of Transportation (Iowa DOT) and the Federal Highway Administration (FHWA) are evaluating potential alternatives to maintain, improve, or replace the Broadway Viaduct located in the City of Council Bluffs (the City) in Pottawattamie County, Iowa (the Project). Additionally, the Project would improve the viaduct approaches to the intersections at 16<sup>th</sup> Street and Broadway and at 8<sup>th</sup> Street and Broadway; the intersections would not be improved for this proposed action.

#### **Notice of Environmental Assessment Availability**

Notification of the availability of the Environmental Assessment (EA) was forwarded to state and area-wide clearinghouses on February 7, 2006. Copies of this EA were also provided to 29 selected resource/regulatory agencies for their review and comment. A notice of the public availability of the EA was published in the Council Bluffs Daily Nonpareil on February 9 and 16, 2006, and a display advertisement was published on February 21, 2006.

#### **Review and Comment Period**

A review and comment period was established for receipt of comments on the proposed action with an expiration date of March 13, 2006. A public hearing was held for the project at the Council Bluffs Public Library on February 28, 2006. A written record of this meeting is included as a separate document to the Finding of No Significant Impact (FONSI) document, and a summary is provided in this FONSI. The FONSI documents compliance with the National Environmental Policy Act of 1969 (NEPA) and all other applicable environmental laws, Executive Orders, and related requirements.

As stated above, the EA was circulated to 29 resource agencies for comment on February 7, 2006. Received agency comment letters are included in Attachment A, and are summarized as follows:

- U.S. Fish and Wildlife Service – No additional comments. No further action is required under Section 7 of the Endangered Species Act of 1973, as amended.
- U.S. Department of Housing and Urban Development – “We do not contemplate any detrimental effects on any of our projects in the area under review.”

- The Municipal Housing Agency – “There would be no detrimental effects on our Public Housing Projects for any of the proposed scenarios. We would see some slight increase in traffic at the Regal Towers Housing Project only during the actual reconstruction phase, but this would be a temporary condition until all construction is completed.”
- Iowa Department of Natural Resources – No additional comments.
- U.S. Army Corps of Engineers – “The proposed location for the project is outside of the 100-year floodplain. The possibility may exist, however, for a flood hazard that could result from heavy rainfall in the immediate area which would produce runoff in excess of storm sewer and local drainage way capacities.”
- U.S. Coast Guard – “This is not a project over which the Coast Guard exercises jurisdiction for bridge administration purposes. A Coast Guard permit is not required.”
- U.S. Department of Transportation, Federal Transit Administration – “FTA requests that the Metro Area Transit (MAT) agency, which provide transit service to Council Bluffs be involved in all planning activities for the Broadway Viaduct project as MAT may wish to include transit amenities including bus shelters and bus stops as part of this project.”
- U.S. Department of Transportation, Federal Aviation Administration – “FAA has no comments regarding environmental matters. However, you need to consider whether or not the project will require formal notice and review from an airspace standard under Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace.”
- Metropolitan Area Planning Agency – “MAPA finds the project to be consistent with the area-wide planning and forwards favorable comment to the applicant.”
- U.S. Department of Interior, Office of Environmental Policy and Compliance – “Recommend noting that the historic Lincoln Highway was routed along Broadway Street. Agrees that the viaduct is the only Section 4(f) property affected and that the use of a Programmatic Section 4(f) Evaluation is appropriate for the treatment of impacts. The proposed project would have little or no impact on fish and wildlife resources, including threatened or endangered species.”

### **Public Hearing**

A public hearing was held on February 28, 2006 at the Council Bluffs Public Library from 5:00 to 7:00 PM. Thirty-six (36) people attended the public hearing, including representatives from the Council Bluffs Fire Department, the Council Bluffs City Engineers Office, the Council Bluffs City Council, and the Metropolitan Area Planning Agency (MAPA). During the hearing, the public had the opportunity to comment verbally, in

writing, or by sending comments to the Iowa DOT after the meeting. Comments received at the public hearing are summarized as follows:

- The consensus was in favor of the Project.
- The majority of those who commented on the two construction build alternatives (staged or unstaged) preferred the unstaged alternative. The general preference of commentors was to complete construction as quickly as possible. Safety and quality of construction were also mentioned as advantages of closing the viaduct during construction. A few attendees did voice concern over full closure and preferred a staged construction option.
- A representative of the Council Bluffs Fire Department commented that regardless of the construction alternative chosen, the fire department may still use alternate routes, particularly Avenue G, to avoid train conflicts and traffic congestion during emergency response. The commentor also noted that if the staged alternative were implemented and an incident occurred on the viaduct, fire and rescue would be forced to walk from one end of the viaduct or the other to the accident site.
- No comments indicated a preference for one detour route over another. Several attendees commented that there are a number of alternate routes available. A few attendees commented that Avenue G was a logical detour route, while others opposed using Avenue G due to the fear of increased traffic along Avenue G.
- Several attendees asked about coordinating with the railroads to reduce the number of daily trains and adjust their schedules to avoid peak periods.

A total of 15 individuals and 2 tribes have provided written comments. Many of the written comments were the same as those noted above. A summary of new comments follows:

- One commentor noted that coordination with the railroads should also address the potential to reduce trains in the area by using the northern route through Blair, Nebraska and Missouri Valley, Iowa.
- A City representative recommended further discussions with the City concerning viability of detour routes if the unstaged option were adopted.
- One commentor indicated that some nearby streets may need to be improved to handle detour traffic and another commentor recommended that Avenue B and 2<sup>nd</sup> Avenue should be one-way streets during construction.
- A commentor indicated that access to Hill Valley Plaza at 1505 and 1509 West Broadway off Broadway and off 15<sup>th</sup> Street should remain open during construction.
- One commentor indicated his business sign currently visible from the viaduct would not be seen due to the wider viaduct.
- The Iowa West Foundation indicated an interest to participate with the Iowa DOT and City regarding aesthetic improvements to the Broadway Viaduct.

- The Sac and Fox Nation of Missouri in Kansas and Nebraska indicated that they do not have an interest in the Broadway Viaduct site and that two other Sac and Fox tribes should also be contacted for their review of the project.
- The Sac and Fox Tribe of the Mississippi in Iowa has no objection to the project. However, if human skeletal remains and/or any objects protected by the Native American Graves Protection and Repatriation Act (NAGPRA) are uncovered during construction, further excavation would stop until Iowa DOT coordinates with a NAGPRA representative.

### **New Information**

Since publication of the EA and the public hearing, there have been some changes in the local environment: Hill Valley Plaza has opened on 15<sup>th</sup> Street and Broadway and has 1 of 10 bays open for business; the Drug Town Pharmacy at 8<sup>th</sup> Street and Broadway was replaced with a Hy-Vee Pharmacy; the Programmatic Section 4(f) Evaluation has been signed (and is included as Attachment B); and the Section 106 Memorandum of Agreement for the replacement of the Broadway Viaduct has been signed (and is included as Attachment C). Also, funding for the improvement of the Broadway Viaduct has been identified in the Iowa DOT 2006-2010 Transportation Improvement Program.

Discussions with the City have resulted in a decision to close the existing viaduct to traffic between 16<sup>th</sup> and 8<sup>th</sup> Streets and construct the new viaduct in a single construction phase (unstaged). This option, and the use of innovative design, materials, and techniques, will result in a shorter construction timeframe and reduce the amount of time that traffic disruptions will occur.

The identification of the historic Lincoln Highway formerly located along Broadway Street was not noted in the EA, but was included in an intensive-level historic/architectural property evaluation in support of the Broadway Viaduct Project that was referenced in the EA. The brick street pavement under part of the viaduct was originally installed in association with a refurbishment of a streetcar rail system in 1901 and predates the Lincoln Highway. Because of the discontinuous sections of brick pavement used for the Lincoln Highway and the impacts to the resource, these sections were considered ineligible for listing on the National Register of Historic Places.

### **Basis for Finding of No Significant Impact**

The following human and natural environmental resources were evaluated, in the EA, for effects they may incur as a result of the Project:

- Land Use
- Churches and Schools
- Railroads and Utilities
- Public Services
- Environmental Justice
- Transportation
- Right-of-Way

- Construction
- Pedestrians and Bicyclists
- Archaeological and Historic Resources
- Recreation
- Section 4(f) Properties
- Water Resources
- Floodplain
- Vegetation
- Noise
- Regulated Materials
- Visual Resources and Aesthetics

The EA documented the absence of significant impacts associated with the implementation of either the staged or unstaged construction scenarios of the Build Alternative. A memorandum of agreement (MOA) has been established between FHWA and the Iowa State Historic Preservation Office to mitigate for unavoidable impacts to the existing Broadway Viaduct, which is eligible for listing on the National Register of Historic Places (NRHP) (see Attachment C).

### **Special Conditions for Location Approval**

Several conditions, noted below, were identified for approval and will be implemented during the design process prior to construction:

Cultural resource mitigation will be performed by FHWA to offset unavoidable impacts to the existing Broadway Viaduct, as specified in the Section 106 Memorandum of Agreement (see Attachment C).

The project lies outside of the FEMA-designated 100-year floodplain; therefore, no City of Council Bluffs Floodplain Development Permit is required. However, due to the Project's proximity to the 100-year floodway and floodplain, the City has requested that a standard FEMA elevation certificate be prepared to document adherence to floodplain management guidelines.

A National Pollutant Discharge Elimination System (NPDES) General Storm Water Discharge Permit for Construction will need to be obtained from the Iowa Department of Natural Resources.

Potential detour routes during unstaged construction and improvements associated with the route or routes will be determined through a separate study and coordinated with the City.

The FAA requirement noted in their comment letter applies to vertical clearance from obstructions along flight paths. Based on the location of the Broadway Viaduct relative to Eppley Airfield, the requirement would require a Form 7460, Notice of Proposed Construction or Alteration, to be filed with FAA a minimum of 30 days prior to construction if cranes more than 200 feet tall are required for the Project.

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**ATTACHMENT A**  
**AGENCY COMMENT LETTERS**

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# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

February 13, 2006

Mr. Brian Goss  
HDR Engineering, Inc.  
8404 Indian Hills Drive  
Omaha, NE 68114-4049

RE: Environmental Review for Natural Resources  
Broadway Viaduct Improvement Study, City of Council Bluffs, Pottawattamie  
County, IA

Dear Mr. Goss:

Thank you for inviting our comments on the impact of the above referenced project.

We have no additional comment to our original letter dated October 27, 2004 and  
addressed to the Iowa Department of Transportation.

If you have any questions about this letter or if you require further information, please  
contact me at (515) 281-8967.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Dohrmann".

Keith L. Dohrmann, Environmental Specialist  
Policy and Coordination  
Conservation and Recreation Division

CC: James Rost, Iowa DOT, 800 Lincoln Way, Ames, IA 50010

FILE COPY: Keith L. Dohrmann





**RECEIVED**

**FEB 15 2006**

**OFFICE OF LOCATION & ENVIRONMENT**

**U.S. Department of Housing and Urban Development**

Iowa State Office  
Federal Building  
210 Walnut Street, Room 239  
Des Moines, Iowa 50309-2155

February 14, 2006

James Rost  
Director, Office of Location & Environment  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

Subject: Broadway Viaduct Improvement Study, City of Council Bluffs, Pottawattamie County,  
Iowa

Dear Mr. Rost:

We have received your inquiry to the subject location for Environmental Assessment Documentation and have reviewed such.

We do not contemplate any detrimental effects on any of our projects in the area under review.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Ryan".

James P. Ryan, Director  
Des Moines Multifamily  
Program Center



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
106 SOUTH 15<sup>TH</sup> STREET  
OMAHA NE 68102-1618  
February 16, 2006

Planning, Programs, and Project Management Division

Mr. Brian Goss  
HDR Engineering, Inc.  
8404 Indian Hills Drive  
Omaha, Nebraska 68114-4049

Dear Mr. Goss:

The U.S. Army Corps of Engineers, Omaha District (Corps), has reviewed your letter dated February 7, 2006, regarding the Broadway Viaduct Improvement Study for the City of Council Bluffs, Iowa. The Corps offers the following comments.

The City of Council Bluffs, Iowa participates in the National Flood Insurance Program. According to the Flood Insurance Rate Map (FIRM), the proposed location for the project is located outside of the 100-year flood plain. The FIRM is community-panel number 19155C0413E dated February 4, 2005. The possibility may exist, however, for a flood hazard that could result from heavy rainfall in the immediate area which would produce runoff in excess of storm sewer and local drainageway capacities. Flooding which results from this phenomenon is usually quite localized and shallow. Detailed definitions of this hazard would require a site-specific investigation.

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect groundwater resources. If you have not already done so, it is recommended you consult with the U.S. Fish and Wildlife Service and the Iowa Department of Natural Resources regarding fish and wildlife resources. In addition, the Iowa State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

If construction activities involve any work in waters of the United States, a Section 404 permit may be required. For a detailed review of permit requirements, preliminary and final project plans should be sent to:

U.S. Army Corps of Engineers  
Rock Island District  
Attention: CEMVR-OD-P/Regulatory Branch  
P.O. Box 2004  
Rock Island, Illinois 61204-2004

If you have any questions, please contact Ms. Kristine Nemecek at (402) 221-4628.

Sincerely,

Larry D. Janis, Chief  
Environmental, Economics, and  
Cultural Resources Section  
Planning Branch

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eighth Coast Guard District

1222 Spruce Street  
St. Louis, MO 63103-2832  
Staff Symbol: dwb  
Phone: (314)539-3900, x2379  
Fax: (314)539-3755  
Email: eric.washburn@uscg.mil

16591.1  
February 22, 2006

Mr. James Rost  
Director, Office of Location & Environment  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

Subj: BROADWAY VIADUCT IMPROVEMENT STUDY

Dear Mr. Rost:

We have reviewed the information provided in your letter of February 7, 2006 and determined that this is not a project over which the Coast Guard exercises jurisdiction for bridge administration purposes. A Coast Guard permit is not required.

If there are any questions, please contact Mr. Eric Washburn at the above extension. We appreciate the opportunity to comment on the project.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wiebusch".

ROGER K. WIEBUSCH  
Bridge Administrator  
By direction of the District Commander

Copy: ✓ Mr. Brian Goss, HDR Engineering



U.S. Department  
Of Transportation

**Federal Aviation  
Administration**

**RECEIVED**

**MAR 2 2006**

**OFFICE OF LOCATION & ENVIRONMENT**

Central Region  
Iowa, Kansas  
Missouri, Nebraska

901 Locust  
Kansas City, Missouri 64106-2325

February 24, 2006

Mr. James Rost, Director  
Office of Location & Environment  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

Dear Mr. Rost:

The FAA (Federal Aviation Administration) reviews other federal Agency environmental documents from the perspective of the FAA's area of responsibility; that is, whether the proposal will have affects on aviation and other FAA responsibilities. We generally do not provide comments from an environmental standpoint. Therefore, we have reviewed the material furnished with your letter dated February 7, 2006, concerning the Broadway Viaduct Improvement Study, City of Council Bluffs, Iowa, and have no comments regarding environmental matters.

However, we remind you that you will need to consider whether or not the project will require formal notice and review from an airspace standpoint. The requirements for this notice may be found in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. This regulation is contained under Subchapter E, Airspace of Title 14 of the Code of Federal Regulations. We would like to remind you that if any part of the project exceeds notification criteria under FAR Part 77, notice should be filed at least 30 days prior to the proposed construction date. Questions concerning this matter should be directed to Ms. Brenda Mumper at (816) 329-2524.

Sincerely,

Mark H. Schenkelberg, P.E.  
Environmental Specialist



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION VII  
Iowa, Kansas,  
Missouri, Nebraska

901 Locust Street  
Suite 404  
Kansas City, MO 64106  
816-329-3920  
816-329-3921 (fax)

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MAR 9 2006

**OFFICE OF LOCATION & ENVIRONMENT**

March 3, 2006

Mr. James Rost, Director  
Office of Location and Environment  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

RE: Environmental Assessment Documentation – FTA Comments for Broadway  
Viaduct Improvement Study in Council Bluffs, Iowa

Dear Mr. Rost:

We are responding to the letter from Mr. Brian Gross dated February 7, 2006 requesting comments from the Federal Transit Administration (FTA) as part of the Environmental Assessment documentation for the Broadway Viaduct project located in Council Bluffs, Iowa.

FTA requests that the Metro Area Transit (MAT) agency, which provide transit service to Council Bluffs be involved in all planning activities for the Broadway Viaduct project as MAT may wish to include transit amenities including bus shelters and bus stops as part of this project.

Thank you for inviting our comments for this project. If you have any questions, please call Mr. Mark Bechtel, FTA-Region VII, at (816) 329-3937.

Sincerely,

Mokhtee Ahmad  
Regional Administrator

cc: Kurt Simon, MAT  
Michelle McEnany, Iowa DOT



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KANSAS/MISSOURI STATE OFFICE  
Gateway Tower II, Room 200  
400 State Avenue  
Kansas City, KS 66101-2406  
HUD Home Page: [www.hud.gov](http://www.hud.gov)

March 8, 2006

Mr. Brian Goss  
Environmental Project Manager  
HDR Engineering, Inc.  
8404 Indian Hills Drive  
Omaha, NE. 68114-4049

SUBJECT: Environmental Study – Broadway Viaduct Improvements

Dear Mr. Goss:

In response to your letter, dated February 7, 2006, regarding the subject project, we contacted the Council Bluffs Housing Authority and asked them for comments. Their comments are included in their letter of February 28, 2006, copy enclosed.

Should you have any questions or require additional information, please contact me at (913) 551-6988.

Sincerely,

A handwritten signature in cursive script that reads "Paul Bilski".

Paul Bilski  
Revitalization Specialist  
Public Housing Division

Enclosure

# *The Municipal Housing Agency*

505 South 6th Street  
Council Bluffs, Iowa 51501  
Phone 712-322-1491  
FAX • TDD 712-322-9081

February 28, 2006

Mr. Andrew Boedecker  
Office of Public Housing  
Attn: Ms. Dean Downs  
U.S. Dept. of HUD  
Kansas/ Missouri State Office  
Gateway Tower  
400 State Avenue  
Kansas City, Kansas 66101-2406

Dear Ms. Downs,

After review of the Broadway Viaduct Improvements Environmental Study I find that there would be no detrimental effects on our Public Housing Projects for any of the proposed senerios shown in the study. We would see some slight increase in traffic at the Regal Towers Housing Project only during the actual reconstruction phase but this would be a temporary condition until all construction is completed.

We will keep the study in our agency files for future reference.

Best Regards, MHA of Council Bluffs



Robert Stephens  
Executive Director

RS/rs



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Rock Island Field Office  
4469 48<sup>th</sup> Avenue Court  
Rock Island, Illinois 61201  
Phone: (309) 793-5800 Fax: (309) 793-5804

IN REPLY REFER  
TO:  
FWS/RIFO

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March 9, 2006

Mr. Brian Goss  
HDR 8404 Indian Hills Drive  
Omaha, Nebraska 68114-4049

Dear Mr. Goss:

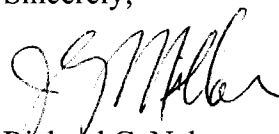
This letter is in regard to the Environmental Assessment for the proposed Broadway Viaduct Improvement Study, City of Council Bluffs, Pottawattamie County, Iowa. We have reviewed the document and have no additional comments.

This precludes the need for further action on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. Should this project be modified or new information indicate endangered species may be affected, consultation should be initiated.

This letter provides comments under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.); and the Endangered Species Act of 1973, as amended.

If you have any additional questions or concerns, please contact Heidi Woeber of my staff.

Sincerely,

  
for  
Richard C. Nelson  
Field Supervisor



- Douglas County, NE
  - Bennington
  - Boys Town
  - Elkhorn
  - Omaha
- Omaha City Council
  - Ralston
  - Valley
  - Waterloo
- 
- Sarpy County, NE
  - Bellevue
  - Gretna
  - La Vista
  - Papillion
  - Springfield
- 
- Washington County, NE
  - Arlington
  - Blair
  - Fort Calhoun
  - Herman
  - Kennard
  - Washington
- 
- Mills County, IA
  - Emerson
  - Glenwood
  - Hastings
  - Henderson
  - Malvern
  - Pacific Junction
  - Silver City
- 
- Pottawattamie County, IA
  - Avoca
  - Carson
  - Carter Lake
  - Council Bluffs
  - Crescent
  - Hancock
  - Macedonia
  - McClelland
  - Minden
  - Neola
  - Oakland
  - Treynor
  - Underwood
  - Walnut
- 
- Bellevue Public Schools
- Council Bluffs Airport Authority
- Council Bluffs Planning Commission
- Golden Hills Resource Conservation & Development District
- Iowa Western Community College
- Metro Area Transit
- Metropolitan Community College
- Metropolitan Utilities District
- Millard Public Schools
- Millard Suburban Fire District
- Omaha Airport Authority
- Omaha Housing Authority
- Omaha Planning Board
- Omaha Public Power District
- Papillion / La Vista Public Schools
- Papio - Missouri River Natural Resources District
- Pony Creek Drainage District
- Ralston Public Schools
- Valley Fire Protection District #5

**METROPOLITAN AREA PLANNING AGENCY**

2222 Cuming Street, Omaha, Nebraska 68102-4328  
 Phone: (402) 444-6866 Fax: (402) 342-0949  
 Email: [mapa@mapacog.org](mailto:mapa@mapacog.org) [www.mapacog.org](http://www.mapacog.org)  
 In the MAPA Region: 1-800-827-6866



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**APR 03 2006**

**OFFICE OF LOCATION & ENVIRONMENT**

March 30, 2006

James Rost  
 Director  
 Office of Location & Environment  
 Iowa Department of Transportation  
 800 Lincoln Way  
 Ames, Iowa 50010

RE: MAPA CASE #2006-014 - IA-DOT  
 Broadway Viaduct Improvement Study  
 Council Bluffs, IA EA

Dear Mr. Rost:

Enclosed is a copy of the MAPA Board action concerning the project listed above. Thank you for the opportunity to review this project.

Sincerely,

Alene A. Ramsey  
 Administrative Services Director

AAR/drv

Enclosures

cc: Scott Suhr

OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY

RESOLUTION NUMBER 2006 - 019

WHEREAS, the members of the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) Board of Directors have been formally designated by their respective legislative bodies to act as the official representative in planning matters of mutual concern; and

WHEREAS, the following application has been submitted to MAPA in accordance with Executive Order 12372 for intergovernmental review and coordination; and

WHEREAS, MAPA has given due consideration to said project; therefore be it

RESOLVED, that MAPA finds the project to be consistent with area-wide planning and forwards favorable comment to the applicant.

MAPA CASE #2006-014

IA-DOT  
Broadway Viaduct Improvement Study,  
Council Bluffs, IA EA

PASSED this 30th day of March, 2006

  
\_\_\_\_\_  
John Abbott, Chairman  
MAPA Board of Directors



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



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JUN - 5 2006

MAY 26 2006

ER 06/166

OFFICE OF LOCATION & ENVIRONMENT

Mr. Philip Barnes  
Division Administrator  
Federal Highway Administration  
105 Sixth Street  
Ames, Iowa 50010-6337

Dear Mr. Barnes:

As requested, the Department of the Interior (Department) has reviewed the Environmental Assessment and Programmatic Section 4(f) Evaluation of the **Broadway Street Viaduct Improvement Study, Council Bluffs, Pottawattamie County, Iowa**. The Department offers the following comments for your consideration.

The Department has reviewed the Environmental Assessment and Programmatic Section 4(f) Evaluation of the Broadway Viaduct Improvement Study, City of Council Bluffs, for the potential of impacts to properties that may be eligible for consideration under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303). The only Section 4(f) property affected by this project is the Broadway Street Viaduct, part of an important east-west route through the City, which was constructed between 1953 to 1955, to avoid at-grade crossings of several railroad tracks. You note that when it was constructed, the Broadway Street Viaduct was the second longest viaduct in Iowa. We would add the fact that the historic Lincoln Highway was routed along Broadway Street but did not see that mentioned in the Evaluation. We would agree with the identification of the viaduct as the only Section 4(f) property affected and that the use of a Programmatic Section 4(f) Evaluation is appropriate for the treatment of the impacts. The proposed project would have little or no impact on fish and wildlife resources, including federally listed threatened and endangered species. With respect to such resources, the Environmental Assessment is adequate and the Department has no objection to implementation of the proposed action.

The Department has a continuing interest in working with the Federal Highway Administration and the Iowa Department of Transportation to ensure impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f), please contact the Regional Environmental Coordinator Nick Chevance,

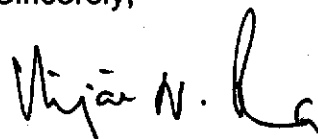
Mr. Philip Barnes

2

National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha,  
Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,



✓ Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

cc:

✓ Director James P. Rost  
Office of Location and Environment  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, Iowa 50010

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**ATTACHMENT B**

**PROGRAMMATIC SECTION 4(f) EVALUATION**

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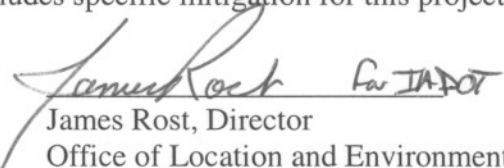
## Iowa Department of Transportation

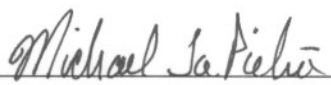
To Office      Federal Highway Administration      Date: November 4, 2005  
Attention      Philip Barnes, Division Administrator      Ref No. NHSX-6-1(109)—3H-78  
From            James Rost, Director                              County: Pottawattamie  
Office           Location and Environment  
Subject        Programmatic 4(f) approval for Historic Bridge – Broadway Viaduct

The referenced project (removal of the National Register of Historic Places eligible Broadway Viaduct) has completed the 4(f) process. This project fits the standard for a programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges.

The following determinations have been met:

1. The No-Build Alternative was evaluated but was determined to be not feasible or prudent because it would not meet the purpose of the project to address structural problems leading to the viaduct reaching the end of its useful life and functional issues such as a lack of shoulders, inadequate pedestrian protection, and vertical clearance less than design criteria.
2. Options for repair of portions of the viaduct were considered. Although these are feasible and prudent options, the modifications to meet current functional and structural standards would impact the historic structure. Additionally, a lower life expectancy and more maintenance activities would result from repairing the structure rather than constructing a new viaduct.
3. Options for constructing the viaduct on a new alignment were evaluated and determined not to be prudent because they would result in the use of additional properties eligible for protection under Section 4(f), and the existing viaduct would need to be demolished because it serves no other transportation function.
4. There is no feasible and prudent option that would not result in a direct use of at least one property eligible for protection under Section 4(f), specifically the Broadway Viaduct. Consequently, demolition of the viaduct and construction of a new viaduct along the existing alignment is the most prudent option.
5. The proposed action includes all possible planning to minimize harm to the historic structure. A Memorandum of Agreement (MOA) among the Federal Highway Administration, the Iowa DOT, and the Iowa State Historic Preservation Officer (attached MOA) was agreed to which includes specific mitigation for this project.

  
James Rost, Director  
Office of Location and Environment

Concur:   
For the Federal Highway Administration

Date: 4/18/06

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**ATTACHMENT C**

**SECTION 106 MEMORANDUM OF AGREEMENT**

# MEMORANDUM OF AGREEMENT

Between  
The Federal Highway Administration  
and  
The Iowa State Historic Preservation Office

Regarding

The Replacement of the Broadway Viaduct

NHSX-6-1(109)—3H-78  
R&C# 041078095

**WHEREAS**, the Federal Highway Administration (FHWA) has determined that the replacement of the 1,394 ft I-Beam Steel and continuous-span bridge with cellular-walled approach abutments that carries Iowa Highway 6 traffic over several railroad tracks in the City of Council Bluffs would have an adverse effect upon this property which is eligible for listing on the National Register of Historic Places (NRHP), and has consulted with the Iowa State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f).

**WHEREAS**, the consulting parties agreed that it is in the public interest to expend funds to implement this project through documentation of the historic property thereby mitigating the adverse effects of the project;

**WHEREAS**, no other resources, historical, architectural or archaeologically eligible for the National Register will be adversely effected by the proposed project;

**WHEREAS**, the Iowa Department of Transportation (IaDOT) will let and construct the proposed undertaking, has participated in the consultation with FHWA and IaSHPO and has been invited to participate in this Memorandum of Agreement;

**WHEREAS**, the City of Council Bluffs has been consulted and has been invited to concur in this Memorandum of Agreement; and

**WHEREAS**, Native American tribes have been notified and no objection has been raised to work proposed; and

**NOW, THEREFORE**, FHWA shall ensure that the following terms and conditions, including the appended *Iowa Historic Properties Study – Bridges*, will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (U.S.C.470).



## STIPULATIONS

FHWA will ensure that the following measures are carried out:

### **A. Conditional No Adverse Effect**

1. The project designer shall be advised of the historic properties within 260 ft of the project area. The project shall be designed to minimize the risk of construction vibration damage to historic properties.
2. A note to the Contractor shall be placed on plan sheets that advised the contractor to use construction methods to reduce the risk to construction vibration damage to historic properties within 260 ft of the abutments and piers.

### **B. Bridge Documentation**

1. The Iowa DOT shall document the structure in accordance with the recordation plan *Iowa Historic Property Study: Bridges* attached to the MOA as Appendix A.
2. The Iowa DOT shall carry out this documentation plan, as approved by the SHPO, in a manner consistent with applicable criteria for meeting the Secretary of Interior's four standards for architectural and engineering documentation (48FR4431) and by a person or firm whose education and professional experience meets the Secretary of the Interior's Professional Qualification Standards (48FR44738-9) for historians.
3. The Iowa DOT may proceed with construction of the bridge after the SHPO has approved the photos of the bridge and other field information gathered at the bridge site.
4. The Iowa DOT shall notify the SHPO within 30 days of the demolition of the bridge.
5. The Iowa DOT shall submit the draft version of the documentation, attached as Appendix A, to the Iowa SHPO for review within 12 months of SHPO's approval of the photos and gathered information. If SHPO does not provide comments within 45 days of receipt, the author may proceed to finalize the document.
6. The Iowa DOT shall provide copies of the final documentation in paper form plus PDF format on a CD to signatories of this MOA and paper copies to the local historical society and Council Bluffs Public Library, and local high schools libraries.

### **C. Unexpected Discovery**

#### ***Archaeology***

If construction work should uncover previously undetected archaeological materials, the Iowa DOT will cease construction activities involving subsurface disturbances in the area of

the resource and notify the Iowa SHPO of the discovery and proceed with the following procedure.

1. The Iowa SHPO, or an archaeologist retained by the Iowa DOT that meets the Secretary of the Interior's Standards for archeology, will immediately inspect the work site and determine the extent of the affected archaeological resource. Construction work may continue in the area outside the archaeological resource as defined by the Iowa SHPO or by Iowa SHPO in consultation with the Iowa DOT's retained archaeologist.
2. Within 14 days of the original notification of discovery, the Iowa DOT, in consultation with the Iowa SHPO, will determine the National Register eligibility of the resource. The Iowa DOT may extend this 14-day calendar period one time by an additional 7 days by providing written notice to the Iowa SHPO prior to the expiration date of said 14-day calendar period.
3. If the resource is determined eligible for the National Register, the Iowa DOT shall submit a plan for its avoidance, protection, recovery of information, or destruction without data recovery to Iowa SHPO for review and comment. The Iowa DOT will notify all consulting parties including interested tribes of the unanticipated discovery and provide the proposed treatment plan for their consideration. The Iowa SHPO and consulting parties will have 7 days to provide comments on the proposed treatment plan to the Iowa DOT and FHWA upon receipt of the information.
4. Work in the affected area shall resume upon either:
  - a. the development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
  - b. the determination by Iowa SHPO that the newly located archaeological materials are not eligible for inclusion on the National Register.

### ***Human Graves***

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, the Iowa DOT shall proceed with the following process:

1. Cease work in the area and take appropriate steps to secure the site.
2. Notify the Office of Locations and Environment, the Office of the State Archaeologist and the SHPO.
3. If the remains appear to be ancient (i.e., older than 150 years), the state agency responsible for ancient burials shall have jurisdiction to ensure NAGPRA and the implementing regulations (43CFR10) are observed. The deposition of the remains will be determined in consultation with the culturally affiliated tribe(s) if known.
4. If the remains appear to be less than 150 years old, the remains may be legally protected under Iowa Code, Chapter 566 and the Iowa Department of Health would be notified.

### **C. Administrative Conditions**

- 1 Modifications, amendments or termination of this agreement as necessary shall be

accomplished through consultation and written agreement of all the signatories.

2. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute according to 36CFR 800.7.
3. The terms of the agreement shall be reviewed to determine if revisions area needed if its terms are not carried out within five (5) years from the date of its execution.

Execution of this Memorandum of Agreement by FHWA, Iowa DOT and the Iowa SHPO is evidence that FHWA has taken into account the effects of the undertaking on historic properties.

**Signatories:**

By: Michael LaPietra 2/23/06  
FHWA Iowa Division Date

By: Rowell G. Sorke 3-6-06  
Iowa State Historic Preservation Officer Date

By: James Rost 2/23/06  
Iowa Department of Transportation Date  
Office of Location and Environment

**Concur:**

By: Cheryl J. [Signature] 1-17-06  
City of Council Bluffs Date

## Appendix A

### Iowa Historic Property Study: Bridge Broadway Viaduct Council Bluffs, Iowa

The documentation identified below is for Iowa bridge properties of state and local significance. It is to be written for a broad public audience--kept simple, direct, and free of technical and academic jargon. The information is to be presented (i.e., edited, cataloged and packaged) in accordance with Historic Preservation Bureau guidelines. In its content, quality, materials, and presentation, the study will meet the Secretary of Interior's four standards for architectural and engineering documentation (48 FR 44731).

The purpose of the report will be to place the bridge in engineering and historical perspective. Emphasis is to be on its local or state historical context because the specific engineering qualities of the bridge have already largely been covered in the statewide 1993 Historic Bridge Inventory, prepared by consultant Fraserdesign for the Iowa Department of Transportation. Of course, new research information that modifies or corrects previous survey findings will be cited.

The research emphasis will be placed on recovering information about local or state context surrounding the building of the bridge based on primary sources to the greatest extent possible. Thus, the weight of total effort is to be given not to elaborate engineering description or structure photography, but to amplifying what is known about the story of the bridge as grasped through research in local newspapers, courthouse records, etc.. The test of responsiveness to documentation projects under this historic property study series will be more on the depth of local historical sources consulted than on the numbers of site photographs produced.

The documentation prepared for the purpose of inclusion in the State Historical Society of Iowa's collections must meet the requirements below. The Society's historic preservation office retains the right to refuse to accept documentation for inclusion in its collections when that documentation (edited, cataloged, and packaged) does not meet requirements as specified below.

#### **Kinds of Documentation to be Gathered:**

- 1 *Iowa Site Inventory Number, Historical Architectural Data Base Number, and Photograph (black and white film roll number and color slide sheet) Numbers:* Three kinds of project reference numbers are to be obtained from the statewide inventory coordinator at the State Historical Society's historic preservation office. The first is the Iowa Site Inventory Number, which can be assigned upon providing a specific street address in a town or city or, for rural areas, its quarter section, township and range. This number would be cited in the report, appear on reference maps and site plans, and be identified on photographic prints, slides, etc. The second number refers to the number assigned for entering this report into the state's Historic Architectural Data Base (HADB) through

completing the HADB form for inclusion in the appendix. The third class of numbers are film roll numbers and color slide 20-slot sheet number to be obtained from the State Historical Society's Inventory Coordinator so that images can be cataloged into the agency's file system and cross-referenced to Iowa Site Inventory Forms.

2. *Photographs:* Unless stipulated elsewhere, the coverage will be field photography, with each view made with both 35mm black and white film and Kodachrome-64 color slides. The black and white photographs shall be on fiber-based papers or on resin-coated papers of double or medium-weight paper that have been processed in trays in order to meet guidelines outlined in National Register Bulletin 16A. The documentation is to meet requirements for ready inclusion in the records of the State Historical Society of Iowa. The minimum number and kind of views taken will be in accord with those assigned in diagrams for recording bridge details illustrated by bridge historian, James C. Hippen. Other views will include at least two contextual views showing the bridge's placement on the landscape plus, as needed, special shots of the particular bridge in order to adequately illustrate what is significant or valuable about the structure(s).
3. *Existing drawings* of the bridge either as built or altered, if available, will be selected and appropriately reproduced.
4. *Available historic photographs or illustrations* that reveal the bridge under construction or in later use will be selected and appropriately reproduced.
5. *Basic bridge facts* about its origins, design and construction features will be handled by attaching as the lead element of the appendix of the report a copy of the completed survey and HAER inventory forms contained in the 1993 Historic Bridge Inventory, prepared by consultant Fraserdesign for the Iowa Department of Transportation.
6. *Narrative Report*, printed on archival bond paper, of approximately ten pages. Statements within the narrative are to be footnoted as to their sources, where appropriate. The format for presentation is stated below.

### **Format for the Narrative Report:**

#### *Cover Page:*

Includes report title, governmental entity or source of support for sponsoring the survey, author/authors, name of affiliated firm or research organization, date of report.

#### *Acknowledgments* (if applicable)

This might include acknowledgment of valuable oral informants, or recognition of those who provided useful research leads, tendered special library assistance or helped locate and access useful courthouse archives.

## *Table of Content*

### *Introduction:*

Describes purpose of project, time frame when research and field work occurred, and limitations of the project.

*Part I: The Bridge Today* takes the reader to the property, describing where it is situated, its general appearance, and important physical characteristics of its setting and landscape features that have influenced the way things developed.

*Part II: Historical Background* steps back to explain the bridge's time of original construction.

Based on newspaper and other available sources, the narrative will seek to explain such developments as:

1. The impetus for construction of the bridge (e.g., local landowners, new transportation route, destruction of previous bridge);
2. The reason for designing or placing this particular kind of bridge at this location (e.g., a particular design preferred by the county engineer, a particular bridge company favored by contracts)
3. Selection of this particular bridge and its fabricator.

*Part III: Construction history* documents the physical evolution of the bridge and subsequent alterations.

Aspects to bear in mind include:

1. Story of building the bridge and by whom it was done. Special emphasis will be on significant events in the building process, such as technical or financial problems faced, construction delays, and the need to redesign details or re-fabricate elements.
2. Later changes to the bridge, identifying what was done and why it was made necessary.

*Part IV: Significance* of the bridge. State in what way the bridge helps interpret local and state development in transportation or contribute to understanding how a type, period or method of construction developed, or exemplify the achievement of person(s) who designed or built it.

This might address such matters as:

1. The role that this bridge played in local transportation and political, industrial or social history. Indicate, if known, how its completion was received and recognized as important by the public as gleaned through notices of celebrations, picnics, orators present at the opening of the structure for use.
2. The relative place of the bridge designer/bridge company in local and state history.
3. The bridge as a demonstration of new, innovative, or typical bridge design practices and uses of material.

Available photographs, illustrations, or site plan will be integrated into the narrative as needed to help convey the property's interpretive value.

*Part IV: Reference Sources*

A paragraph or two about the quality and quantity of information consulted, its location, noting any conflicts in source materials, their accuracy, biases or noteworthy historical perspectives. This would be followed by a bibliography of the reference source materials.

*Part V: Appendices*

The information here--if not placed elsewhere in the report--would include, but not be limited to, the following:

1. A copy of the completed survey and HAER inventory forms contained in the 1993 Historic Bridge Inventory, prepared by consultant Fraserdesign for the Iowa Department of Transportation.
2. A site plan drawing showing the bridge's relation to immediate landscape and river/road configuration.
3. Map(s) showing location in county/town, changes in property size, etc.
4. A 5" X 7" enlargement of each black and white view taken to satisfy specifications above, arranged sequentially, from the most general view to the most detailed view. Each is to be labeled on the back as to bridge name, Iowa Site Inventory Number, and roll/frame number with a No. 1 (soft) pencil or archival pen, and placed in Print-File (57-4P), or equivalent, sleeve. Photographs on paper that will not accept pencil marks (including certain resin-coated papers) may be labeled with an archivally stable, permanent audio-visual marking pen, as per instructions on page 65 of *National Register Bulletin 16A*.
5. A "Photograph Catalog Field Sheet" for each sleeve of black and white negatives and for each 20-slot sleeve of color slides.
6. Negatives of 35mm (ASA 125 or less) black and white film in Print-File (35-7B), or equivalent, sleeves.
7. A contact print for each roll of black and white film placed in a Print-File (810-1B), or equivalent, sleeve.
8. Kodachrome-64 slides properly labeled (property name, Iowa Site Inventory Number, and Slide sleeve number/slot number) and placed in Print-File (2x2-20B), or equivalent, 20-slot sleeves.
9. Completed Iowa Historical Architectural Data Base (HADB) form.
10. Other relevant information (e.g., photocopy of biographical information about the bridge builder).