



Re-Evaluation Statement

Waring Road Improvement Project

PIN 4754.40

City of Rochester, Monroe County, New York

April 13, 2020

This Re-Evaluation Statement has been prepared to document modifications to the original project to complete road improvements to Waring Road which includes rehabilitation/reconstruction to address the deteriorated conditions of the existing pavement, improve circulation at the plaza entrance, address accident clusters, improve intersection alignment at various skewed side streets along the project, upgrade pedestrian facilities, provide adequate on-street parking facilities and provide bike lanes along the roadway for motorists and bicyclist to better share the roadway according to the January 2011 City of Rochester Bicycle Master Plan.

The City of Rochester delayed the project until additional funding could be procured to move forward with construction. Funding has been secured and the project is set to be bid in late 2020 and construction is anticipated to begin 2021. The City of Rochester is the project’s lead sponsor.

A Re-Evaluation Statement is required when changes have occurred to the project since the preparation of the design approval document. The following change to the proposed project has occurred:

<i>Change</i>	<i>Original Project</i>	<i>Proposed Project</i>
A significant amount of time has passed (equal or greater than three years) since the project has progressed through its last major step (e.g., Draft DAD or Final DAD submission, Design Approval, PS&E approval or ROW acquisition approval, etc.).	Original Design Approval Document (DAD) was dated December 2012	Re-Evaluation Statement to be dated April 2020

This reevaluation has been done with close coordination between NYSDOT and FHWA and in accordance with FHWA 23 CFR 771.129 Reevaluation, SEQR 17 NYCRR Part 15 Regulations, and New York State Department of Transportation (NYSDOT) Project Development Manual (PDM), Appendix 11. Based on this reevaluation, it is concluded that the minor proposed changes to the Waring Road Improvement Project would not be substantially different from that in the approved design document and that it would not result in any unusual circumstances discussed in 23 CFR 771.117(b) that would invalidate the Categorical Exclusion determination. The United States Department of Interior - Fish and Wildlife Service was contacted and verified that there are zero (0) threatened, endangered, or candidate species as well as no critical habitats within the project area. The environmental analysis in the FDR is still valid, up-to-date and complete. Therefore, the 2012 Environmental Determination and Design Approval are still valid.

The Environmental Re-evaluation Checklist and correspondence with the United States Department of the Interior – Fish and Wildlife Service are attached.

Final Design Report Approval Date – December 2012

4/14/2020



Date

Craig Ekstrom, P.E.
NYSDOT, RLPL

4/14/2020



Date

Holly Barrett, P.E.
City of Rochester Department of Environmental Service, City
Engineer

Exhibit 11-2, Reevaluation Checklist

New York State Department of Transportation

ENVIRONMENTAL REEVALUATION CHECKLIST

Project Name: Waring Road Improvement Project
Project Number (State/Federal): 4754.40
Bridge Identification Number: N/A
Document Type & Approval Date: FDR, December 2012
Reevaluation Number:
Date of Last Reevaluation: N/A

The purpose of the reevaluation is to assure that the conclusions of the Design Approval Document (DAD) (CE, EA/FONSI, EIS/ROD, Type II, Non Type II) remain valid. Information in this reevaluation should cover all changes that occurred after the last DAD's review or reevaluation was performed.

I. Proposed Action:

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. Have changes occurred in the project scope since approval of the original DAD or subsequent environmental reevaluation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Has there been a change in the project design parameters since the original DAD or subsequent DAD was approved? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Describe changes:
N/A | | | |

II. Purpose and Need of Project:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Has there been a change in the project purpose and need from that described in the approved DAD or subsequent DAD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Describe changes:
N/A | | | |

III. Environmental Consequences: *Identify (yes or no) if there have been any changes in project impacts from those identified in the original DAD or subsequent reevaluations. For each "yes," describe the magnitude of the change and the potential for significant impact.*

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Has there been a change in the affected environment within or adjacent to the project area that could affect any of the impact categories (i.e. new legislation, transportation infrastructure, or protected resources)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Describe changes:
N/A | | | |

A. Right-of-Way Impacts

- | | YES | NO | N/A |
|---|-------------------------------------|--------------------------|--------------------------|
| 1. Have the right-of-way requirements changed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Describe changes:
Reduced the number of acquisitions from seven (7) to one (1). | | | |

Exhibit 11-2, Reevaluation Checklist

<u>B. Social Impacts:</u>	YES	NO	N/A
1. Would there be any changes in the neighborhoods or community cohesion for the various social groups as a result of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are there any changes in travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Are there any changes to the impacts on school districts, recreation areas, churches, businesses, police and fire protection, etc.? Include the direct impacts and the indirect impacts that may result from the displacement of households and businesses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any changes to the effects of the project on the elderly, handicapped, nondrivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Have the project's effects on minorities or disadvantaged persons or those disproportionately affected changed? (i.e., E.O. 12898)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Describe changes, if any.			
N/A			

<u>C. Economic Impacts:</u>	YES	NO	N/A
1. Are there any changes to the economic impacts of the action on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are there any changes to the potential impacts of the proposed action on established businesses or business districts, or changes to any opportunities to minimize or reduce such impacts by the public and/or private sectors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Describe changes, if any.			
N/A			

<u>D. Local Land Use and Transportation Plan:</u>	YES	NO	N/A
1. Have there been changes in the local land use or transportation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. If yes, is the project consistent with the changes to the local transportation land use plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Would project changes induce adverse secondary and cumulative effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Describe changes.			
N/A			

<u>E. Cultural Resource Impacts:</u>	YES	NO	N/A
1. Are there changes in the project's effect on cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Has there been a change in the status of National Register listed, eligible, or potentially eligible sites in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Describe changes.			
N/A			

<u>F. Farmland Impacts:</u>	YES	NO	N/A
1. Are there changes in the project's effects on Prime or Unique Farmland as defined in 7 CFR part 657 of the Federal Farm Protection Policy Act?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Describe changes			
N/A			

Exhibit 11-2, Reevaluation Checklist

G. Wetland Impacts: (If yes, resource coordination required).

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Are there changes in project scope or design that affect the wetland impacts? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Acres (original/proposed): _____/_____ | | | |
| 3. Fill quantities (original/proposed): <u>N/A/N/A</u> cubic yards. | | | |
| 4. Dredge quantities (original/proposed): <u>N/A/N/A</u> cubic yards | | | |
| 5. Is there an impact on function and/or value of wetland? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| 6. Describe any changes from the original DAD and subsequent environmental reevaluation(s).
N/A | | | |

H. Fish & Wildlife Impacts:

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. Are there changes in the effects to fish and wildlife resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Has there been a change in status of listed Threatened & Endangered species directly or indirectly affected by the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Describe changes.
N/A | | | |

I. Water Body Involvement:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Have there been any changes to the project effects on water bodies? If yes complete 2-3 and describe in 4. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Project affects a navigable water body (as listed by USCG). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Project affects navigable waters of the U.S. (as defined by the Corps). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Describe any changes:
N/A | | | |

J. Hazardous and Contaminated Material:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Have there been any changes in the status of or our involvement with known or potentially contaminated sites along the corridor? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. If buildings, residences are relocated, demolished or acquired, have they been evaluated for hazardous and contaminated material (i.e. asbestos?). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Describe changes.
N/A | | | |

K. Air Quality Conformity:

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. Does the project as proposed affect a non-attainment area, which will require a revised conformity determination? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed change affect air quality monitoring? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Describe any changes.
N/A | | | |

L. Floodplains Impacts:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Have there been changes in the project effects to a regulatory floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Describe changes.
N/A | | | |

Exhibit 11-2, Reevaluation Checklist

M. Noise Impact:

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. Have there been any changes in the proposed project that may change its status under 23 CFR 772 to a Type I project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Has there been any new land development that may result in a potential noise impact? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Have there been any changes in the geometric design of the proposed project that may result in potential noise impact? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Have there been any changes in the projected future traffic (volume, speed, or classification) that may result in a potential noise impact? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Have there been any changes in the proposed project that may revise its previous abatement recommendations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

6. Describe changes.
N/A

N. Water Quality Impacts:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Does the project now involve a public or private drinking source? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Would project changes affect the potential discharge of storm water into Waters of the U.S? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the project now involve a stormwater discharge SPDES permit and/or require changes to an existing permit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

4. Describe changes.
N/A

O. Permits and Authorization:

- | | YES | NO | N/A |
|---|--------------------------|-------------------------------------|--------------------------|
| 1. Are there any changes in the status of the permits and authorizations previously required for the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will any additional permits be needed due to the changes in the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

3. Describe changes.
N/A

IV. Construction Impacts:

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| Have the following potential construction effects changed: | | | |
| 1. Construction timing commitments? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Temporary degradation of water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Temporary stream diversion? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Temporary degradation of air quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Temporary delays and detours of traffic? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Temporary impact to businesses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Other construction impacts, including noise? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

8. Describe changes.
N/A

V. Section 4(f)/6(f):

- | | YES | NO | N/A |
|--|--------------------------|-------------------------------------|--------------------------|
| 1. Has there been a change in status of Section 4(f) properties affected by the proposed action? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Would the project have "use" or "constructive use" of Section 4(f) properties? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has there been a change in status of Section 6(f) properties affected by the proposed action? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the use of 6(f) property a conversion of use per Section 6(f) of the Land Water Conservation Fund Act? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Exhibit 11-2, Reevaluation Checklist

5. If yes to any of the above, attach appropriate Section 4(f) and Section 6(f) documentation.

VI. Comments and Coordination Conducted for the Reevaluation:

- | | | | |
|---|---------------------------------|---|---------------------------------|
| 1. Has public/agency coordination occurred since the DAD was approved or since the last reevaluation? | YES
<input type="checkbox"/> | NO
<input checked="" type="checkbox"/> | N/A
<input type="checkbox"/> |
| 2. Discussion: Describe comments and coordination efforts taken for this project since approval of the DAD or reevaluation. Discuss pertinent issues raised by the public and government agencies. Attach applicable correspondence and responses. | | | |
| 3. Independent Quality Control: An independent quality control review separate from the function group review has been conducted in the Region and all policies, procedures, standards, rules and regulations requisite to Design Approval has been followed. | YES
<input type="checkbox"/> | NO
<input checked="" type="checkbox"/> | N/A
<input type="checkbox"/> |

VII. Changes in Environmental Commitments or Mitigation Measures:

- | | | | |
|--|---------------------------------|---|---------------------------------|
| 1. Have any changes in the environmental commitments or mitigation occurred? | YES
<input type="checkbox"/> | NO
<input checked="" type="checkbox"/> | N/A
<input type="checkbox"/> |
| 2. Describe changes. | | | |
- N/A

VIII. Environmental Reevaluation:

- | | | | |
|---|--|-------------------------------------|---------------------------------|
| 1. The conclusions and commitments of the original DAD approval or subsequent reevaluations remain valid (if no, go to # 2). | YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | N/A
<input type="checkbox"/> |
| 2. The changes in the project scope, environmental consequences, or public controversy require a new, supplemental DAD or EIS. (No. 2 requires prior consultation with the FHWA Area Liaison and Environmental Specialist.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Prepared by:



Justin W. Steinbach, AICP, CPL

Date: April 6, 2020

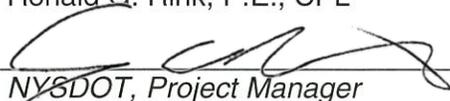
Reviewed by:



Ronald G. Rink, P.E., CPL

Date: April 6, 2020

Recommended by:


NYSDOT, Project Manager

Date: April 14, 2020



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

March 30, 2020

Consultation Code: 05E1NY00-2020-SLI-2272

Event Code: 05E1NY00-2020-E-06867

Project Name: Waring Road Improvement Project PIN 4754.40

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2020-SLI-2272

Event Code: 05E1NY00-2020-E-06867

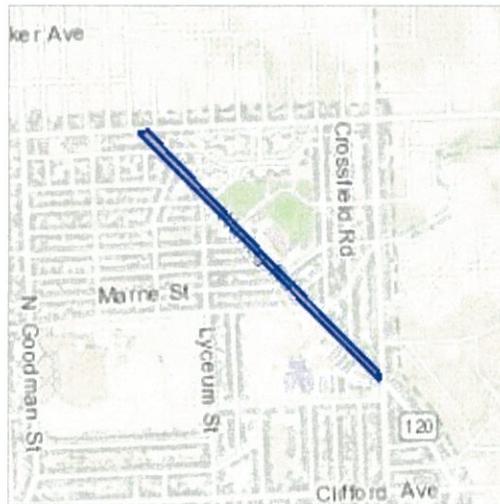
Project Name: Waring Road Improvement Project PIN 4754.40

Project Type: TRANSPORTATION

Project Description: Rehabilitation/reconstruction to address the deteriorated conditions of the existing pavement, improve circulation at the plaza entrance, address accident clusters, improve intersection alignment at various skewed side streets along the project, upgrade pedestrian facilities, provide adequate on-street parking facilities and provide bike lanes along the roadway for motorists and bicyclist to better share the roadway according to the January 2011 City of Rochester Bicycle Master Plan. NYSDOT PIN 4754.40

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.183784922566716N77.56579965755084W>



Counties: Monroe, NY

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.