

**City of Kinston
Lenoir County**

**Replace Lenoir County Bridges 42 & 43 over Neuse River and
Bridges 26 & 28 over Neuse River Overflow on
Queen Street (US 70/258B/NC58)**

AND

Improvements to the Offsite Detour

Federal Aid Project No. BRSTP-70B(5)

W.B.S. No. 33773.1.1

T.I.P. No. B-4565

CATEGORICAL EXCLUSION

UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

AND

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

10/4/13
DATE

Richard W. Hancock
Richard W. Hancock, P.E., Manager
Manager, Project Development & Environmental Analysis Unit

10/7/13
DATE

John F. Sullivan, III
John F. Sullivan, III, Division Administrator
Federal Highway Administration

**City of Kinston
Lenoir County**

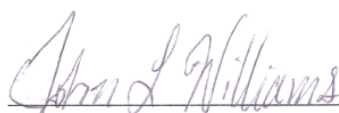
**Replace Lenoir County Bridges 42 & 43 over Neuse River and
Bridges 26 & 28 over Neuse River Overflow on
Queen Street (US 70/258B/NC58)
AND
Improvements to the Offsite Detour**

**Federal Aid Project No. BRSTP-70B(5)
W.B.S. No. 33773.1.1
T.I.P. No. B-4565**

CATEGORICAL EXCLUSION

Documentation Prepared in
Project Development and Environmental Analysis Unit By:

10-04-13
DATE



John L. Williams, PE
Project Engineer
Bridge Project Development Section



PROJECT COMMITMENTS:

Lenoir County
Bridges 42, 43, 26, 28 on Queen St (US 70/258 Bus/NC 58)
Over Neuse River & Neuse River Overflow
Federal Aid Project No. BRZ-70B(5)
W.B.S. No. 33773.1.1
T.I.P. No. B-4565

Division Two Construction, Resident Engineer's Office – Offsite Detour

In order to have time to adequately reroute school busses, Lenoir County Schools will be contacted at (252) 527-7092 at least one month prior to road closure.

Lenoir County Emergency Services will be contacted at (252) 559-6126 at least one month prior to road closure to make the necessary temporary reassignments to primary response units.

All Design Groups/ Division Resident Construction Engineer – Anadromous Fish

A moratorium on in-water construction will be in place from February 15th to June 30th of any given year.

Stream Crossing Guidelines for Anadromous Fish will be implemented in the design and construction of this project.

Contracts Unit - Length of Construction

In order to address specific requests from the School Transportation Director for Greene County, NCDOT will set the **minimum** reasonable contract time to reduce the period of road closure.

All Units – Avoid Impacts to Underground Storage Tanks (UST's)

There are USTs just outside of the project limits on the northeast quadrant at the abandoned gas station seen in Figure 3B. Any extension of the project footprint in that vicinity would require appropriate measures.

Hydraulic Unit, Natural Environment Unit –Buffer Rules

The Neuse River Basin Buffer Rules apply to this project.

Hydraulic Unit – FEMA Coordination

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or Approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

Division Construction-FEMA

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics

Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

Roadway/Division – Archaeological Site – Civil War Bridge Pilings

The proposed project is located adjacent to one known archaeological site (Civil War Bridge Pilings) that is eligible for the National Register of Historic Places.

For the piles on shore on the eastern edge of construction limits the plans shall identify this area as “shall not disturb” and the contractor will install hi-visibility fencing to prohibit access to this area.

For the remainder of the piles in the water, the area shall be delineated on the plans as “shall not disturb”

Roadway Design/Program Development Branch – Sidewalks

There are existing sidewalks that NCDOT will replace as a part of the project. NCDOT will cover 100% of the costs.

US Coast Guard Exemption – Natural Environment Section, Structure Management Unit

The US Coast Guard has indicated that they will likely grant an exemption once NCDOT demonstrates that we will maintain the current navigable opening in the new bridge. NCDOT Natural Environment Section will coordinate with Structures Management Unit to gather the necessary drawings and then NES will coordinate with the USCG to request an exemption.

Natural Environment Section – Bald Eagle Surveys

With nesting and foraging habitat present, an additional survey will be performed within two years prior to project LET. If nests or bald eagles are identified, NCDOT biologists will coordinate with the USFWS in order to take appropriate measures.

All Units – Municipal Agreement

In coordination with the City of Kinston to mitigate the impacts of the off-site detour, additional work to be included within the scope of the project shall include the following:

- A. Modification to Skinner’s Bypass as included below:
 - a. Construct a free flow westbound right-turn lane from US 70 westbound onto northbound NC 11-55;
 - b. Extend dual left-turn lanes from southbound NC 11-55 onto eastbound US 70 to provide 450 feet of full storage;
 - c. Extend right-turn lane on westbound US 70 at NC 11-55 to provide 650 feet of full storage; and
 - d. Optimize/revise traffic signal phases and timing to reduce stop delay and queuing.
- B. Resurface King Street from Skinner’s Bypass (US70) to bridges over the Neuse River.
- C. Install lighting on bridges as part of bridge project.

- D.** Install Texas Classic Rail on Bridge No. 42 and Bridge No. 43.
- E.** Provide signal pre-emption equipment for emergency vehicles at the following intersections:
 - a.** US 70 at Trenton Highway
 - b.** US 70 at Meadowbrook
 - c.** US 70 at Queen
 - d.** US 70 at King (Skinner's Bypass)
 - e.** King at Heritage
 - f.** King at Queen
 - g.** Queen at Caswell
 - h.** Queen at Gordon
 - i.** Queen at North
 - j.** Queen at Blount (If possible – currently has railroad pre-emption)
 - k.** Queen at Peyton
 - l.** Queen at Washington
 - m.** Queen at Lenoir
 - n.** Queen at Vernon
 - o.** Vernon at McLewean

The Department will provide and install pre-emption equipment in signal cabinets at these locations. The Municipality is responsible for maintenance costs.

The Department will provide the pre-emption equipment only for 28 emergency response vehicles, to each appropriate response agency for their installation and future maintenance.

In addition, the following items will be provided by the Department:

- A.** Provide shuttle service to local bicyclists and pedestrians that currently cross the bridges, if needed, as mutually agreed to by all parties.
- B.** Provide temporary directional signing during construction for the “South Queen Street Shopping Areas.”

**City of Kinston
Lenoir County
Replace Lenoir County Bridges 42 & 43 over Neuse River and
Bridges 26 & 28 over Neuse River Overflow on
Queen Street (US 70/258B/NC58)
AND
Improvements to the Offsite Detour
Federal Aid Project No. BRSTP-70B(5)
W.B.S. No. 33773.1.1
T.I.P. No. B-4565**

INTRODUCTION: Lenoir County Bridges 42, 43, 26, & 28 (See Figure 1) are included in the latest approved (2013-2023) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program for replacement. No substantial environmental impacts are anticipated. The project is classified as a Federal “Categorical Exclusion”.

I. PURPOSE AND NEED STATEMENT

When originally programmed B-4565 included Bridges 42 and 43 over the Neuse River because they had sufficiency ratings of less than 50, were over 80 and 60 years old respectively and because they are both narrow by current standards (functionally obsolete). Additionally Bridge 42 is structurally deficient with a structural evaluation of 4 out of 9.

Bridges 26 and 28 over the Neuse River Overflow were not originally included because their sufficiency ratings were not low enough to qualify (Sufficiency ratings 77.1 and 63.6 respectively). However, because they are the same age and design as the original pair of bridges and are within a few hundred feet of one another it quickly became evident that they should be replaced at the same time. FHWA is in agreement with adding the bridges.

Bridges 26 and 42 were originally built in 1930 and carried a narrow 16 foot wide road. Bridge 26 was a movable rotating span to allow for navigation. In 1954 the movable span was replaced with a fixed span and the original pair of bridges was widened to carry two lanes of southbound traffic with a 2nd pair of bridges (43 and 28) added to carry northbound traffic. The bridges currently carry 16,000 vehicles per day. This is projected to increase to at least 28,000 vehicles per day by the year 2035 if the Kinston Bypass is built. If the Bypass is not built traffic is projected up to 44,000 vehicles per day. These bridges are approaching the end of their useful life. Replacing these bridges now is prudent given their age, functional obsolescence and the rapidly increasing traffic.

II. EXISTING CONDITIONS

The project is located south of downtown Kinston in Lenoir County on Queen Street (US 70/258 Business/NC 58) (see Figure 1). Just north and south of the bridges the development in the area is a mix of commercial, residential, and industrial in nature. The immediate site of the four bridges is located in a forested floodplain (see Figure 2A & 2B).

Queen Street is classified as a major arterial in the Statewide Functional Classification System, and it is a not National Highway System Route.

In the vicinity of the bridge, both north bound and south bound Queen St. (US 70/258B/NC 58) have a 28-foot pavement width with varying widths of grass shoulders. The roadway is relatively flat the project area. The existing bridges are on a tangent.

The four bridges are built of reinforced concrete each with multiple spans. The pair over the Neuse River is situated 23 feet over the water. The Neuse has a depth of five feet and carries bass fishing boats regularly. NCDOT anticipates that the vertical and horizontal clearance under the bridge will be maintained or increased with the replacement structure. The US Coast Guard has indicated that they will likely grant an exemption when design reaches the point that we can demonstrate that the navigational opening will be maintained.

There are both overhead and underground power, telephone and cable lines. Water and other utilities are suspended on both sides of both sets of structures. Utility impacts are anticipated to be high. Coordination has already begun to insure that sufficient time is allowed for utility relocation prior to beginning construction.

The bridges currently carry 16,000 vehicles per day and this is projected to increase to at least 28,000 vehicles per day (4% Duals, 5% TTST's) by the year 2035 if the Kinston Bypass is built and up to 44,000 vehicles per day (3% Duals, 4% TTST's) if the bypass is not built. The posted speed limit is 35 miles per hour in the project area. Two school buses cross the bridge daily on their morning and afternoon routes.

There were a total of twenty-three crashes reported in the vicinity of the bridges during a recent three-year period. The majority of the crashes occurred just south of the bridges in the vicinity of the median crossover where US 70 westbound ramp intersects the US 70B westbound lanes. Three crashes occurred on the bridge structures, one of which was bicycle-related.

This section of US 70/258B/NC 58 is a designated local bicycle route named Route 41; it is not a state-designated bicycle route. There are sidewalks located on the existing bridges and their approaches. US 70B is recognized as a Strategic Highway Corridor.

III. ALTERNATIVES

A. Project Description

This roadway will be designed as a major arterial. Both build alternatives described below replace Lenoir County Bridges 42, 43, 26, and 28 on the existing alignment. Although the cross sections and traffic maintenance schemes differ for two alternatives evaluated in detail, the details common to both are as follows:

Work at intersection of Queen Street and US 70 - East bound US 70 currently has a slip ramp onto Queen Street which will be repositioned as shown in Figure 2A to

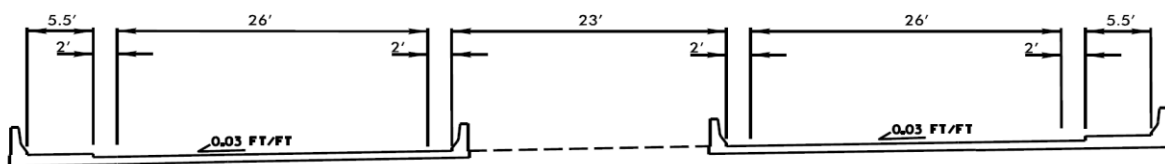
improve the safety of turning movements. Additional tweaks to this aspect of the design will take place as the signalization of the intersection is considered. The improvement will retain a pedestrian refuge as illustrated. Work on US 70 will be approximately 475 feet long.

Aesthetic Considerations - The bridges will incorporate Texas Classic Rail and lighting into the outside rails. This design will coordinate with the aesthetic of other bridges in downtown Kinston.

Navigational and Elevation Considerations - In order to maintain navigational clearances below the bridges over the Neuse and in order to accommodate longer spans the deck must be raised several feet. Correspondingly the approaches will be raised to tie in as well.

Closing Median Crossovers – Just south of Bridges 42 and 43 is a median cross over with high incidents of crashes. This crossover will be permanently closed as part of the design. Additionally there is a median crossover just north of Bridges 42 and 43 that leads to a veterinary clinic. The clinic will be a relocatee as a result of the project and therefore the median crossover leading to that property will be permanently closed.

Design – Initially Alternates 1 and 2 utilized the same design (see Figure 3A and 3B) of replacing the four bridges with two bridges on Queen Street in kind. The alternatives differed only in terms of the traffic maintenance scheme. The total width of the bridge(s) would be 94 feet. All inside lanes will be 12 feet wide while the outside lanes will be 14 feet wide to accommodate bicycles. Curb and gutter and sidewalks will be included on both east and west sides. Both pairs of bridges would have the following typical section.



B. Alternatives

Alternate 1 (Preferred) – Offsite Detour (Total Cost - \$13,546,000)

Traffic will be detoured offsite during construction along US 70, King Street (NC 11) and back to Queen Street. The duration of construction will be approximately 18 months. At present several mitigations would be required to make the detour functional. These mitigations are included in the text to follow. The total cost of \$13,511,000 is composed of the sub totals below.

Replacement of the bridges along Queen Street (\$12,383,000)

Construction - \$11,600,000 R/W - \$386,000 Utilities - \$397,000

The project length along Queen Street will be approximately 2,280 feet long.

Two median crossings just south and just north of the bridges on the Neuse will be closed along with a driveway access to a property on the northwest corner of Bridge 42.

Lighting on Bridge (\$35,000)

NCDOT will include lighting on the bridge. Long term maintenance of the lights will fall to the City of Kinston.

Improvements to Skinner's Bypass (\$425,000)

Extremely minimal right of way impacts are expected and no utility impacts.

Skinner's Bypass is the intersection of US 70 with NC 11 (See Figure 4). Lane configurations and signal timing will be modified while constructing a free flow westbound right turn lane from US 70 westbound onto northbound NC 11-55. The dual left-turn lanes from southbound NC 11-55 onto eastbound US 70 will be extended to provide 450 feet of full storage. The right-turn lane on westbound US 70 at NC 11-155 will be extended to provide 650 feet of full storage. The traffic signal phasing and timing will be optimized to reduce stop delay and queuing.

Resurfacing King Street (\$400,000)

No right of way acquisition or utilities impacts are expected

The condition of pavement on King Street will require resurfacing from Skinner's Bypass (US 70) to the bridges over the Neuse River in order to handle the additional wear and tear from the additional traffic during construction.

Pre-Emptive Signal System for Emergency Vehicles (\$303,000)

In order to minimize impacts to emergency response vehicles during construction sixteen intersections on US 70 and on King and Queen Streets will be fitted with a pre-emptive signal system at a cost of \$17,000 per intersection (see Figure 5). NCDOT will also provide pre-emption equipment for 28 emergency response vehicles to local agencies for their installation and future maintenance at a cost of \$1100 per unit.

Potential Shuttle Service for Pedestrian Users of Queen Street (No cost to DOT)

A recent evaluation by Lenoir County Transportation indicated that there is not present need to accommodate pedestrians during construction. However, another study will be conducted prior to construction and if the need exists, a shuttle will make runs around the detour for the duration of construction.

Temporary Directional Signing (part of traffic control estimate for Queen Street Work)

The Division will coordinate with local businesses to provide temporary directional signing during construction.

The vast majority of 14,000 cars a day using Queen Street is through traffic and would travel one mile from the intersection with US 70 to the intersection of King Street. During construction road users traveling the offsite detour would travel a distance of 2.4 miles. With the mitigations listed above in place, additional travel time should be less than 10 minutes during peak hours.

Alternate 2 –Traffic Kept Onsite Using Phase Construction (Total Cost - \$14,783,000)

Construction \$14,000,000 R/W - \$386,000 Utilities - \$397,000

Alternate 2 would propose closing and replacing the two northbound lanes of Queen Street (Bridges 43 and 28) simultaneously. All traffic would be shifted to Bridges 26 and 42 and reduced to one lane northbound and one lane southbound. Once construction of the first pair was complete, all traffic would be shifted to the newly completed bridges while closing and replacing Bridges 43 and 28.

During peak traffic hours, traffic turning from US 70 onto Queen Street would back up approximately 1 mile onto US 70. The duration of construction for Alternate 2 is a minimum of 3 years.

C. Alternatives Eliminated From Further Consideration

The “do-nothing” alternative will eventually necessitate closure of the bridge. This is not acceptable due to the traffic service provided by Queen Street.

“Rehabilitation” of the old bridge is not practical due to its age and deteriorated condition.

D. Preferred Alternative

Lenoir County Bridges 42, 43, 26 and 28 will be replaced as described in Alternate 1 (see Figure 2A).

In terms of physical footprint the two alternatives are very similar. The mitigations combined with a construction duration 1.5 years shorter than Alternate 2 make Alternate 1 the preferred method of traffic control, less costs and shorter construction duration. The mitigations have the additional benefit of leaving in place the permanent utility of a preemptive signal system for Emergency Services, an improved Skinner’s Bypass and a resurfaced King Street. There will also be a work zone safety benefit of not having traffic onsite in the construction zone. Finally, the difficulty of construction will be simplified by not having to tie the higher elevations of the new bridges in with the existing grade while under traffic as was proposed in Alternate 2.

With the mitigations in place the delay can be limited to approximately 10 minutes and is acceptable to both NCDOT and the City of Kinston for the expected 18 month project duration. Emergency Services and the School Transportation representatives have also indicated the detour is acceptable.

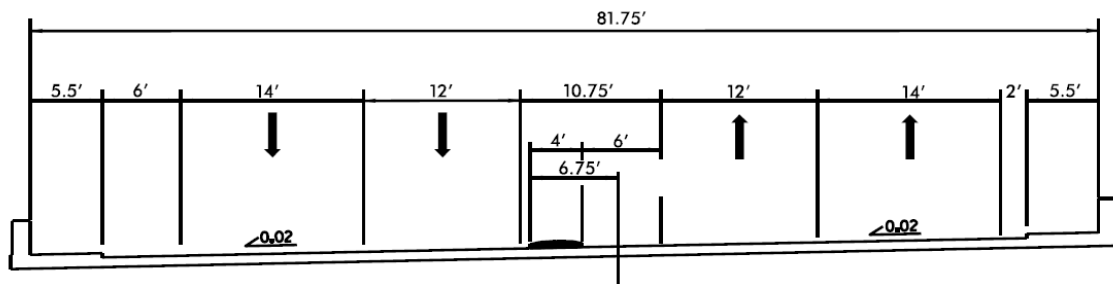
NCDOT Division 2 and the City of Kinston concur with the selection of Alternative 1 as the preferred alternative.

E. Further Development of Alternative 1.

As design and construction considerations have progressed the idea of replacing with four two-lane dual bridges has evolved into replacing with two four lane bridges. The primary advantage is a simplification of construction which allows a stronger opportunity of achieving the 18-month road closure period. A secondary advantage is that it eliminates the inside barrier rails and improves visual features of the structure. The quantities for this alternative are very similar to the two lane structures and costs are likewise expected to be very similar to the estimates.

Along Queen Street the lane configuration will remain essentially the same (see Figures 2A & 2B). A 4-foot wide monolithic concrete median will be included for the length of the project along Queen Street. All inside lanes will be 12 feet wide while the outside lanes will be 14 feet wide to accommodate bicycles. Curb and gutter and sidewalk will be included on both east and west sides.

Bridges 42 and 43 over the Neuse will be replaced with one four lane wide bridge. Likewise, Bridge 26 and 28 over the overflow will be replaced with one four lane wide bridge. As shown below each bridge will carry two lanes northbound and two lanes southbound, a monolithic concrete island, offsets for hydraulic spread and sidewalks. The southern bridge over the Neuse River will be approximately 505 feet long while the northern bridge over the overflow will be approximately 280 feet long.



V. NATURAL ENVIRONMENT

Physical Characteristics

Water Resources

The project study area is located within sub-basin 030405 of the Neuse River Basin and is part of USGS Hydrologic Unit 03020202. This section of the Neuse River (S1) [SIN 27-(75.7)] has been assigned a Best Usage Classification (BUC) of **C NSW** from the City of Goldsboro water supply intake to a point 0.7 mile downstream of the mouth of Coxes Creek. No Watershed Critical Areas or water resources classified as High Quality Waters (**HQW**), Water Supplies (**WS-I** or **WS-II**), or Outstanding Resource Waters (**ORW**) are located within 1.0 mile of the project study area. According to the 2012 Final 303(d) List, this section of the Neuse River is not listed as impaired for sedimentation or turbidity.

Biotic Resources

Four natural communities were identified within the project study area: mixed pine hardwood forest, Cypress-Gum Swamp, Coastal Plain Levee Forest, Coastal Plain Small Stream Swamp, and areas of maintained/disturbed land.

Summary of Vegetative Communities Present in the Project Study Area.

Plant Community	Area (acres)	% of Project Study Area
Mixed Pine/Hardwood Forest	1.28	3.8
Cypress-Gum Swamp	3.44	10.2
Coastal Plain Levee Forest	1.3	3.8
Coastal Plain Small Stream Swamp	0.95	2.8
Maintained/Disturbed Land	16.98	50.3
Total:	23.95	70.9

Jurisdictional Topics

Surface Waters and Wetlands

The Neuse River is considered jurisdictional surface water under Section 404 of the Clean Water Act. The project study area also contains jurisdictional wetlands. See table on the following page.

Jurisdictional Areas Within the Project Study Area.

WETLANDS				
Feature Number	Wetland Type ^a	Area (acres)	% of the project study area	
W1	PFO (Riparian)	3.45	10.2	
W2	PFO (Riparian)	0.71	2.1	
W3	PFO (Riparian)	0.61	1.8	
	TOTAL:	4.77	14.1	
SURFACE WATERS				
STREAMS				
Feature Number	Characteristics ^b	Length (linear feet)	Area (acres)	% of the project study area
S1 (Neuse River)	Perennial (R3)/Important	449	2.74	8.1
	TOTAL:	449	2.74	8.1

^aWetland Type: **PFO** palustrine, forested.

^bStream Type: **R3** lower perennial.

Permits

It is anticipated that this bridge project will qualify for Nationwide Permit (NWP) #23, authorizing approved Categorical Exclusions (CEs) under Federal Highway Administration (FHWA) guidelines. NWP 23 [33 CFR 330.5(a)(23)] has been issued by the United States Army Corps of Engineers (USACE) for CEs due to expected minimal impact. The Division of Water Resources (DWR) has made available a General 401 Water Quality Certification for NWP No. 23 (GC 3361). If temporary construction is required that is not described in the CE, a NWP No. 33 for temporary construction, access, and dewatering (67 FR 2020, 2084) and associated DWR General Water Quality certification, (GC 3366) may be required. In the event that NWP No. 23 will not suffice, impacts attributed to bridge replacement and associated approach improvements may qualify under General Bridge Permit (GP) 031 issued by the Wilmington USACE District. DWR has made available a General 401 Water Quality Certification for GP 031 (GC 3375). Notification to the USACE Wilmington district office is required if this general permit is utilized.

The Neuse River is subject to the Neuse River Riparian Buffer Rules. The Buffer Rules apply to a 50-foot wide riparian buffer directly adjacent to surface waters in the Neuse River Drainage Basin. Guidelines will be consulted in their entirety to review all project related uses subject to the Buffer Rules.

Federally Protected Species

Federally Listed Species for Lenoir County, NC (29 January 2012 USFWS list).

Common Name	Scientific Name	Federal Status ^a	Potential Habitat Present	Biological Conclusion
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	No	No Effect
Sensitive jointvetch	<i>Aeschynomene virginica</i>	T	No	No Effect

^a E – Endangered, and T – Threatened

Golden Eagle Bald Eagle Protection Act

N.C. Natural Heritage Program (NCNHP) records indicated one known occurrence of bald eagle documented approximately 1.0 mile east of the project study area north of the Neuse River. A scoping letter received from USFWS also mentions this occurrence. Because the project study area is located on the Neuse River, this project has the potential to affect bald eagle foraging and nesting habitat. However, ESI personnel did not observe any bald eagle nests within any of the large trees that occur within project study area. Due to the limited nature of disturbance associated with the proposed bridge replacement, construction activities outside of the nesting season would be expected to have no effects on the bald eagle. A boat survey was performed by NCDOT biologist on 3/14/07. No nests or bald eagles were observed. With nesting and foraging habitat present, an additional survey will be performed within two years prior to project LET. If nests or bald eagles are identified, NCDOT biologists will coordinate with the USFWS in order to take appropriate measures.

Biological Conclusion: No Effect

Natural Environment Assessment of Offsite Detour Improvements

The improvements associated with the offsite detour have been review by the Natural Environment Section and no issues of concern have arisen. There are no jurisdictional features associated with the footprint of the improvements.

V. HUMAN ENVIRONMENT

Section 106 Compliance Guidelines

This project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implemented by the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at Title 36 CFR Part 800. Section 106 requires Federal agencies to take into account the effect of their undertakings (federally funded, licensed, or permitted) on properties included in or eligible for inclusion in the National Register of Historic Places and afford the Advisory Council a reasonable opportunity to comment on such undertakings.

Historic Architecture

In a form dated November 17, 2006, the N.C. Historic Preservation Office (HPO) indicated no surveys for historic properties are required at the location of the bridge replacement. The form is attached in the Appendix. As of October 2, 2013, a “No Surveys Required” form was signed regarding the improvements to the off-site detour were reviewed in accordance with the North Carolina Department of Transportation’s Programmatic Agreement (PA) for Minor Transportation Projects with the State Historic Preservation Office (NC-HPO).

Archaeology

In a form dated September 29, 2009, the N.C. Historic Preservation Office (HPO) indicated no further investigation for archaeology is required. An archaeological survey identified a late-nineteenth century jetty as well as four nineteenth bridge structures in the project’s vicinity. The jetty has been deemed ineligible for the National Register of Historic Places (NRHP) due to the damage that it has incurred; the bridge structures are located outside of the project’s Area of Potential Effect (APE). The form is attached in the Appendix. On September 23, 2013 another “No Surveys Required” form was signed addressing improvements to the off-site detour were reviewed in accordance with the North Carolina Department of Transportation’s Programmatic Agreement (PA) for Minor Transportation Projects with the State Historic Preservation Office (NC-HPO).

Community Impacts

No adverse impact on families or communities is anticipated. Right-of-way acquisition will be limited. Only one business relocation is anticipated with implementation of the proposed alternative (See Attached Relocation Report).

Lenoir County Transportation has performed a survey to determine pedestrian needs during construction and initially found no interest. They will perform another survey just prior to construction to determine if shuttle service to local bicyclists and pedestrians that cross the bridge at that time is needed.

No adverse effect on public facilities or services is expected. The project is not expected to adversely affect social, economic, or religious opportunities in the area.

The project is not in conflict with any plan, existing land use, or zoning regulation. No change in land use is expected to result from the construction of the project.

The Farmland Protection Policy Act (FPPA) requires all federal agencies or their representatives to consider the potential impact to prime farmland of all land acquisition and construction projects. All construction will take place along existing alignment. There are FPPA eligible soils located in the vicinity of the project. However, due to the urban nature of development in the area, project impacts to these soils are not anticipated.

The project will not have a disproportionately high and adverse human health and environmental effect on any minority or low-income population.

Noise & Air Quality

The project is located in Lenoir County, which has been determined to comply with the National Air Quality Standards. The proposed project is located in an attainment area; therefore, 40 CFR Parts 51 and 93 are not applicable. This project is not anticipated to create any adverse effects on the air quality of this attainment area.

This project will not result in any meaningful changes in traffic volume, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such FHWA has determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently this effort is exempt from analysis for MSAT's.

Noise levels may increase during project construction; however, these impacts are not expected to be substantial considering the relatively short-term nature of construction noise and the limitation of construction to daytime hours. The transmission loss characteristics of nearby natural elements and man-made structures are believed to be sufficient to moderate the effects of intrusive construction noise.

VI. GENERAL ENVIRONMENTAL EFFECTS

The project is expected to have an overall positive impact. Replacement of an inadequate bridge will result in safer traffic operations.

The bridge replacement will not have an adverse effect on the quality of the human or natural environment with the use of the current North Carolina Department of Transportation standards and specifications.

The proposed project will not require right-of-way acquisition or easement from any land protected under Section 4(f) of the Department of Transportation Act of 1966.

An examination of records at the North Carolina Department of Environment and Natural Resources, Division of Environmental Management, Groundwater Section and the North Carolina Department of Human Resources, Solid Waste Management Section revealed two known or potential underground storage tanks within the project limits. Any monetary and scheduling impacts resulting from these sites are anticipated to be low. There were no hazardous waste sites identified in the project area.

Lenoir County is a participant in the Federal Flood Insurance Program. There are no practical alternatives to crossing the floodplain area. Any shift in alignment will result in an impact area of about the same magnitude. The proposed project is not anticipated to increase the level or extent of upstream flood potential.

VII. COORDINATION & AGENCY COMMENTS

Beyond the agencies listed in other parts of this document, NCDOT has sought input from the following agencies as a part of the project development: NC Department of Natural Resources, NC Division of Water Resources, U.S. Fish & Wildlife Service, N.C. Division of Marine Fisheries, Natural Resources Conservation Service, National Marine Fisheries Service. None have expressed any particular concerns.

VIII. PUBLIC INVOLVEMENT & COORDINATION WITH THE CITY OF KINSTON

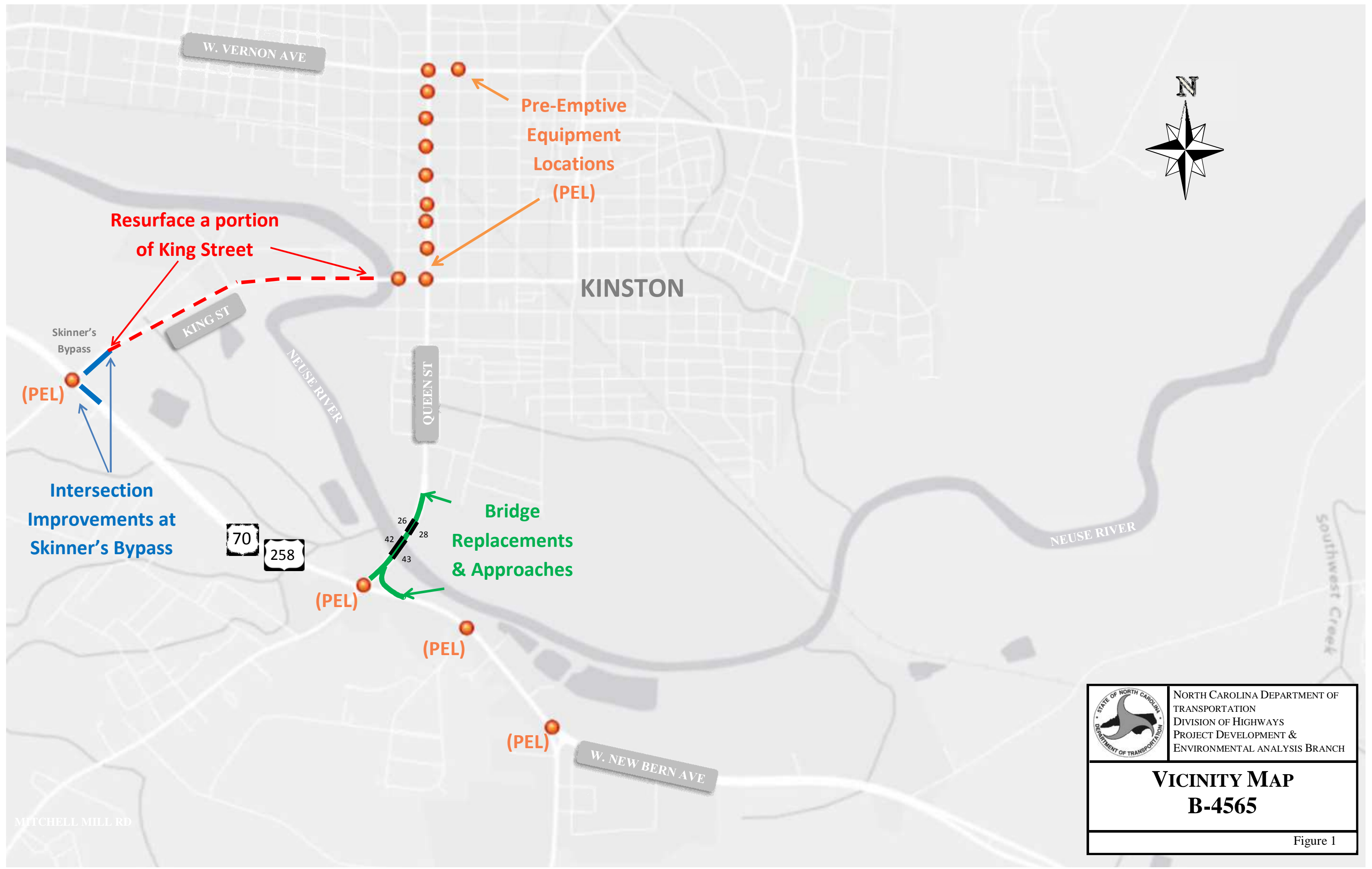
A newsletter has been sent to all those living between W Vernon Avenue (US 70/258) and just south of W New Bern Road (US 70/258) advertising a 2007 a Citizen's Informational Workshop. Approximately 15 were in attendance. Concerns expressed were primarily from businesses concerned that an offsite detour would be detrimental to the economy.

By request of the City, a second Citizen's Informational Workshop was held on Thursday, April 28, 2011 at the Kinston-Lenoir County Visitors and Information Center in Kinston. Twenty-three citizens attended the workshop, and twelve comments were submitted either in writing at the workshop or via mail, e-mail, or telephone. Out of the twelve comments that were received, ten opposed the off-site detour for reasons including potential delays in EMS response times, impacts to local businesses, additional expenses due to more mileage/high gas prices for users having to travel the detour route, and safety and congestion concerns regarding Skinner's Bypass.

In response to the concerns, NCDOT coordinated with the City of Kinston, Lenoir County Planning Department, Lenoir County Transportation Committee and local Emergency Services representatives to address the concerns of the offsite detour. The list of actions covered earlier in this document detailed how the concerns were addressed. All parties are in support of the proposed alternative.

IX. CONCLUSION

On the basis of the above discussion, it is concluded that no substantial adverse environmental impacts will result from implementation of the project. The project is therefore considered to be a federal "Categorical Exclusion" due to its limited scope and lack of substantial environmental consequences.



NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH

**VICINITY MAP
B-4565**

Figure 1

70

258

W. NEW BERN AVE



B-4565

Replace Bridges on Queen Street
And Work on US 70 West Bound Right Turn Lane
Scale 1"= 100'

Figure
2A



Hardees

Neuse River Beach Bingo

Unoccupied Building

NEUSE RIVER

Veterinary Clinic to
be relocated

QUEEN ST

Knott's Warehouse

Kinston Welcome
Center

Remove Pavement

Civil War Historic
Marker & Viewing Site

Econo Lodge

PROTECTED AREA
CIVIL WAR BRIDGE PILINGS

MATCH LINE -FIGURE 2B



B-4565

Replace Bridges on Queen Street
And Work on US 70 West Bound Right Turn Lane
Scale 1"=100'

Figure
2B



MATCH LINE - FIGURE 2A

Veterinary Clinic to
be relocated

QUEEN ST

Abandoned Gas Station

NEUSE RIVER OVERFLOW



70
258

W. NEW BERN AVE



B-4565

Replace Bridges 42 and 43 with another pair of bridges.
Work on US 70 West Bound Right Turn Lane
Scale 1"= 100'

Figure
3A



Hardees

Neuse River Beach Bingo

Unoccupied Building

Veterinary Clinic to be relocated

Bridge 42

QUEEN ST

Bridge 43

Remove Pavement

Civil War Historic
Marker & Viewing Site

PROTECTED AREA
CIVIL WAR BRIDGE PILINGS

Knott's Warehouse

Kinston Welcome
Center

Econo Lodge

MATCHLINE - FIGURE 3B

NEUSE RIVER



B-4565

Replace Bridges 26 and 28 on Queen Street

Scale 1"=100'

Figure
3B



MATCH LINE - FIGURE 3A

Veterinary Clinic to
be relocated

Bridge 26

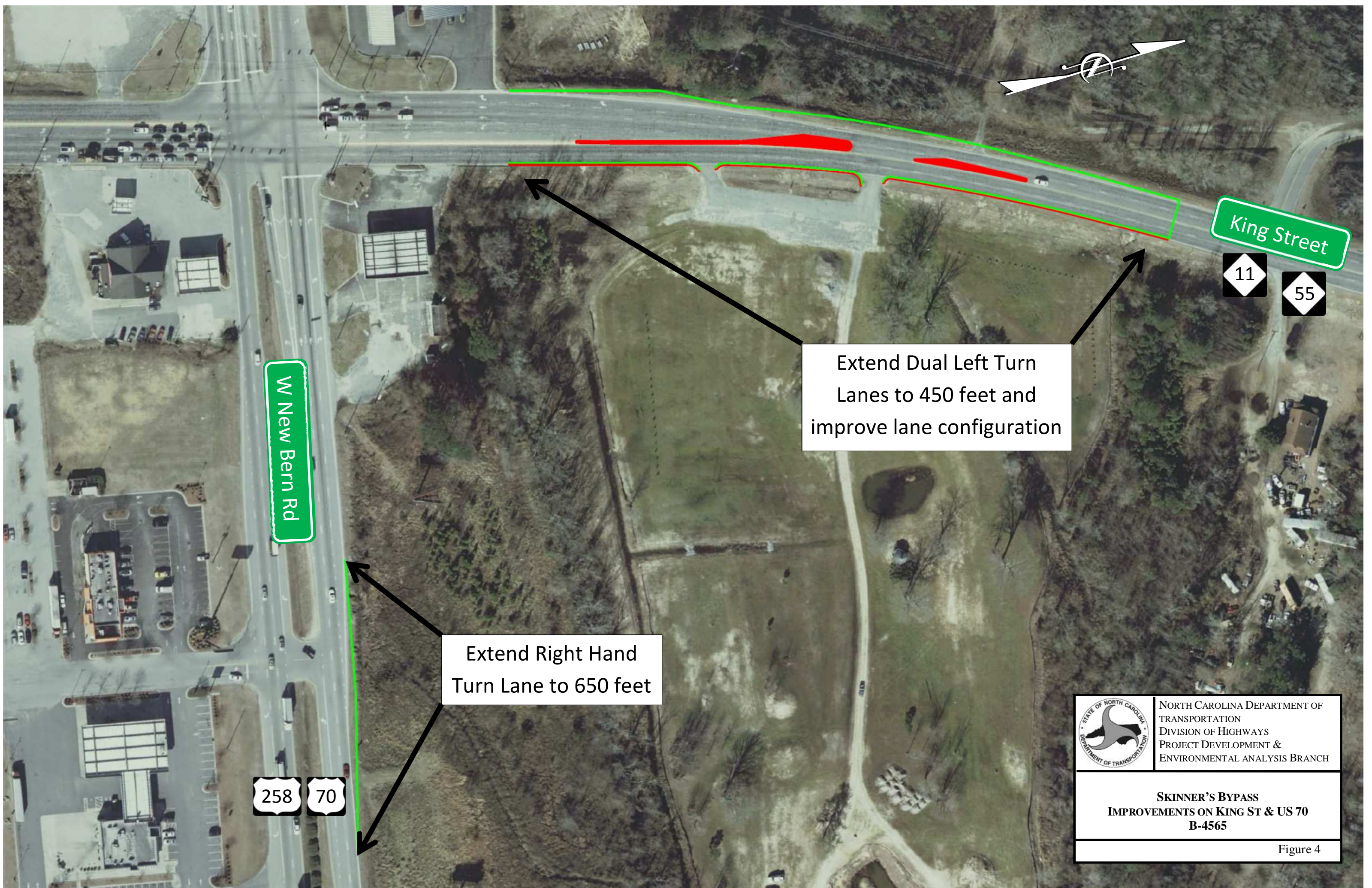
Bridge 28

NEUSE RIVER OVERFLOW

QUEEN ST

Abandoned Gas Station





W New Bern Rd

King Street

Extend Dual Left Turn
Lanes to 450 feet and
improve lane configuration

Extend Right Hand
Turn Lane to 650 feet

258 70

11

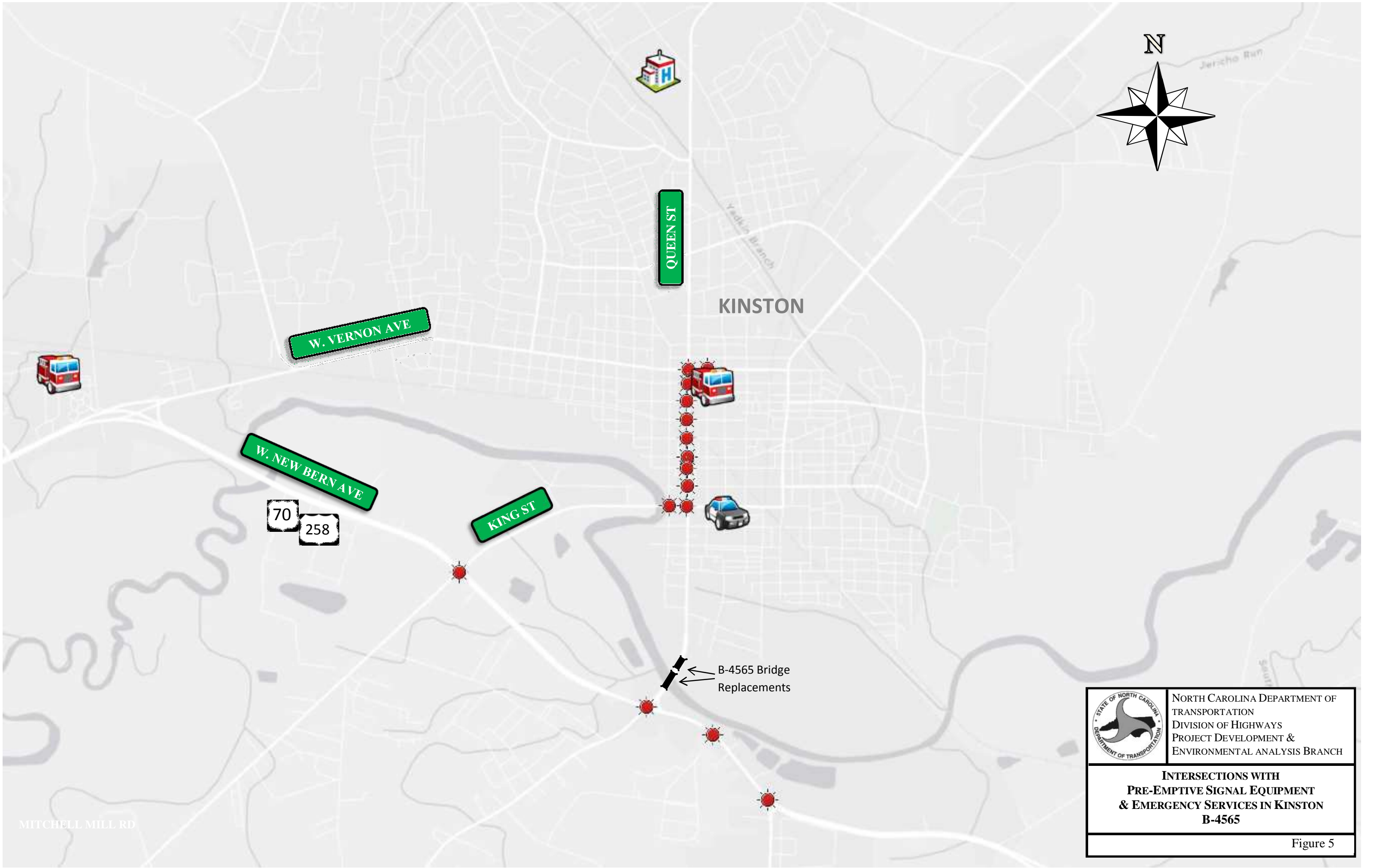
55



NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH

**SKINNER'S BYPASS
IMPROVEMENTS ON KING ST & US 70
B-4565**

Figure 4



NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH

**INTERSECTIONS WITH
PRE-EMPTIVE SIGNAL EQUIPMENT
& EMERGENCY SERVICES IN KINSTON
B-4565**

Figure 5



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary
Jeffrey I. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

November 17, 2006

MEMORANDUM

TO: Marie Sutton
Project Development & Environmental Analysis Branch

FROM: Peter Sandbeck *Peter Sandbeck*

SUBJECT: Replacement of Bridges No. 42 & 43 on US 70 Business over the Neuse River,
B-4565, Lenoir County, ER 06-2694

Thank you for your memorandum of October 10, 2006, concerning the above project.

We have determined that the project as proposed will not affect any historic structures.

Our files indicate archaeological sites associated with the Battle of Wise's Forks are to the east/southeast of the project area. The potential exists for associated sites. The CSS Neuse recovery occurred about a mile upriver of the proposed bridge replacement. Further, NUR0040, a possible fragment of the Ram Neuse casemate, is situated about 1000' upriver, on the north side of the river. Closer still—immediately northeast of the bridge on the north side—is the reported location of John Iron's Ferry. No archaeology has been done here, and it's unclear just when John Iron had his ferry here, or if his was the only one. However, the Price-Southier map shows all roads leading to that point, suggesting there was a ferry there as early as 1808 (Nathan Henry, personal communication).

Finally, there are some bridge pilings located just downstream of the bridge. Given the proximity of these resources we recommend that a comprehensive survey be conducted by an experienced archaeologist to identify and evaluate the significance of archaeological remains that may be damaged or destroyed by the proposed project. Because the bridge replacement will create a bottom disturbance that may damage archaeological resources, the survey must include an underwater aspect to identify the presence and significance of submerged archaeological remains lying within the project boundaries.

Potential effects on both unknown terrestrial and underwater resources must be assessed prior to the initiation of construction activities.

ADMINISTRATION
RESTORATION
SUPPLY

Location
507 N. Blount Street, Raleigh NC
515 N. Blount Street, Raleigh NC
27603-1111

Mailing Address
4617 Mail Service Center, Raleigh NC 27669-4617
4617 Mail Service Center, Raleigh NC 27669-4617
4617 Mail Service Center, Raleigh NC 27669-4617

Telephone/Fax
(919) 733-4760/733-8653
(919) 733-4760/733-8653
(919) 733-4760/733-8653

13-09-0052



HISTORIC ARCHITECTURE AND LANDSCAPES NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

Project No:	B-4565	County:	Lenoir
WBS No.:	33773.1.1	Document Type:	CE
Fed. Aid No:	BRSTP-70B(5)	Funding:	<input type="checkbox"/> State <input checked="" type="checkbox"/> Federal
Federal Permit(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Permit Type(s):	

Project Description:

Improvements to the offsite detour for B-4565 in Kinston. Includes adding pavement to shoulder at Skinner's Bypass, resurfacing King Street and adding pre-emptive signal equipment in the traffic signal boxes at specific intersections on Queen Street. All work to be within existing ROW.

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

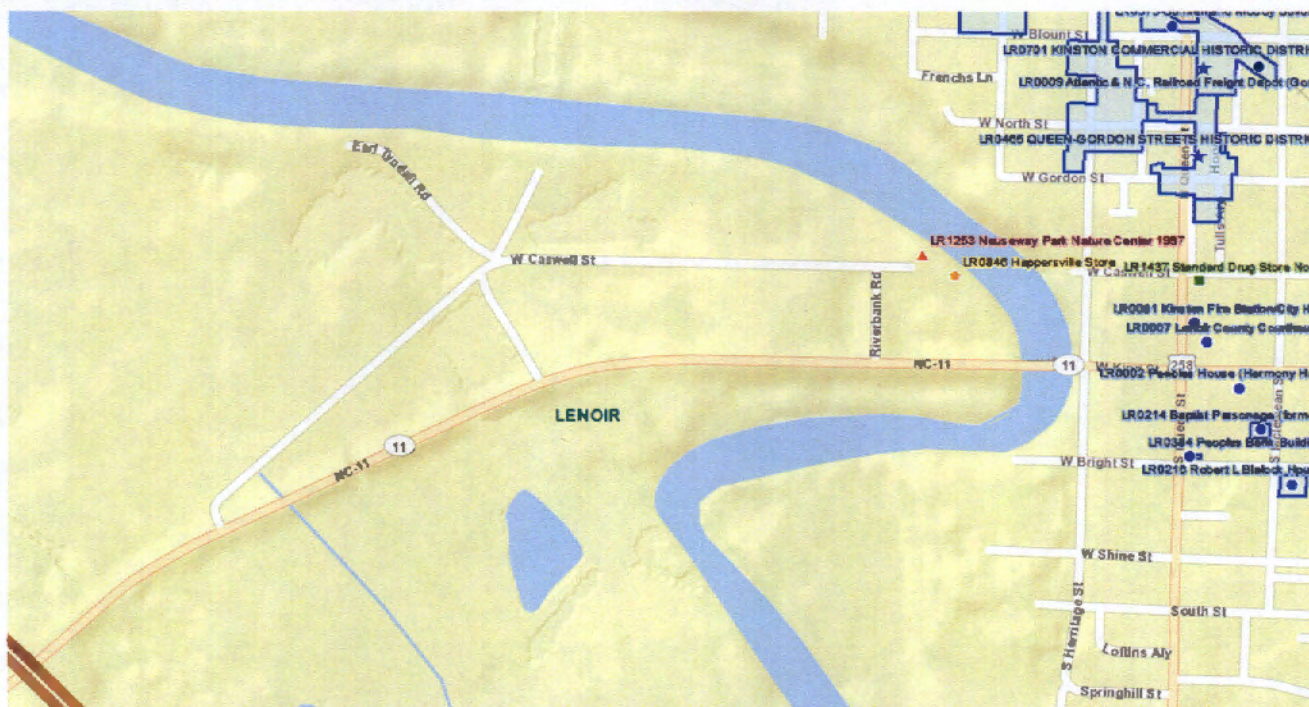
HPOWeb reviewed 10/2/2013 and yielded no NR, SL, LD, or DE properties in the Area of Potential Effects (APE) except along Queen Street. The repaving of King Street and the addition of paved shoulders at King Street and US 70 does not impact any known historic structures. The addition of pre-emptive signal equipment in the traffic signal boxes at specific intersections on Queen Street will not impact the NR structures or the Kinston HD since all work in the existing traffic signal boxes. Therefore, no further architectural survey is required for the project as currently defined and no historic properties will be affected by these detour improvements.

Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:

A comprehensive survey of Kinston was conducted in 1993-1994, plus the 2006 scoping comments from the HPO for B-4565 confirm the absence of significant architectural resources in the project area.

SUPPORT DOCUMENTATION

☒ Map(s) ☐ Previous Survey Info. ☐ Photos ☐ Correspondence ☐ Design Plans



Source: HPOWeb 10/2/2013

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

Mary Pope

10.2.2013

NCDOT Architectural Historian

Date

**Resurface a portion
of King Street**

**Pre-Emptive
Equipment
Locations
(PEL)**

(PEL)

**Intersection
Improvements at
Skinner's Bypass**

**Bridge
Replacements
& Approaches**

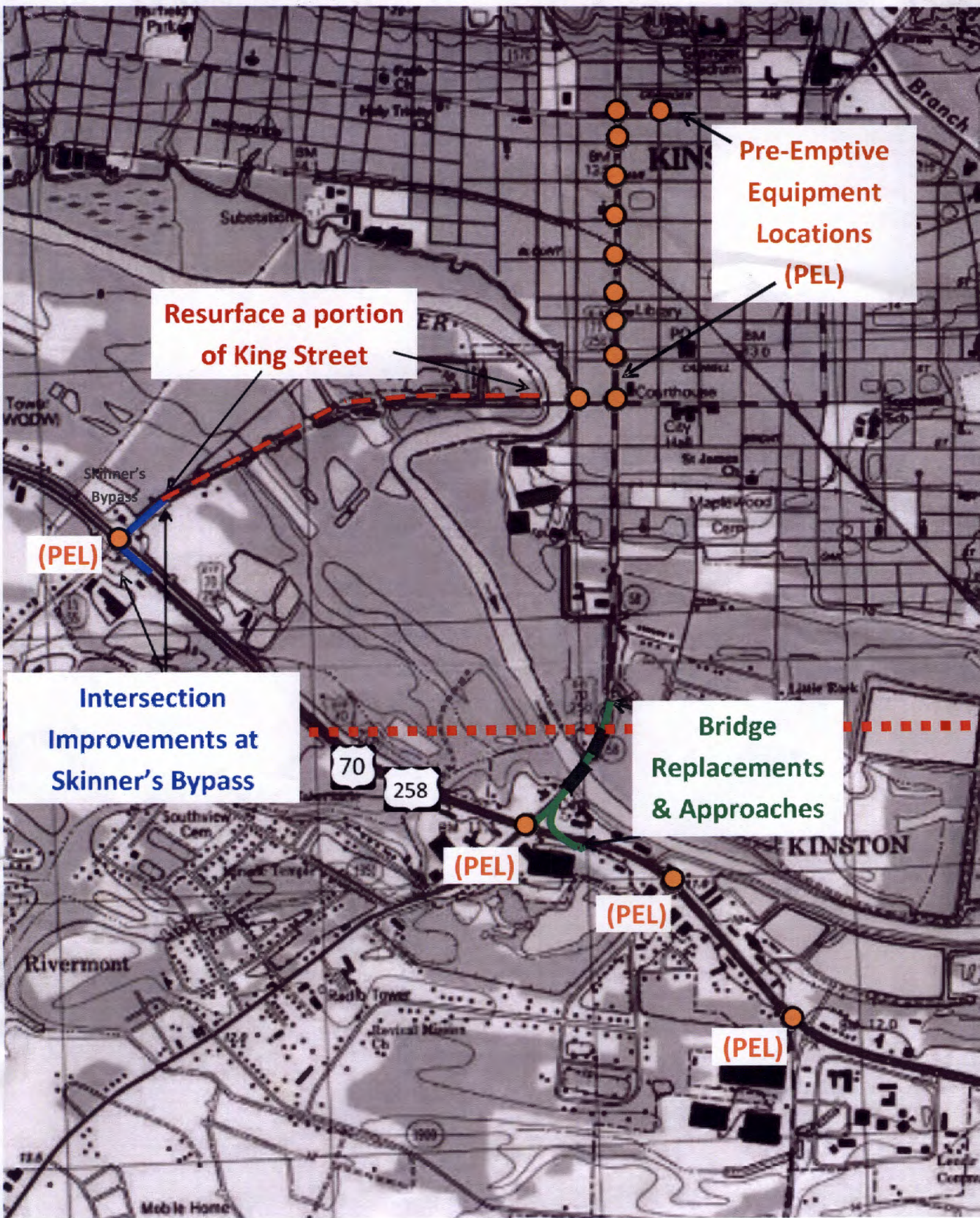
70

258

(PEL)

(PEL)

(PEL)





**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

September 29, 2009

MEMORANDUM

TO: Matt Wilkerson
Office of Human Environment
NCDOT Division of Highways

FROM: Peter Sandbeck *for Peter Sandbeck*

SUBJECT: Underwater Archaeological Survey and Evaluation, Bridges 42 & 43 on US 70 Business over the Neuse River, B-4565, Lenoir County, ER 06-2694

Thank you for your letter of August 13, 2009, transmitting the underwater archaeological survey report by Tidewater Atlantic Research, Inc. (TAR) for the above project. We would like to commend TAR for the thoroughness of their historical, cartographic, and photographic research on the Neuse River bridges and jetties in the Kinston vicinity. This research provides a valuable tool for interpreting and evaluating the archaeological findings.

During the course of the survey, TAR identified a late-nineteenth century jetty and at least four nineteenth century bridge structures. For some time, the Office of State Archaeology has been assigning permanent state site numbers to underwater archaeological resources. To that purpose, we have assigned site number 31LR380** to the jetty and 31LR381** to the assemblage of bridge structures. We ask that site forms be completed (with individual topographic-style maps attached) for these and sent to the OSA's site registrar, Susan Myers. Because the sites do not represent shipwrecks, the Underwater Archaeology Branch's site form does not have to be appended to the standard site form.

Of the two sites recorded, TAR believes that only the jetty may be impacted by construction activities. However, because the jetty has been damaged, TAR recommends that it is not eligible for the National Register of Historic Places (NRHP), and that no further work is necessary. We concur with their recommendation.

The four bridge structures are located outside the project's Area of Potential Effect (APE). Given the minimal amount of remaining structure, TAR recommends that the former bridge structures are not eligible for the NRHP as individual properties, and, therefore, no additional investigation by NCDOT is necessary. However, TAR believes that the Civil War bridge alignment may be eligible as a contributing property to the First Battle of Kinston NRHP district and suggests consideration of amending its nomination.

If plans for the proposed bridge replacement change, making avoidance of the historic bridge structures impossible, then mitigation efforts should be conducted prior to construction activities. We concur with these recommendations.

Two copies of the resulting archaeological survey report, as well as one copy of the appropriate site forms, should be forwarded to us for review and comment as soon as they are available and well in advance of any construction activities.

A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at www.arch.dcr.state.nc.us/consults. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763. In all future communication concerning this project, please cite the above referenced tracking number.

13-09-0052



NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.



PROJECT INFORMATION

Project No: **B-4565** County: **Lenoir**
 WBS No: **33773.1.1** Document: **CE**
 F.A. No: **BRSTP-70B(5)** Funding: ☐ State ☒ Federal

Federal Permit Required? ☐ Yes ☒ No Permit Type: **N/A**

Project Description: The NCDOT has proposed improvements to the off-site detour for the B-4565 project in the City of Kinston. Proposed improvements include adding pavement to the shoulder at Skinner's Bypass (i.e. intersection of US 70 and King Street), resurfacing King Street (from Skinner's Bypass to the Neuse River), and adding Pre-Emptive Signal Equipment (PEL = Pre-emptive Equipment Location) within the traffic signal equipment boxes at fifteen (15) intersections. All work will take place within the NCDOT's existing ROW. Along US 70, existing ROW measures about 220 feet. Project length measures about 575 feet for additional pavement along the shoulder. Along King Street, existing ROW measures about 100 feet; project length for the resurfacing measures approximately 5,660 feet. These improvements are necessary in order to make the off-site detour for the B-4565 project functional. Based on the possible dimensions listed above, the overall APE measures about 692,500 square feet or about 15.9 acres, inclusive of the existing roadways.

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

A map review and site file search was conducted at the Office of State Archaeology (OSA) on Thursday, September 19, 2013. Archaeological surveys along these particular stretches of US 70 and King Street have never been conducted, but at least seven (7) archaeological sites have been recorded within one-half (1/2) mile of the proposed project and focus primarily on Kinston's role during the Civil War (e.g. First Battle of Kinston and the CSS Neuse Recovery Site). Digital copies of HPO's maps (Kinston and Rivermont Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpoweb/>) were last reviewed on Monday, September 23, 2013. There are known historic architectural resources and districts (e.g. Hotel Kinston [LR0159], Kinston Commercial Historic District [LR0701], and Queen-Gordon Streets Historic District [LR 0465] located within or adjacent to the project area (i.e. PELs); however, it is not anticipated that these resources would have intact archaeological deposits within the footprint of the proposed project. In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or prehistoric settlement within the project limits, and to assess the level of modern, slope, agricultural, hydrological, and other erosive-type disturbances within and surrounding the archaeological APE.

13-09-0052

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

This is a Federally-funded project that will not require a Federal permit. Permanent or temporary easements will not be required for this project. All proposed work is to take place within the NCDOT's existing ROW along US 70 and King Street and within existing traffic signal boxes at fifteen (15) intersections in and around the City of Kinston as depicted in the attached map. Additional pavement is to be placed at the intersection of US 70 and King Street. King Street is to be resurfaced from its intersection with US 70 to the Neuse River bridge. Both of these components are to occur within the NCDOT's existing ROW. That which is to be impacted by the proposed off-site detour improvements has already been greatly disturbed by highway and road construction. In addition, this stretch of King Street is located in an area that is subjected to repeated flooding and scouring so the probability for intact cultural resources is extremely low. Pre-emptive signal equipment is to be placed within the existing traffic signal boxes located at fifteen (15) intersections; all fifteen (15) signal boxes are already in place. This component of the proposed improvements only entails the placement of additional equipment inside these boxes. There should be no impact whatsoever to the cultural environment at these intersections. Based on the information above, there should be no archaeological survey required for this project. If design plans change, then additional consultation regarding archaeology will be required. At this time, no further archaeological work is recommended. If archaeological materials are uncovered during project activities, then such resources will be dealt with according to the procedures set forth for "unanticipated discoveries," to include notification of NCDOT's Archaeology Group.

SUPPORT DOCUMENTATION

See attached: ☒ Map(s) ☒ Previous Survey Info ☐ Photos ☐ Correspondence
☐ Photocopy of County Survey Notes Other:

FINDING BY NCDOT ARCHAEOLOGIST**NO ARCHAEOLOGY SURVEY REQUIRED**



 NCDOT ARCHAEOLOGIST II

September 23, 2013

Date

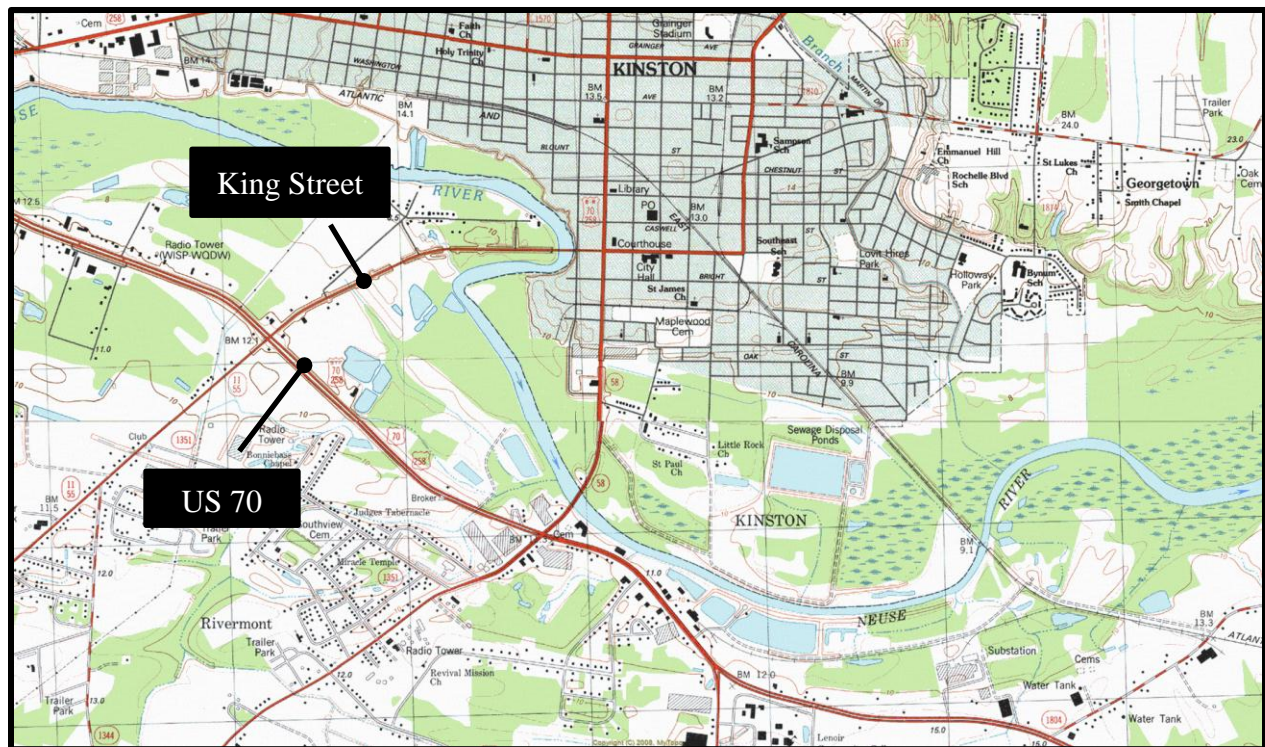
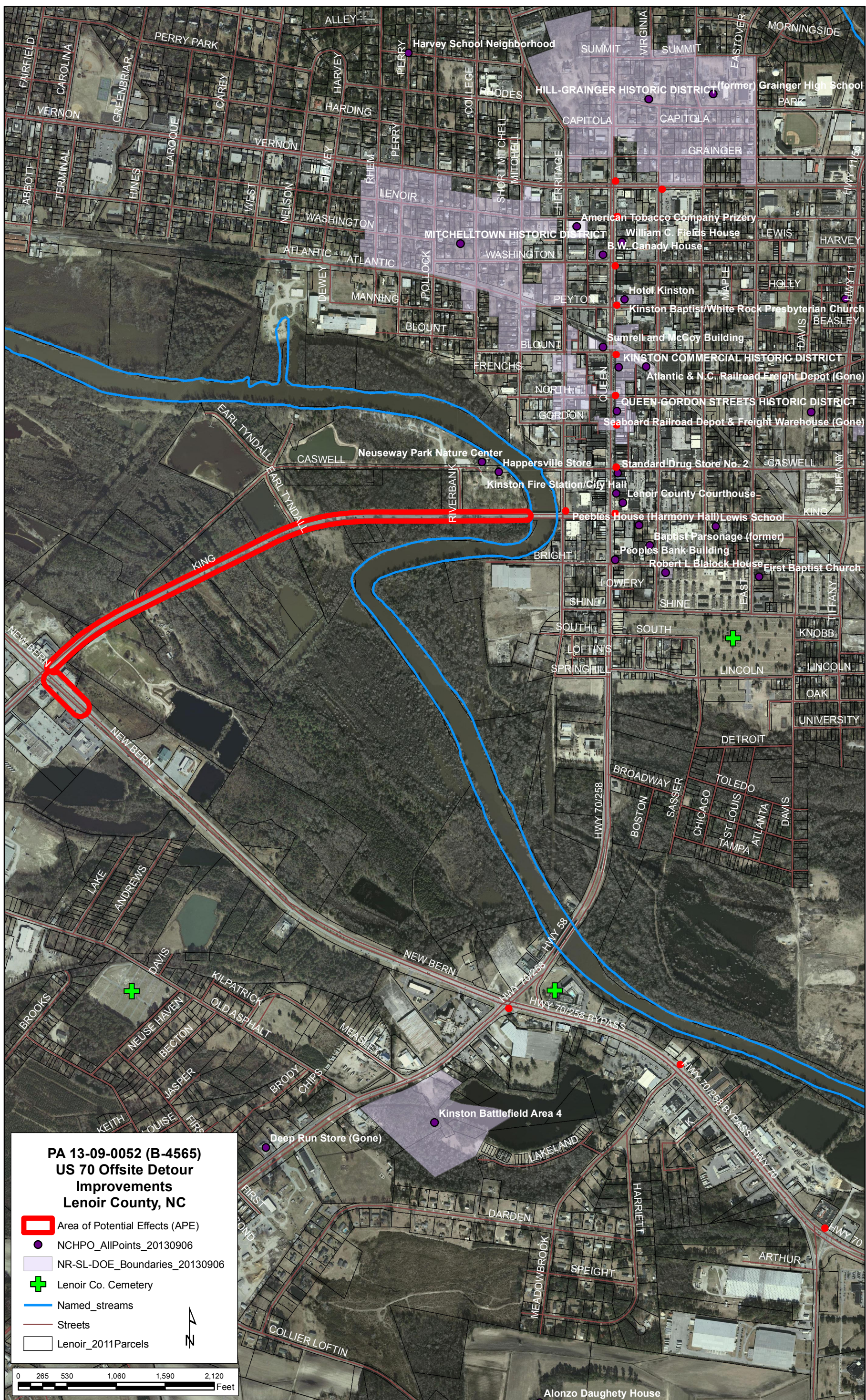


Figure 1: Kinston, NC (USGS 1983) and Rivermont, NC (USGS 1980).



NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

LENOIR COUNTY

DATE: 6/14/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

TIP #: B-4565

WBS Elements: 33773.1.1

33773.2.1

33773.3.1

CITY OF KINSTON

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Kinston, a local government entity, hereinafter referred to as the "Municipality".

W I T N E S S E T H:

WHEREAS, Section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), establishes Transportation, Community, and Systems Preservation program funds, which require that federal funds be available for certain specified transportation activities; and,

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under TIP B-4565, in Lenoir County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

WHEREAS, in consideration of acceptance by the Municipality of the off-site detour in lieu of maintaining traffic on the Project during construction, the Department and the Municipality have agreed to mitigate the impacts of the detour as included herein.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of the replacement of Bridges No. 26, 28, 42 and 43 over the Neuse River on US-70 Business in Kinston. At the request of the Municipality to mitigate the impacts of the off-site detour, additional work to be included within the scope of the project shall include the following:
 - A. Modification to Skinner's Bypass as included below:
 - a. Construct a free flow westbound right-turn lane from US 70 westbound onto northbound NC 11-55;
 - b. Extend dual left-turn lanes from southbound NC 11-55 onto eastbound US 70 to provide 450 feet of full storage;
 - c. Extend right-turn lane on westbound US 70 at NC 11-55 to provide 650 feet of full storage; and
 - d. Optimize/revise traffic signal phases and timing to reduce stop delay and queuing.
 - B. Resurface King Street from Skinner's Bypass (US70) to bridges over the Neuse River.
 - C. Install lighting on bridges as part of bridge project.
 - D. Install Texas Classic Rail on Bridges No. 26, 28, 42 and 43.
 - E. Provide signal pre-emption equipment for emergency vehicles at the following intersections:
 - a. US 70 at Trenton Highway
 - b. US 70 at Meadowbrook

- c. US 70 at Queen
- d. US 70 at King (Skinner's Bypass)
- e. King at Heritage
- f. King at Queen
- g. Queen at Caswell
- h. Queen at Gordon
- i. Queen at North
- j. Queen at Blount (If possible – currently has railroad pre-emption)
- k. Queen at Peyton
- l. Queen at Washington
- m. Queen at Lenoir
- n. Queen at Vernon
- o. Vernon at McLewean

The Department will provide and install pre-emption equipment in signal cabinets at these locations. The Municipality is responsible for maintenance costs.

The Department will provide the pre-emption equipment only for 28 emergency response vehicles, to each appropriate response agency for their installation and future maintenance.

2. In addition, the following items will be provided by the Department:
 - A. Provide shuttle service to local bicyclists and pedestrians that currently cross the bridges, if needed, as mutually agreed to by all parties.
 - B. Provide temporary directional signing during construction for the "South Queen Street Shopping Areas."
 - C. Review crash history at Nature Center entrance onto King Street to determine if modifications should be made to the driveway for the Nature Center.

PLANNING, DESIGN AND RIGHT OF WAY

3. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
4. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. For relocating and adjusting all utilities in conflict with the project, separate Utility Agreements will be prepared.

CONSTRUCTION AND MAINTENANCE

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department with the exception of the signal pre-emption equipment installed at the intersections noted above, the signal pre-emption equipment provided to the Municipality for installation in municipal or county emergency response vehicles, and the lighting on the bridges.

ADDITIONAL PROVISIONS

9. The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
11. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
12. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
13. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF KINSTON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by unanimous vote of the local governing body of the City of Kinston as

attested to by the signature of Clerk of said governing body on JULY 15, 2013 (Date)

Christina Aprian, City Clerk



This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: _____

(FINANCE OFFICER)

Federal Tax Identification Number

56-6001259

Remittance Address:

City of Kinston

P.O. Box 339

Kinston NC 28502

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

8/22/13

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____

7-11-2013

(Date)