AGENDA

Agenda, Bay Village City Council  Date: October 30, 2017
Committee Meeting  Time: 7:30 p.m.
Conference Room
Dwight A. Clark, President of Council, Presiding

ANNOUNCEMENTS
Recognition of Fund Raising Efforts of Annie Nock and Company for the benefit of Hurricane Victims.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent

FINANCE & CLAIMS COMMITTEE-Clark
Administrative Compensation Ordinance
Amended Appropriation Ordinance
2018 Budget Timeline

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Lieske
Amendment to Codified Ordinance Section 1141.04 (J).

PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson

RECREATION & PARKS IMPROVEMENT COMMITTEE- Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych

AUDIENCE

MISCELLANEOUS

CAHOON MEMORIAL PARK TRUSTEES

Motion to approve the use of Cahoon Memorial Park near the City Hall Parking Lot for “Food Truck Friday” to be held on Fridays, from May 18, 2018 through September 17, 2018.

Motion to grant 0.57 acres of permanent right-of-way of property adjacent to Lake Road to the Ohio Department of Transportation in connection with the construction of a new bridge and required stormwater management.
ORDINANCE NO. 17-79
INTRODUCED BY: Mrs. Lieske

AN ORDINANCE
AMENDING SECTION 1141.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BAY VILLAGE REGARDING FIRST RESIDENCE DISTRICT/ACCESSORY BUILDINGS, STRUCTURES AND USES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1141.04 which presently reads as follows:

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.
(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.
(Ord. 71-80. Passed 6-7-71.)
(B) (EDITOR'S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment used by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C. O. 1179.10(B)(1).
(Ord. 76-62. Passed 6-7-76.)
(E) In a dwelling or apartment used by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.
(Ord. 54-42. Passed 4-9-54, Art. V, §4.)
(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.
(Ord. 61-201. Passed 12-4-61.)
(G) On a lot occupied by an apartment house: community garage.
(H) Off-street parking spaces as required by Chapter 1191.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
(I) Signs as governed by C.O. Chapter 1179.
(Ord. 76-62. Passed 6-7-76.)
(J) Any building, structure or use customarily accessory or incidental to a permitted use, on special permit.
(Ord. 54-42. Passed 4-29-54, Art. V, §4.)
be and the same is hereby amended to read:

1141.04 ACCESSORY BUILDINGS, STRUCTURES AND USES.
The following accessory buildings, structures and uses are permitted on a lot in a First Residence District.

(A.1) Air conditioners, as governed by C.O. Chapter 1359.
(A.2) Swimming pools, as governed by C.O. Chapter 1349.

(Ord. 71-80. Passed 6-7-71.)

(B) (EDITOR’S NOTE: This subsection was repealed by Ordinance 73-146, passed December 17, 1973. See Chapter 1163 for fence regulations.)
(C) Beach house or boat house not used for human habitation and so located that no part of such structure projects above the grade of the lot at the street line.
(D) In a dwelling or apartment occupied by a physician, surgeon or dentist as a private residence: office of such physician, surgeon or dentist, provided, however, that no window display or sign shall be used to advertise such use other than a sign permitted by C.O. 1179.10(B)(1).

(Ord. 76-62. Passed 6-7-76.)

(E) In a dwelling or apartment occupied by a person as a private residence: a customary home occupation carried on by such person, provided, however, that no person other than members of the household shall be employed in connection therewith, and provided also, however, that no window display or sign shall be used to advertise such occupation.

(Ord. 54-42. Passed 4-9-54, Art. V, §4.)

(F) In a dwelling or apartment occupied as a private residence: rooms may be rented, provided, however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented and not more than two persons per residence, other than the principal occupant's family, shall be permitted to occupy such premises.

(Ord. 61-201. Passed 12-4-61.)

(G) On a lot occupied by an apartment house: community garage.

(H) Off-street parking spaces as required by Chapter 1191.

(Ord. 54-42. Passed 4-29-54, Art. V, §4.)

(I) Signs as governed by C.O. Chapter 1179.

(Ord. 76-62. Passed 6-7-76.)

(J) Any building, structure or use customarily accessory or incidental to a permitted use, including basketball courts, ice skating rinks, playground equipment, including all illumination, on special permit per the following conditions:

Recreational Courts. The term “recreational courts” means the surface area and permanent installation of structures, recreation equipment and appendants thereto, used in conjunction with recreation activities including tennis, basketball and any other similar recreational uses. Recreational courts shall not be used for go carts, motorcycles or other motorized vehicles.

(1) Recreational courts shall be constructed at grade level and be comprised of clay, grass, asphalt, concrete or other similar hard surface material;

(2) Recreational courts shall only be located in the rear yard;

(3) Recreational courts, fences and appurtenances shall conform to the setback requirements as set forth in Section 1149.01 of this Zoning Code;
(4) Fencing of the recreational courts shall comply with Chapter 1163, Fence Regulations;
(5) No floodlights, light poles or lighting of courts is permitted;
(6) The total recreational court area plus all other accessory uses on property shall not exceed the maximum percent of lot coverage as permitted in Section 1149.02 of this Zoning Code; and
(7) A building permit shall be required as set forth in Chapters 1303 and 1305 of the Building Code prior to the installation of any recreational court.

This section shall not apply to any buildings, structures or uses erected prior to the effective date of this ordinance.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:______________

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:______________

__________________________
MAYOR

10-5-17 LL
CITY OF BAY VILLAGE
MEMORANDUM

TO: Mayor Paul Koomar, Cahoon Park Trustees

CC: Jon Liskovec, Joan Kemper and Dan Enovich

FROM: Law Director Gary Ebert

DATE: October 20, 2017

RE: Lake Road/Cahoon Creek Bridge

Please see attached correspondence from Libby Rushley, ODOT concerning the authorization for approximately 0.57 acres of permanent right-of-way, which is considered de minimis impact in connection with the construction and renovation of the Cahoon Creek Bridge.

This is determined to be necessary in conjunction with the proposed project which will commence in 2019. I would propose that a motion be placed on the agenda for approval of the Cahoon Park Trustees to approve the 0.57 acres for permanent right-a-way adjacent to Lake Road.
From: Libby Rushley lrushley@lawhon-assoc.com
Subject: FW: CUY 6 2.57 PID 8743
Date: Oct 9, 2017 at 8:07:36 AM
To: Jon Liskovec jliskovec@cityofbayvillage.com
Cc: Dan Enovitch denovitch@cityofbayvillage.com

Jon,

Have you had a chance to review the project information that I sent to you on 9/28? I have a Section 4(f) Official with Jurisdiction concurrence letter which needs to be signed by the city official with jurisdiction over Cahoon Memorial Park. Have you determined to whom the letter should be addressed? This relates only to the fact that the project will have impacts to the Park property, not real estate acquisition. To keep this project moving forward I would like to send the letter soon.

Thank you,

Libby Rushley
Lawhon & Associates, Inc.
1441 King Ave.
Columbus, OH 43212
P: 614-481-8600
C: 614-563-3112
www.lawhon-assoc.com

From: Libby Rushley
Sent: Thursday, September 28, 2017 2:05 PM
To: 'jliskovec@cityofbayvillage.com'
Cc: 'Dan Enovitch'; Tom Powell; Mark.Carpenter@dot.ohio.gov
Subject: CUY 6 2.57 PID 8743

Jon,

It was good to talk with you by phone this afternoon. I hope that I provided a solid introduction to Section 4(f). I have attached the federal code and regulations which govern it. In the 23 CFR 774 file, I have highlighted the most applicable sections. Since you mentioned you were including the Law Director, I also have attached 23 USC 138 and 49 USC 303.

As I mentioned, ODOT has determined that the impact from this project, the approximately 0.57 acres of permanent right-of-way, would be considered a de minimis impact. I have also attached Plan Sheet 7 and highlighted the statement that access will be maintained for the park property service drive in the northwest quadrant. Below are the standard 4(f) environmental commitments/plan notes that would be included in the project plans to protect the Park.
Access to Cahoon Memorial Park will be maintained at all times during construction activities, including access to the park service drive in the northwest quadrant;

Temporary construction fencing will be installed along proposed construction limits prior to the start of construction activities to protect the existing 4(f) property and the public;

Appropriate signage will be installed to alert Park users of the roadway closure;

No staging and/or storage of construction equipment will take place outside of the proposed construction limits within the 4(f) property boundary;

The Contractor will be required to coordinate the construction schedule with the City of Bay Village.

My purpose in contacting you is to inform you about the project, explain Section 4(f), and to identify the Official with Jurisdiction over Cahoon Memorial Park who can sign a Section 4(f) coordination letter agreeing that the project's impact is \textit{de minimis} in nature.

As I mentioned, if you, Mayor, Law Director, or Park Trustees would like to discuss all of this in person, I will arrange it.

Thank you,

Libby Rushley
Lawhon & Associates, Inc.
1441 King Ave.
Columbus, OH 43212
P: 614-481-8600
C: 614-563-3112

www.lawhon-assoc.com
(C) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

(4) Priority.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that—

(A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed;

(B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorists and trucking organizations; and

(C) demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion, or air quality.

(5) Report to Congress.—Not later than 3 years after the date of enactment of this Act (Aug. 10, 2005), the Secretary [of Transportation] shall submit to Congress a report on the results of the pilot program.

(6) Funding.—

(1) In general.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $95,000 for each of fiscal years 2006 through 2009.

(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with sections 129(b) and 129(c) of such title.

(7) Treatment of projects.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

§ 138. Preservation of parklands

(a) Declaration of Policy.—It is declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation areas, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project (other than any project for a park road or parkway under section 224 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local Officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. In carrying out the national policy declared in this section the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, is authorized to conduct studies as to the most feasible Federal-aid routes for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.

(b) De minimis impacts.—

(1) Requirements.—

(A) Requirements for historic sites.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

(B) Requirements for parks, recreation areas, and wildlife or waterfowl refuges.—The requirements of subsection (a)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (a)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

(C) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) Historic sites.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that—

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

(3) Parks, recreation areas, and wildlife or waterfowl refuges.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.


REFERENCES IN TEXT

For the effective date of the Federal-Aid Highway Act of 1968, referred to in subsec. (a), see section 37 of Pub. L. 90-735, as amended, set out as an Effective Date of 1968 Amendment note under section 101 of this title.

AMENDMENTS

2005—Pub. L. 108-99, §6009(a)(1)(A), which directed substitution of "(a) DECLARATION OF POLICY. It is for 'it is hereby,' was executed by making the substitution for "it is hereby" to reflect the probable intent of Congress.


1987—Pub. L. 100-17 inserted "other than any project for a park road or parkway under section 291 of this title" before "which requires" in third sentence.

1976—Pub. L. 94-280 authorized the Secretary, in cooperation with the Secretary of the Interior and appropriate State and local officials, to conduct studies as to the most feasible Federal-assistance for the movement of motor vehicular traffic through or around national parks so as to best serve the needs of the traveling public while preserving the natural beauty of these areas.

1968—Pub. L. 90-489 amended section generally so as to render it identical to section 1633(b) of Title 49, Transportation, governing all programs and projects subject to the jurisdiction of the Secretary of Transportation.

EFFECTIVE DATE OF 1968 AMENDMENT


CLARIFICATION OF EXISTING STANDARDS


(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Aug. 10, 2005], the Secretary of Transportation shall in consultation with affected agencies and interested parties promulgate regulations that clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 236 of title 49, United States Code.

(2) REQUIREMENTS.—The regulations—

(A) shall clarify the application of the legal standards to a variety of different types of transportation programs and projects depending on the circumstances of each case; and

(B) may include, as appropriate, examples to facilitate clear and consistent interpretation by agency decisionmakers.

STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS


(a) PURPOSE.—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public

lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation costs, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation modes in national parks and related public lands managed by Federal land management agencies to assist in carrying out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) STANDARDS.—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

(3) DEFINITIONS.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.

STUDY OF ALTERNATIVE TRANSPORTATION Modes IN NATIONAL PARK SYSTEM


(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act [Dec. 18, 1991], the Secretary, in consultation with the Secretary of the Interior, shall conduct and transmit to Congress a study of alternative transportation modes for use in the National Park System. In conducting such study, the Secretary shall consider (1) the economic and technical feasibility, environmental effects, projected costs and benefits as compared to the costs and benefits of existing transportation systems, and general suitability of transportation modes that would provide efficient and environmentally sound ingress and egress from National Park Lands; and (2) methods to obtain private capital for the construction of such transportation modes and related infrastructure.

(b) FUNDING.—From sums authorized to be appropriated for park roads and parkways for fiscal year 1992, $300,000 shall be available to carry out this section.

$ 139. Efficient environmental reviews for project decisionmaking

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AGENCY.—The term "agency" means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969.
§ 303. Policy on lands, wildlife and waterfowl refuges, and historic sites

(a) It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

(b) The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

(c) APPROVAL OF PROGRAMS AND PROJECTS.—Subject to subsection (d), the Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

(1) there is no prudent and feasible alternative to using that land; and

(2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

(d) DE MINIMIS IMPACTS.—

(1) REQUIREMENTS.—

(A) REQUIREMENTS FOR HISTORIC SITES.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—The requirements of subsection (c)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area. The requirements of subsection (c)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

(C) CRITERIA.—In making any determination under this subsection, the Secretary shall consider whether any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) HISTORIC SITES.—With respect to historic sites, the Secretary may make a finding of de minimis impact only if—

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (18 U.S.C. 470f), that—

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.—With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of de minimis impact only if—

(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.
HISTORICAL AND REVISION NOTES

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In subsection (a), the words "hereby declared to be" before "the policy" are omitted as surplus. The words "of the United States Government" are substituted for "national" for clarity and consistency.

In subsection (b), the words "crossed by transportation activities or facilities" are substituted for "traversed" for clarity.

In subsection (c), before clause (1), the words "After August 23, 1966" after "Secretary" are omitted as executed. The word "transportation" is inserted before "program" for clarity. In clause (2), the words "or projects" are added for consistency.

AMENDMENTS

2005—Subsec. (c). Pub. L. 109–59, §303a(2)(A), inserted heading and substituted "Subject to subsection (d), the Secretary" for "The Secretary" in introductory provisions.


1987—Subsec. (c). Pub. L. 100–17 inserted "(other than any project for a park road or parking area under section 201 of title 29)" after "program or project".

TREATMENT OF MILITARY FLIGHT OPERATIONS

Pub. L. 105–85, div. A, title X, §1079, Nov. 18, 1997, 111 Stat. 1916, provided that: "No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code."

§ 303a. Development of water transportation

(a) POLICY.—It is the policy of Congress—

(1) to promote, encourage, and develop water transportation, service, and facilities for the commerce of the United States; and

(2) to foster and preserve rail and water transportation.

(b) DEFINITION.—In this section, "inland waterway" includes the Great Lakes.

(c) REQUIREMENTS.—The Secretary of Transportation shall—

(1) investigate the types of vessels suitable for different classes of inland waterways to promote, encourage, and develop inland waterway transportation facilities for the commerce of the United States;

(2) investigate water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, and equipment, and investigate railroad spur connections with those water terminals, to develop the types and sizes most appropriate for different locations and for transferring passengers or property between water carriers and rail carriers more expeditiously and economically;

(3) consult with communities, cities, and towns about the location of water terminals, and cooperate with them in preparing plans for terminal facilities;

(4) investigate the existing status of water transportation on the different inland waterways of the United States to learn the extent to which—

(A) the waterways are being used to their capacity and are meeting the demands of traffic; and

(B) water carriers using those waterways are interchanging traffic with rail carriers;

(5) investigate other matters that may promote and encourage inland water transportation; and

(6) compile, publish, and distribute information about transportation on inland waterways that the Secretary considers useful to the commercial interests of the United States.


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Section 4(j)(6)(A) amends 49Ch. 3 by restating 49 App.:142 as section 303a because the provision more appropriately belongs in chapter 3.

In subsection (a)(2), the words "in full vigor both" are omitted as surplus.

In subsection (b), the words "be construed" to are omitted as surplus.

In subsection (c)(1), the word "appropriate" is omitted as surplus. The word "vessels" is substituted for "baot" for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(2), the words "or subject of", "apparatus", "appliances in connection therewith", and "or interchange" are omitted as surplus.

In subsection (c)(3), the words "appropriate" and "suitable" are omitted as surplus.

In subsection (c)(4), the words "province and", "from time to time", and "useful statistics, data, and" are omitted as surplus.

§ 304. Joint activities with the Secretary of Housing and Urban Development

(a) The Secretary of Transportation and the Secretary of Housing and Urban Development shall—

(1) consult and exchange information about their respective transportation policies and activities;

(2) carry out joint planning, research, and other activities;

(3) coordinate assistance for local transportation projects; and

(4) jointly study methods by which policies and programs of the United States Government can ensure that urban transportation systems most effectively serve both transportation needs of the United States and the comprehensively planned development of urban areas.

(b) The Secretaries shall report on April 1 of each year to the President, for submission to
October 25, 2017

Paul Koomar
Mayor
City of Bay Village
400 Bryson Lane
Bay Village, OH 44140

Subject: Cahoon Memorial Park Official With Jurisdiction (OWJ) Coordination
RE: CUY 6 2.57 PID 8743

Dear Mayor Koomar:

The Ohio Department of Transportation proposed to replace the deficient bridge on US 6 (Lake Road) over Cahoon Creek in the City of Bay Village. The existing bridge is a 29-foot wide single span filled spandrel, cast-in-place concrete arch structure. It will be replaced with a 34-foot wide reinforced concrete deck slab on simple span continuous composite steel plate girders integral with reinforced concrete substructure. The new structure will have 2 17-foot lanes and 6-foot side-walks on each side. The project will require closure and detour of US 6 for 9 months. Construction is scheduled for 2019 and will last approximately 9 months.

The project will require approximately 0.5377 acres of permanent right-of-way from Cahoon Memorial Park for the construction of the new bridge and required stormwater management. This area of impact does not include any recreation facilities. The area is mowed lawn, river bank, and vegetation along the roadway. Some trees will be removed. The project will not restrict access to Cahoon Memorial Park. Construction will be staged to maintain access to the park property service drive located west of the bridge on the north side of US 6.

Cahoon Memorial Park is a recognized Section 4(f) property in accordance with 23 CFR 774. Due to the use of federal funds, the proposed transportation project is subject to the requirements of Section 4(f) of the Department of Transportation (DOT) Act of 1966, which affords protection to publicly-owned parks, recreation areas, and wildlife and waterfowl refuges. The purpose of this correspondence is to document that the Official with Jurisdiction concurs with the measures to minimize harm and the assessment of impacts.

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the NEPA document:

- Access to Cahoon Memorial Park will be maintained at all times during construction activities, including access to the park service drive in the northwest quadrant;
- Temporary construction fencing will be installed along proposed construction limits prior to the start of construction activities to protect the existing 4(f) property and the public;

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• Appropriate signage will be installed to alert Park users of the roadway closure;
• No staging and/or storage of construction equipment will take place outside of the proposed construction limits;
• The Contractor will be required to coordinate the construction schedule with the City of Bay Village.

Based upon the scope and type of work, the proposed project will not adversely affect the protected recreational activities, features, or attributes associated with Cahoon Memorial Park. Therefore, in accordance with 23 CFR 774, the proposed project will have a de minimis impact, based upon the following assessment:

• All possible planning to minimize harm has been incorporated into project development;
• The nature and magnitude of changes to Cahoon Memorial Park will not adversely affect the recreational activities, features, or attributes that qualified the property for 4(f) protection;
• Proposed measures to minimize harm and resulting mitigation, in regards to protecting the 4(f) property and maintaining access and safety, are considered to be reasonable and acceptable.

If you concur with the measures to minimize harm and the assessment of impacts in regards to the proposed undertaking, please indicate as such be providing your signature in the space below, no later than November 6, 2017. Thank you for your time and cooperation on this matter. If you have questions and/or concerns, please feel free to contact me by telephone at (216) 584-2089 or by email at Mark.Carpenter@dot.ohio.gov

Respectfully,

Mark Alan Carpenter, P.E.

Mark Carpenter
ODOT D-12 District Environmental Engineer

OWJ Concurrence:

Paul Koomar, Mayor, Bay Village

Date

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 11, 2015, and executed by FHWA and ODOT.
Memorandum

Date: 10/26/17

To: Council

From: Interim Director of Public Services and Properties Jonathan Liskovec

Regarding: Increase in fee for Queenswood Bridge engineering

Historical Overview:

In late 2014, the city received a less than favorable inspection report for the Queenswood Bridge over Sperry Creek. In the summer of 2015, the city contracted with Osborn Engineering to perform a bridge study. Later in 2015, the city applied for funding from the Municipal Bridge Fund with the assistance of Osborn Engineering. Then in late spring of 2016, the city was awarded funding for the replacement of Queenswood Bridge at a 95% federal funding, 5% local funding rate for FY2019. Later in 2016, advertisement for requests for qualifications went out for the engineering to replace the structure. Of the firms that pulled information for the request, Osborn Engineering was deemed most qualified and proceeded to create the proposal for engineering services. This proposal was submitted to the city for review in the summer of 2017. We reviewed the proposal and requested them to review their fees for any potential cost savings. They resubmitted with some savings for the current cost of $168,541.

Current Action:

A request is being made for an increase in appropriation to the engineering fees for the Queenswood Bridge replacement. Initially, the estimate for engineering was determined by a typical 10% of estimated project cost which was $132,000 and it was appropriated as such for the 2017 budget. After Osborn Engineering completed a detailed scope of fees, the final cost of engineering increased to $168,541.