



OHIO DEPARTMENT OF TRANSPORTATION

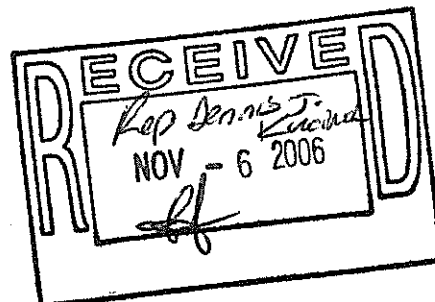
CENTRAL OFFICE, P.O. Box 899, COLUMBUS, OHIO 43216-0899

Reviewed by Cleveland City Council, 11/5/06

Ronald R. Schultz, Chairman
Burgess & Niple, Inc.
5085 Reed Road
Columbus, Ohio 43220

RECEIVED
CLEVELAND

NOV 6 2006



Re: Agreement No. 12584
CUY-71/90-16.79/14.90
PID No. 77510
Performance Issues

Governor's Regional
Development Office

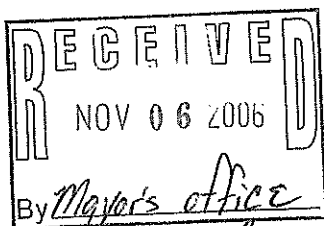
*Co Commissioner
JM - 11-6-06*

*CITY PLANNING Commission
Darryl A. ... 11/6/06*

Dear Mr. Schultz: *CLEVELAND LANDMARKS COMMISSION
11-6-06*

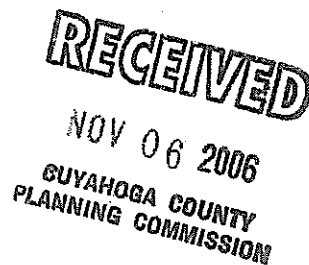
On May 26, 2004, the Department selected Burgess & Niple to complete the preliminary engineering and environmental process for the Cleveland Innerbelt project, based on a promise of "trusted national and local expertise". Unfortunately the team's performance has not measured up to this promise. Project development has suffered from lack of continuous and effective leadership and apparent lack of expertise in the NEPA process, and already high costs continue to mount. Deficient performance has been noted in several areas including but not limited to the following:

- Changes in leadership. Bruce Mansfield was named in all proposal documents as Project Director, but Paul Dorothy, Neil Chase and Mike McCarthy seem to have served as rotating de facto project managers.
- General lack of understanding of the relationship of the NEPA process to timely project development, and failure to manage essential tasks that are critical to timely completion of the environmental document. These deficiencies began with the Purpose and Need statement (under previous agreement) which was eventually written by Department personnel, and have continued in other areas including preparation of the Conceptual Alternatives Study.
- Failure to adequately document the evaluation and disposition of alternatives considered, and the results of public involvement meetings. Key information seems to be stored in the memories of individuals, which is then not readily available to those charged with writing the environmental document. This failure to maintain adequate documentation and write documents as the project developed has proven inefficient and costly.
- Document "writers" that have insufficient experience in preparing complex environmental documents, and insufficient knowledge of project development to perform efficiently. The writers were not fully engaged in the development of the project and function as technical writers dependent on others to provide content. The quality of the documents developed to date has fallen well short of expectations.



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AN EQUAL OPPORTUNITY EMPLOYER



- Failure to manage the schedule and inform ODOT of changes in projected project delivery dates. ODOT personnel recently discovered errors in Burgess & Niple's schedule documents that, when corrected, indicate the project is between six and seven months behind schedule (best case). Burgess & Niple has been unable to accurately predict a completion date for the Conceptual Alternatives Study.
- Furthermore, the slow development of this project and the general lack of supporting NEPA documentation has served to create strain and tension in ODOT's working relationship/partnership with FHWA.

New Assignment of Responsibilities

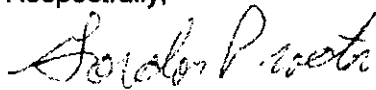
In order to provide the best chance of meeting the schedule and providing a quality document, the Department has elected to reassign the responsibility of preparing the Assessment of Feasible Alternatives and the Environmental Assessment to TranSystems Corporation, with CH2M HILL, Inc. providing oversight, review and agency coordination. The Department will contract directly with these two firms. A coordination meeting will be scheduled in the near future to further develop the responsibilities of the new firms, and the ongoing responsibilities of Burgess & Niple.

Expectations for Performance Improvement

The Department expects that Burgess & Niple will address the performance deficiencies summarized above and cooperate fully in completing this critical project. Although, the responsibility for important elements of the work is being assigned to others, Burgess & Niple will continue to be responsible for all other work tasks which still comprise the bulk of the remaining effort and completing all necessary work tasks that lead to the development of the NEPA documents noted above.

Attached, please find a project schedule that was developed jointly by Burgess & Niple and ODOT staff. All due dates must be met for this project to advance to construction in a timely fashion. Please prepare a response in writing that addresses a performance improvement plan, assignment of ongoing responsibilities for project management, assignment of other key responsibilities, and Burgess & Niple's commitment to completing the project on schedule. We look forward to receiving your response in the near future.

Respectfully,



Gordon Proctor
Director
Ohio Department of Transportation

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inadequate to the demanding standards of ODOT and the federal government, including the Federal Highway Administration (FHWA) and the Members of Congress you briefed in January?

Signature Bridge: In your July 11 letter, you state that you hired a contractor to "work with a broad-ranging citizens' group to complete the bridge type study" and select a bridge type by September 2006. September is barely one month away. However, you make no mention of who the members of this citizens' group are, their affiliations, how they were selected, and to what extent their input will be used. Nor do you explain how any of the bridges this group is considering will fulfill the aesthetic or technological goals I outlined in my July 7 inquiry. Therefore, I must ask that you be more specific in your answer to my request that ODOT provide Northeast Ohio with a bridge with which we can be proud. Please include the specifications for each of the bridge types you are considering and how each of them provides or fails to provide the aesthetics and technological qualities discussed in my previous letter. Please also include the names, affiliations, and roles for all members of decision-making groups you described, including all paid and unpaid members, and the specific chronology for their decision-making process..

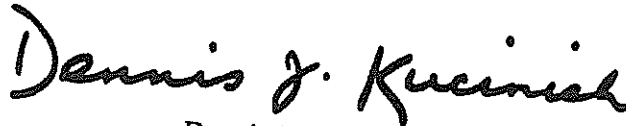
Public Documents: While I understand that Innerbelt reconstruction is a complex task, this makes it all the more important that you provide immediate documentation of your work to the public. As you articulated in your letter, we are in "total agreement . . . that this project will have a dramatic, long-lasting impact" on the area. This is exactly why ODOT must be frank with the public and provide all documentation. It is a contradiction to insist that a decision will be made in September by a yet-to-be-revealed group of contractors and citizens, but the public can't be provided with ODOT's technical documentation because ODOT is too busy listening to the public. ODOT must be forthcoming with documentation. If this documentation simply is not available due to the inadequate work of your consultants or any other party affiliated with ODOT, I ask that you be frank with the public as you "plan" for downtown's future.

The "Trench": I am not satisfied with your answer to my question about the "Trench" between East 22nd Street and Dead Man's Curve. Downtown business needs access to the freeway and cannot tolerate being cut off from that access. Your assertion that the ODOT preferred alternative is "safe, adequate, and comparable" with other cities, rings hollow without the documentation. I need to see how ODOT's preferred alternative compares with other alternatives for the Innerbelt, not with other cities. I also need to see a safety comparison with a "no-build" alternative to include a thorough re-paving without re-engineering. The comparison should include variations for speed limits versus engineering fixes. Please also include all studies which show the safety comparisons of the various alternatives, including studies which vary speed as a safety factor.

Cold Storage: I find your explanation of Fred Finley's situation wholly unsatisfactory. There is no excuse whatsoever for the government to cause one man's financial ruin for the sake of this freeway. ODOT's behavior in refusing to negotiate for the sale of Mr. Finley's property and insisting in writing that ODOT did not need the property only to later demand the property while forcing the value of the property down is inexcusable. This is a matter of equity. No one should be forced to pay a disproportionate share of the burden of the cost of our nation's roads. In an

effort to see that Mr. Finley is treated with justice in this matter, I am referring this matter to the office of the United States Trustee at the U.S Department of Justice.

Sincerely,



Dennis J. Kucinich
Member of Congress

DJK:mg

Cc: Mayor Frank Jackson
Councilman Joe Cimperman
Gov. Bob Taft
U.S. Rep. Sherrod Brown
U.S. Rep. Stephanie Tubbs Jones
U.S. Rep. Steve LaTourette
U.S. Rep. Ted Strickland
U.S. Senator Mike DeWine
U.S. Senator George Voinovich
Ohio Rep. Shirley Smith
Commissioner Jimmy Dimora
Commissioner Tim Hagen
Commissioner Peter Lawson Jones
Mr. Paul Alsenas
Secretary of State Ken Blackwell
The Honorable Lee Fisher
Mr. Steven Litt



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

Ohio Division Office
200 North High Street
Columbus, Ohio 43215

In Reply Refer To:
HEO-OH

August 14, 2006

Mr. Gordon D. Proctor, Director
Ohio Department of Transportation
1980 West Broad Street
P.O. Box 899
Columbus, OH 43216-0899

Dear Mr. Proctor:

Please be advised that the FHWA finds the *Cleveland Innerbelt Conceptual Alternatives Study*, CUY – Cleveland Innerbelt, PID 77510, dated August 11, 2006 to be acceptable. All of FHWA's prior comments on the Study document have been satisfactorily addressed. The FHWA looks forward to working with the Department and project stakeholders in the development of the Draft Environmental Impact Statement for the project.

Should the Department have any questions please contact Mr. Michael B. Armstrong, Senior Transportation Engineer at (614) 280-6855, fax (614) 280-6876, or E-mail: michael.armstrong@fhwa.dot.gov.

Sincerely,

For: Dennis A. Decker
Division Administrator



Cleveland Innerbelt Issues **Oct. 13, 2006**

Schedule and Downtown Intersections

The Cleveland Innerbelt bridge project will be delayed from 2009 until 2010 or 2011 to allow more time to resolve design issues about intersections throughout the project. As ODOT moved from general planning stages to block-by-block traffic analysis it became apparent that turning movements near Jacobs Field and other locations will require modifications to the proposed intersection designs. One change could require a new "flyover" ramp from Ontario to westbound I-90. Also, it is necessary to consider one-way movements for one block each on East 14th Street and East 18th Street.

These issues have not been discussed in detail with the City, the CDC's and other stakeholders. ODOT believes it could take up to six months to resolve these issues. ODOT had intended to begin design on the bridge because ODOT believed that most significant environmental issues had been addressed. With these new issues, it is prudent – and necessary under federal environmental procedures – to hold the design until ODOT and the community can study these issues.

Inflation Costs and the Viaduct Rehab

ODOT and other state DOTs have been rocked by inflation. ODOT prices have increased nearly 40 percent in three years, driving up the cost of the Innerbelt and other projects. In addition, the cost estimates on right of way for the Innerbelt have soared. To preserve key components of this project, ODOT is considering scaling back significantly the extent to which it rehabilitates the existing Central Viaduct. Instead of a 50-year structural fix for \$266 million, ODOT believes it can build a 20-year structural fix for considerably less. Both options would provide the same level of operational improvement.

ODOT is seriously considering this option and will seek to have it vetted by the Federal Highway Administration. ODOT will inform the bridge-recommendation committee so its members are fully aware of this issue. The downside is that in 20 years ODOT will have to fund a second bridge.

Bike Path Issues

The bridge-type selection committee recently recommended that ODOT consider adding a bike path to the new bridge. ODOT believes this is imprudent. It will cost \$25 million to \$30 million. The path will be high, subject to traffic noise and wind, will be very difficult to make safe. To protect the people from the traffic and to protect the traffic from people, the path would have to be separated from traffic by an impassable wall. The wall will make emergency response and crime prevention difficult. Other local paths are available. The adjacent Hope Memorial Bridge has bike lanes and the proposed Towpath Trail is to be built virtually beneath the new bridge. Both provide the same access as would a path on the new bridge. ODOT needs to resolve this issue with community consensus.

St. Clair Interchange

ODOT and the City of Cleveland would like to close the St. Clair ramp and revert the property so it can be used to relocate State Industrial Products. The Federal Highway Administration is reluctant to agree until the environmental document is complete in April of 2008. ODOT is urging FHWA to agree to this closing promptly so that State Industrial Products can move forward with its plans.



www.innerbelt.org

November 17, 2005

Dear Stakeholder,

As we move through the complicated process of reconstructing the Innerbelt, we felt it important to make sure our immediate stakeholders and the general public clearly understand the Federal process that remains before us. And, specifically when and how public input correlates with the overall process. It is in this spirit that we are utilizing this opportunity to provide a detailed description and explanation of the remainder of this process.

Following this week's round of meetings, ODOT will continue through a set of milestones that will bring the Cleveland Innerbelt Plan to the preliminary engineering and design stage of the Project Development Process in February of 2007. The coming months will proceed as follows:

- Rollout of the Alternatives Report for the Cleveland Innerbelt – December 2005
A full report will be available via www.innerbelt.org, and at branches of the Cleveland Public Library which will outline ODOT's Recommended Alternative. ODOT will receive public comment on this report.
- Economic Impact Analysis - December 2005
Analysis will be available from ODOT as to potential economic impacts of the Preferred Alternative, specifically as related to proposed changes to the Innerbelt Trench. ODOT and the City will hold a meeting with stakeholders to explain the Analysis results and seek input.
- Public comment period on the ODOT Recommended Alternative – December 2005 through January 2006.
- ODOT to begin to address public comments on ODOT Recommended Alternative – January 2006
- ODOT to submit Access Modification Study to FHWA– February 2006
A technical report that provides detailed operational analysis of the proposed traffic revision to the transportation network.
- Federal Highway Administration (FHWA) approval of the Access Modification Study – April 2006
- ODOT to circulate preliminary environmental impact findings to the public and resource agencies – July 2006
The findings of the environmental impacts will be made available for comment.
- ODOT to host a public meeting on ODOT Preferred Alternative and environmental Impacts – July 2006

A meeting will be hosted by ODOT to review the environmental impacts to the community and the public will have the opportunity to comment.

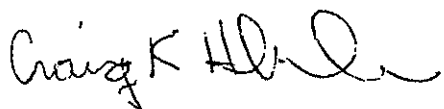
- Public comment period on ODOT Preferred Alternative Impacts – July through August 2006
ODOT will continue to receive public comment following the public meeting.
- Begin to address comments on Preferred Alternative Impacts – August 2006
- Submit Environmental Assessment (EA) to FHWA - December 2006
The EA is a report which summarizes potential environmental impacts to the community
- FHWA approves EA – February 2007
FHWA will approve or suggest revisions to the assessment of environmental impacts
- Begin Detail Design – February 2007

ODOT will gather public comment throughout the various steps outlined about via the web site, www.innerbelt.org, via letters which should be sent to ODOT Innerbelt Project Manager, 5500 Transportation Blvd., Garfield Hts., Ohio, 44125 and through meetings with community groups and the public.

Throughout the process outlined above, ODOT will continue to gather comment from the public and that input will be woven into the Environmental Assessment that ODOT will submit to FHWA. The Assessment will detail all potential environmental (including social, economic and geographical) impacts the Innerbelt Plan may have on the community and will be thoroughly evaluated by FHWA.

We hope that you find this document helpful and assists you regarding your important input in this project. If you have any questions on current or coming steps related to the Cleveland Innerbelt Plan, or if you need any additional information, please do not hesitate to contact us.

Respectfully,



Craig Hebebrand, Project Manager
Ohio Department of Transportation
Phone: 216.584.2113



Mark Ricchiuto, Public Service Director
City of Cleveland
Phone: 216.664.2231

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEES:
SELECT REVENUE MEASURES
SOCIAL SECURITY

COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT



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SHAKER HEIGHTS, OH 44122
(216) 522-4900
FAX: (216) 522-4908
Web site: www.house.gov/tubbsjones

Stephanie Tubbs Jones

Congress of the United States

11th District, Ohio

November 17, 2005

Elected Officials, Ladies and Gentlemen, Colleagues, and Friends:

Thank you for your participation in what will prove to be a useful discussion concerning our community's infrastructure. We have assembled to provide public input into the deliberations about the Inner belt reconstruction and the new I-90 bridge.

As a Member of Congress, I have worked to secure over \$180 million in federal dollars for the Euclid Corridor Project and over \$6 million for the Cedar Bridge. These resources were won with support from our entire Ohio Delegation. But with the scarcity of resources we are experiencing, we are at a decisive moment in Cleveland's history.

The Inner belt project will last a decade and reconstruct the public highways that converge on the south and east sides of downtown Cleveland. This is a much-needed project. But we must also ensure that any replacement bridge will not complicate downtown traffic and erode the economic base of downtown, the Midtown Corridor, and our neighborhoods.

Over the past months, I have met with ODOT and the Federal Highway Administration to express these concerns and advocate with ODOT to include citizen input. Many citizens and groups have weighed in with my office: the Urban Corridor Projects Advisory Committee, Midtown Cleveland Inc., NOACA, and others. The grave concerns of these groups mean that ODOT's bridge proposal cannot and should not be considered a "done deal." Cuyahoga County and the County Planning Commission have proposed a signature bridge plan that deserves fair consideration by an independent body.

Working together on behalf of our region, we should engage an independent reviewer to examine ODOT's bridge plan, the County's plan and to consider the cost, timeline, and the economic impact of each plan on our region. If we build a signature bridge, we can make the City of Cleveland an international destination. Let's spend time on the front end to ensure that Greater Cleveland will reap benefits for decades to come.

Following this meeting today, I will have additional meetings with ODOT and FHWA. Let your voice be heard. Please feel free to contact my congressional office with your comments, at (216) 522-4900. Again, I thank you for.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Tubbs Jones".

Stephanie Tubbs Jones
Member of Congress