

RE-EVALUATION FORM

1. GENERAL PROJECT INFORMATION

A. Re-evaluation Type: Right of Way Phase

B. Original approved Environmental Document:

Document Type: Type 2 CE

Date of Approval: 05/15/2018

Project Numbers:

14225

436519-1-22-01

0951-682-I

ETDM (if applicable)

Financial Management

Federal-Aid

Project Name: SR-9/I-95 FROM S OF 45TH STREET TO N OF 45TH ST

Project Location: FDOT District 4 (Palm Beach County)

Project Limits: I-95 and 45th Street from Northpoint Blvd to N Congress Avenue

C. Prior Re-evaluation(s):

There is no previous re-evaluation of this Environmental Document.

D. Project or project segment(s) being evaluated

FAP Number	FM Number	Project/ Segment Name	Project/ Segment Location	Type				Project/ Segment Letting Type	Funding
				PE	DC	ROW	CON		
	436519-1-32-01	SR-9/I-95 FROM S OF 45TH STREET TO N OF 45TH ST	District 4 - PALM BEACH	☐	☒	☒	☐	Design-Bid- Build	Federal

2. PROJECT DESCRIPTION

The 45th Street interchange of I-95 is a diamond interchange located in the City of West Palm Beach, Florida (**Attachment 1**-Project Location). The proposed project will add one lane in each direction along 45th Street and provide off-ramp improvements and consists of eight 11-foot lanes between Northpoint Boulevard and North Congress Avenue. The auxiliary lane widths are approved (11-foot and 10-foot where constrained). Bicycle lanes will vary between 5-foot and 7-foot. Sidewalks will vary between 5.5-foot and 8-foot. The design includes drainage, signing and pavement markings, and overhead signs. The existing 45th Street bridge over the C-17 Canal will be widened. This bridge will also include bike lanes and sidewalks in each direction. Auxiliary lanes will be added to the intersection of 45th Street and N Congress Avenue. A travel information system will be added for truck traffic. Five signalized intersections will be upgraded to include mast arms. Right of way (ROW) mapping and acquisition are included. Typical sections are included in **Attachment 2**. An Interchange Modification Report (IMR) Re-Evaluation was completed in July 2024 and is included in the project file.

3. CHANGES IN APPLICABLE LAW OR REGULATION

Are there changes in federal or state laws, rules, regulations, or guidance that require consideration since the date of the original Environmental Document or subsequent Re-evaluation(s)? Yes

The Service proposed listing the eastern black rail under the ESA on October 9, 2018. The rule finalizing the eastern black rail listing as a threatened species under the ESA and the species-specific 4(d) rule became effective on November 9,

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2020.

4. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA

Are there major design changes, including but not limited to changes in the alignment(s), typical section(s), drainage/stormwater requirements, design control and criteria, or temporary road or bridge? Yes

Interchange

The interchange is proposed to be an 8-Lane Diamond Interchange. This is Alternative 1 of the Project Development and Environment Study (PD&E). This is a change from a Diverging Diamond Interchange (DDI), which was the Preferred Alternative of the PD&E. A detailed comparison of Alternative 1 and the Preferred Alternative is included in the Preliminary Engineering Report Section 5.3 Build Alternatives.

Typical Sections

The 8-Lane Diamond Interchange requires different lane assignments from a DDI. To provide capacity through signalized intersections, the number of through lanes is increased. Because of this, the lane widths, bicycle lane widths, and sidewalk widths are reduced compared to the widths included in the DDI. Please refer to the Typical Sections included in Attachment 2.

Design Criteria

A design variation for lateral offset to a bridge abutment is required for the 8-Lane Diamond Interchange. Lane widths are reduced for the 8-Lane Diamond Interchange compared to a DDI. All lane widths are in compliance with design criteria. The DDI Alternative included 7-foot buffered bike lanes, whereas the 8-Lane Diamond Interchange includes bike lanes that vary from 5-7 feet.

5. PUBLIC INVOLVEMENT

Were there additional public involvement activities? Yes

An updated Community Awareness Plan (CAP) was completed in March 2024 and has been uploaded to the project file (**Attachment 6**). Please refer to the CAP in the Supporting Documentation.

6. PROJECT or SEGMENT(S) PLANNING CONSISTENCY

Segment FM Number: 436519-1-32-01

Currently Adopted CFP-LRTP	Comments				
Yes	There is a difference in the TIP and STIP of \$4,026,924 for R/W and CST in FY 25 and FY 26. While this difference is more than \$2,000,000, it is a reduction and is only a 13.919% difference of the total phase costs from FY 25 to FY 26 which is below the 20% Amendment threshold. Therefore, no amendment is required.				
Phase	TIP/STIP	Currently Approved	\$	FY	Comments
PE (Final Design)	TIP	No	\$0 \$0 \$0 \$0	2025 2026 2027 2028	No TIP/STIP Amendment is needed.

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			\$0	2029	
PE (Final Design)	STIP	Yes	\$44,497 \$0 \$0 \$0 \$0	2025 2026 2027 2028 2029	No TIP/STIP Amendment is needed.
R/W	TIP	Yes	\$6,738,727 \$414,000 \$0 \$0 \$0	2025 2026 2027 2028 2029	See comments below.
R/W	STIP	Yes	\$1,307,560 \$414,000 \$0 \$0 \$0	2025 2026 2027 2028 2029	See comments below.
ROW TIP Comments	There is a difference in the TIP and STIP of \$5,431,167 for R/W in FY 2025. While this difference is more than \$2,000,000, it is a reduction and is below the 20% Amendment threshold. Therefore, no amendment is required.				
ROW STIP Comments	There is a difference in the TIP and STIP of \$5,431,167 for R/W in FY 2025. While this difference is more than \$2,000,000, it is a reduction and is below the 20% Amendment threshold. Therefore, no amendment is required.				
Construction	TIP	Yes	\$0 \$20,396,730 \$267,618 \$0 \$0	2025 2026 2027 2028 2029	See comments below.
Construction	STIP	Yes	\$0 21,758,393 \$265,701 \$0 \$0	2025 2026 2027 2028 2029	See comments below.
Construction TIP Comments	There is a difference in the TIP and STIP of \$1,359,746 for CST in FY 25 & 26. This difference is less than \$2,000,000, and is below the 20% Amendment threshold, therefore, no amendment is required.				
Construction STIP Comments	There is a difference in the TIP and STIP of \$1,359,746 for CST in FY 25 & 26. This difference is less than \$2,000,000, and is below the 20% Amendment threshold, therefore, no amendment is required.				

7. EVALUATION OF CHANGES IN IMPACTS

a. SOCIAL & ECONOMIC

Are there changes in impacts to the social, economic, land use, mobility, and/or aesthetic effects? No

Are there changes in right-of-way needs? Yes

The design change from the DDI (preferred alternative) to the proposed 8-lane divided interchange has reduced ROW needs by 5 parcels and 0.13 acres. Alternative 2 required 9 parcels (0.20 acres) of ROW, while the current design requires 4 parcels (0.07 acres) of ROW.

Is there a change in anticipated relocation(s)? No

N/A

Are there changes in impacts to Prime or Unique Farmlands? N/A

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Are there changes in impacts to cultural resources pursuant to Section 106 of the National Historic Preservation Act (historic sites/districts and archaeological sites)? No

Based on the change in limits of the proposed design change, a CRAS Addendum was conducted in July 2024. A new historic resource was identified in the CRAS addendum: Mizner Place (8PB20325), a shopping center. The plaza consists of four rectangular buildings arranged in a square around a small central park. Two of the buildings intersect the current APE, the western and southern buildings. However, since the shopping center lacks known associations with significant people, events, and exhibits modifications, it was determined to be National Register-ineligible. A request for concurrence with this eligibility finding was submitted to SHPO on July 19, 2024 and concurrence was received on August 16, 2024. The SHPO concurrence letter is attached and the CRAS Addendum is in the project file.

Are there changes in effects to Section 4(f) of the Department of Transportation Act protected resources or other protected public lands? Yes

The National Register- eligible Earman River Canal was identified within the project corridor. A Determination of Applicability (DOA) was submitted on 10/29/24 and OEM made a determination of 'No Use' on 12/16/24. No in-water work is anticipated, nor are any impacts to the canal.

[Section 4\(f\) Report](#)

Are there changes in impacts to lands purchased under Section 6(f) of the Land and Water Conservation Fund Act? No

Are there changes in impacts to recreational areas or protected lands? N/A

c. NATURAL

Are there changes in impacts to protected species and habitat, wetlands and other surface waters, and/or essential fish habitat? No

The Natural Resources Evaluation (NRE), published in November 2017, determined that no direct or indirect effects to wetlands or other surface waters will occur from the project. The C-17 Canal, classified as 'other surface waters' has variable patches of tape grass, a freshwater submerged aquatic species, along portions of the east bank south of 45th Street. Impacts to tape grass would need to be mitigated for; however, no tape grass was observed along the canal where the bridge widening will occur at 45th Street. Impacts are not anticipated.

Several listed wildlife species have ranges that include the project corridor, such as the West Indian manatee, Florida scrub jay, eastern indigo snake, little blue heron, tricolor heron, wood stork, roseate spoonbill, and eastern black rail. Habitat requirements for the rail include salt/brackish marshes dense in vegetation for protection. They also prefer shallow water ranging from 1-6 centimeters. Based on existing conditions, the Earman River Canal is much deeper, and lacks dense vegetation. The canal is not suitable habitat for this species and the project will have an effect determination of 'no effect' for the eastern black rail. Furthermore, the SR-9/I-95/ 45th Street intersection is highly urbanized and contains minimal undeveloped areas. With this negligible habitat value, as well as the avoidance and minimization of surface water

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impacts (minor widening of 45th Street bridge at C-17 Canal), effect determinations of 'no effect' or 'not likely to adversely affect' were made for other listed species. The current design does not change these determinations.

Are there changes in impacts to designated Aquatic Preserves, Coastal Barrier resources, Wild and Scenic Rivers, Nationwide Rivers Inventory Rivers, and/or Outstanding Florida Waters? N/A

Are there changes in impacts to Floodplains or Water Resources? No

d. PHYSICAL

Are there changes in Air Quality? No

What is the status of Highway Traffic Noise?

Due to the design change from a DDI to an 8-lane diamond interchange, the recommendations from the PD&E traffic noise study will be reexamined once constructability plans are available in March 2026. A design noise evaluation will be completed thereafter.

What is the status of Contamination?

As documented in the 2017 PD&E Contamination Screening Evaluation Report (CSER), eight (8) potentially contaminated sites were identified within the envelope of the original I-95/SR 9 at 45th Street Interchange Corridor. Those sites were evaluated for contamination potential and assigned the following risk ratings: one (1) high risk, three (3) medium risk, and four (4) low risk. The updated review (May 2024) of the high and medium risk sites from the 2017 CSER is provided as follows:

Site 5 - Village Cleaners & 7-Eleven Store #37252, located at 2100 45th St (FDEP Facility ID ERIC_5205 & 9814794). (**MEDIUM** risk).

The Village Cleaners (FDEP Facility ID ERIC_5205) is located approximately 450 feet south of 45th Street and just west of N. Congress Ave. It currently operates as a restaurant called Cajun 'R' Us. This facility is currently a documented contaminated site in the Florida Department of Environmental Protection (FDEP) Contamination Locator Map (CLM) database. In 2018, a Remedial Action Plan (RAP) was proposed which resulted in undergoing Soil Vapor Extraction (SVE) for groundwater contamination. No soil contamination was found. According to a Remedial System Summary Report from April 2024, the site is still undergoing remediation and drycleaning solvents were detected in the vapor from the monitoring wells as recently as December 2023. Additionally, according to an e-mail from the FDEP, a plume of per- and polyfluoroalkyl substances (PFAS) chemicals exists onsite with levels above Groundwater Contaminant Target Levels (GCTLs). Due to distance, no direct contamination impacts are anticipated. However, due to this site being a FDEP's documented contaminated facility, a dewatering note will be added to the construction plans if intrusive features are proposed at or within 500 feet of its location.

The 7-Eleven Store #37252 (FDEP Facility ID 9814794) is located within the same plaza and has the same address; hence it has been re-evaluated as part of Site 5 similarly to the 2017 CSER. This active gas station is adjacent to the south side of 45th Street, just west of N. Congress Ave. This site has no history of contamination, and it is not listed as a documented contaminated site in the FDEP database. According to an In Compliance Letter dated 10/3/2023, the facility was in compliance with storage tank regulations. Level II assessment was conducted along the FDOT ROW at the site on 5/17/2023 and the analytical results did not indicate exceedances of the Soil Cleanup Target Levels (SCTLs) or GCTLs.

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Therefore, no contamination impacts are anticipated.

Site 6 - Racetrac #562, located at 2995 45th St (FDEP Facility ID 9700741). (**MEDIUM** risk).

This facility is adjacent to the north side of 45th Street just east of Northpoint Blvd. It currently operates as an active gas station with three Underground Storage Tanks (USTs) containing unleaded gasoline and diesel products which were installed in June 2021. This site was listed in the FDEP CLM as a documented contamination site as reported in the 2017 CSER. On July 18, 2017, the FDEP issued a Site Rehabilitation Completion Order (SRCO). However, after an inspection in February 2018, a Discharge Reporting Form (DRF) was submitted for a failed primary integrity test. Three 12,000-gallon USTs were removed in May 2021 and the Tank Closure Assessment Report dated June 15, 2021 indicated that groundwater contamination was identified in the samples collected. Additional sampling events occurred in August and November of 2021 and according to a December 2021 Site Assessment Report (SAR), no groundwater contamination was identified during either of the post- closure sampling events. As a result, this site was recommended for closure and received an SRCO in June 2022. All monitoring wells were abandoned and this site is no longer listed by FDEP as a documented contamination site. The latest information on file is an April 2023 FDEP Return to Compliance letter indicating the site was in compliance with storage tank regulations. Level II assessment was conducted at the site on 5/17/2023 and the analytical results did not indicate exceedances of the SCTLs or GCTLs. Therefore, no contamination impacts are anticipated.

Site 7 - Maroone Cadillac/Autonation Cadillac, located at 2101 45th St (FDEP Facility ID 9046188). (**MEDIUM** risk). This facility is located adjacent to the north side of 45th Street just east of N. Congress Ave. It currently operates as a car dealer. This site is not listed as a documented contaminated site in the FDEP CLM database. USTs are located within the facility approximately 250 feet north of the project corridor. On January 31, 2017, a storage tank compliance inspection was conducted by Palm Beach County Environmental Resources Management (PB ERM). Liquid product was observed in the used oil tank sumps. PB ERM requested that the product be removed and disposed. Due to the lack of follow up on this event, this site was ranked "medium risk" in the 2017 CSER. However, a Site Inspection Report by PB ERM in August 2017 indicates that the liquid sumps violation was resolved, and the site was in compliance with storage tank regulations. The most recent PB ERM Site Inspection Report from June 2023 states the site was out of compliance for various reported deficiencies including oil observed in the Waste Oil sump with the cause unknown. There is no additional information in the files indicating resolution of this violation. However, due to the distance of the tanks from the project corridor (approximately 250 feet to the north), no contamination impacts are anticipated, and no Level II Assessment is warranted at this time.

Site 8 - National Freight Spill, located at I-95 At 45th St Ramp (FDEP Facility ID 9803560). (**HIGH** risk).

This is listed as a documented contaminated site in the FDEP database. In November 1997, source removal was conducted to excavate petroleum impacted soil due to an accidental diesel fuel spill at the junction of NB I-95 and the NB I-95 on-ramp from 45th Street. Based on an Initial Remedial Action report dated December 1997, the amount of fuel spilled was unknown. The report indicates that approximately 8,000 pounds of petroleum impacted soil were excavated; however, impacted soil remained beneath the asphalt. No groundwater assessment was conducted at that time since no groundwater was encountered during the excavation activities. No additional information regarding assessment or cleanup activities was found in the regulatory files as of the date of this reevaluation and a review of historical aerials indicates that the original spill site has since had additional pavement added as a result of road widening/reconstruction. This site has not received closure status from the FDEP. A Level II assessment was conducted on 5/17/2023 at the approximate location of the spill in the grassy area adjacent to the road, and the analytical results did not indicate exceedances of the SCTLs. As there is a possibility for lingering contamination to be present under the road pavement at this location, a

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monitoring plan note may be added to the plan if road disturbance is proposed. The review of the Initial Engineering Plans (April 2024) did not provide sufficient details on the intrusive work proposed; therefore, the need for a plan note will be determined during the next review phase.

Based on the review of the latest Initial Engineering Plans (April 2024), no new ponds are being proposed. Existing ponds within the envelope of the interchange may be regraded and/or reconfigured based on the proposed design. The need for Level II assessment for work associated with modification of existing ponds or the construction of potential new ponds will be evaluated as the project moves through the next design phase.

Are there changes in impacts to Utilities and Railroads? No

Are there changes in impacts to Navigation? N/A

8. COMMITMENT STATUS

Are there prior commitments from the Environmental Document or previously approved re-evaluation(s)? Yes

Are there new environmental commitments? No

9. STATUS OF PERMITS

Federal

Segment	Name	Descriptor	Status	Date
436519-1-32-01	USACE Section 10 or Section 404 Permit		Needed	
436519-1-32-01	USACE Section 408		Needed	

State

Segment	Name	Descriptor	Status	Date
436519-1-32-01	DEP or WMD Environmental Resource Permit (ERP)		Needed	
436519-1-32-01	WMD Right of Way Permits		Needed	
436519-1-32-01	DEP National Pollutant Discharge Elimination System Permit		Needed	

Local

Segment	Name	Status	Date
436519-1-32-01	Northern Palm Beach County Improvement District (NPBCID)	Needed	

Other

None anticipated.

10. CONCLUSION

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- ☒ The project has been re-evaluated pursuant to 23 CFR § 771.129. The FDOT has determined that no changes to the project affect the original decision. Therefore, the Administrative Action remains valid and the project can advance.

11. DISTRICT REVIEW AND APPROVAL

Name and title of FDOT Preparer: Alex Marks

The Environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT.

Ann Broadwell

October 31, 2024

District approving authority or designee

Date



Electronically signed within SWEPT
on October 31, 2024 1:57:33 PM EDT
(electronic signature on file)

12. OEM CONCURRENCE

Jennifer Marshall, P.E.

January 19, 2025

Print Name

Date

Director of the Office of Environmental Management or Designee



Electronically signed within SWEPT
on January 19, 2025 9:01:14 PM EST
(electronic signature on file)

13. Links to Supporting Documentation

- 1 - [43651912201-CE2-D4-436519-1_Attachment_1-Project_Location_Map-2024-0820.pdf](#)
- 2 - [43651912201-CE2-D4-436519-1_Attachment_2-_Typical_Sections-2024-0820.pdf](#)
- 3 - [43651912201-CE2-D4-436519-1_Attachment_3-_Planning_Consistency-2025-0107.pdf](#)
- 4 - [43651912201-CE2-D4-436519-1_Attachment_4-_Project_Commitment_Record-2024-0820.pdf](#)
- 5 - [43651912201-CE2-D4-436519-1_Attachment_5-_SHPO_Concurrence-2024-0816.pdf](#)
- 6 - [43651912201-CE2-D4-436519-1_Attachment_6-_CAP-2024-0306.pdf](#)
- 7 - [\\$this.files.get\(\\$key\).sweptProjectFile.fileName](#)