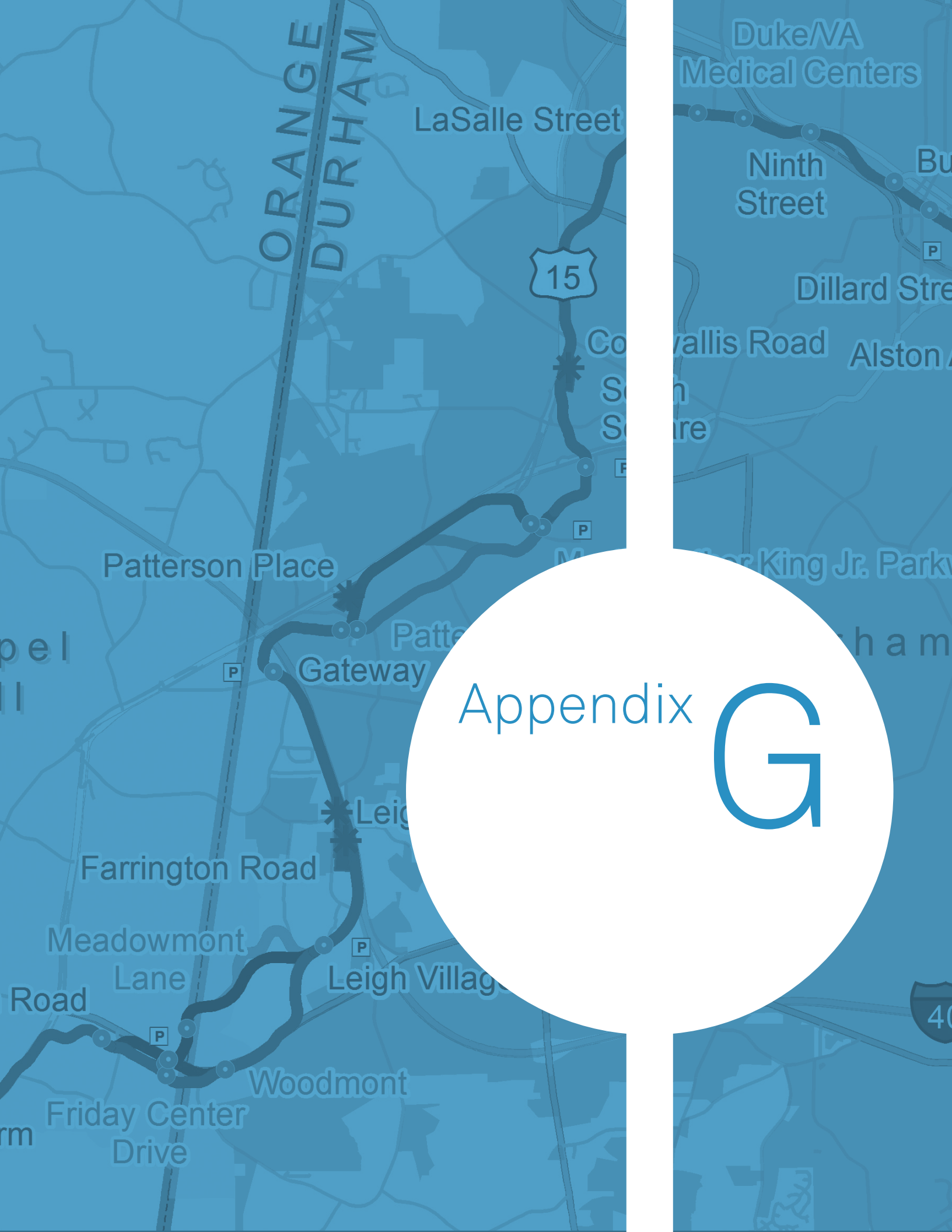

ORANGE
DURHAM
LaSalle Street
Duke/VA
Medical Centers
Ninth
Street
15
Dillard Stre
Alston
Patterson Place
Gateway
Farrington Road
Meadowmont
Lane
Road
Woodmont
Friday Center
Drive

Appendix G

Appendix G: Agency Correspondence

Durham-Orange Light Rail Transit Project

August 2015

Yu Robinson, Cyndy

From: David King, GM <info@ourtransitfuture.com>
Sent: Thursday, April 12, 2012 3:50 PM
To: Yu Robinson, Cyndy
Subject: Scoping Meetings for Durham-Orange Light Rail Transit project

If you are having trouble viewing this message, see it in your browser.

Our Transit Future
Triangle Regional Transit Program

Dear Colleague,

As you know, the Triangle has been working for many years on ways to improve transit connections between Durham, Chapel Hill and the region. As a result of an Alternatives Analysis process begun in 2010 with input from the public and other stakeholders, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) adopted the Durham-Orange Light Rail Transit Project to be advanced for further study.

Please join us at the Scoping Meeting for Regulatory Agencies:

What:	Scoping meeting for Regulatory Agencies on the Durham-Orange Light Rail Transit Project
When:	Wednesday, May 2, 2012 at 1:00 P.M.
Where:	Extraordinary Ventures Center, 200 South Elliott Road, between N. Fordham Boulevard and E. Franklin Street, in Chapel Hill, NC. (Informal notification regarding this meeting has already been distributed.)

Please take a moment to respond and let us know whether you will be attending personally, sending designee(s) and/or other members of staff, or declining this invitation.

RSVP Now ›

On April 3, 2012, a Notice of Intent (NOI) was published in the Federal Register indicating that the Federal Transit Administration (FTA) and Triangle Transit will be preparing an Environmental Impact Statement (EIS) for the Durham-Orange Light Rail Transit (LRT) Project. **(Please note that some of the meeting dates, times and locations in the Federal Register are incorrect.)**

The EIS process will begin with Public Scoping Meetings through which open coordination with Public,

Federal, State and local agencies, elected officials, project partners and citizens will identify and define the issues to be studied in detail in the Federally-required environmental review process in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended.

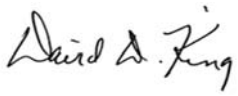
Background information on the Durham-Orange LRT Project is available at the Our Transit Future website. A Scoping Information Booklet for the Project will also be made available on the Project website prior to the meeting. At the May 2nd meeting, Regulatory and Advisory Agency representatives will be provided with an overview of the Project and an opportunity to ask questions. The public comment period closes on June 18, 2012. Your participation in the project scoping process is important for this Project's development.

Subsequent to the completion of the Scoping Summary document and prior to initiation of the EIS, a concluding regulatory and agency stakeholders meeting will be held during which interested Federal, State and local government agencies will collectively process all input and formally develop the final scope of the EIS.

In addition to the Scoping Meeting for Regulatory Agencies, we will be briefing Elected Official and Project Partners at 10 A.M on May 3, at the Durham Armory and conducting the two Public Workshops described below.

We look forward to meeting with you on May 2, 2012 and to receiving your input no later than June 18, 2012. If you require additional information or have any questions regarding the Durham-Orange Light Rail Transit Project, please do not hesitate to contact us at (919) 461-1481 or by email at: info@ourtransitfuture.com.

Sincerely,



David King

General Manager, Triangle Transit

Public Workshop in Orange County

May 2, Extraordinary Ventures

Wednesday, May 2, 4:00 - 7:00 P.M.

Open House/Drop In style

Extraordinary Ventures (map)

200 S. Elliott Road, Chapel Hill, NC

Call 800-816-7817 if you need public transit information or special assistance for the meeting.

Public Workshop in Durham County

May 3, Durham Armory

Thursday, May 3, 2012, 4:00 - 7:00 P.M.

Open House/Drop in style

Durham Armory (map)

212 Foster Street, Durham, NC

Call 800-816-7817 if you need public transit information or special assistance for the meeting.

U.S. Department
of Transportation

**Federal Aviation
Administration**

Atlanta Airports District Office
1701 Columbia Ave., Campus Bldg.
Atlanta, GA 30337-2747
P: (404) 305-7150 F: (404) 305-7155

May 30, 2012

Mr. Brian C. Smart
Federal Transit Administration
Environmental Protection Specialist
230 Peachtree Street, NW
Suite 800
Atlanta, GA 30303

Dear Mr. Smart:

RE: Federal Aviation Administration, Atlanta Airports District Office (FAA ATL-ADO) Scoping Comments on the Durham-Orange Light Rail Transit (D-O LRT) Project

The Federal Aviation Administration (FAA) could not participate in the scoping meetings held earlier this month for the subject project. However, we have reviewed the background information and materials posted on the D-O LRT Project website: http://www.ourtransitfuture.com/index.php/projects/durham-orange presented at the scoping meetings.

We appreciate the Federal Transit Administration's and Triangle Transit's outreach to the FAA requesting our assistance in identifying and defining the issues that should be studied in detail through the National Environmental Policy Act (NEPA) analysis process for the D-O LRT Project. Areas of particular and unique concern to the FAA that should be considered and included in your proposed action's design, construction and NEPA analysis process follow:

1) While the project map did not identify the proximity of the proposed action to airports, it appears the proposed project or portions thereof would occur within a 5-mile radius of at least one airport, Horace Williams Airport (IGX), Chapel Hill, NC.

   Hazardous wildlife attractants on and near airports are of great concern to the FAA. FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports*, provides our guidance on this subject.
   - We note the project will likely require storm water management facilities/structures and may require substantial stream bank and/or wetland mitigation in association with permitting actions necessary to support the proposed project.
   - To ensure no hazards to aviation are created by the proposed project, your

NEPA analysis should ensure that all elements of the project design and construction, including any proposed mitigation measures, consider and incorporate the guidance found in FAA Advisory Circular 150/5200-33B.

2) If your organization is planning to sponsor any construction or alterations which may affect navigable airspace, you must file a *Notice of Proposed Construction or Alteration* (Form 7460-1) with the FAA (See https://oeaaa.faa.gov/oeaaa/external/portal.jsp). The requirements for filing with the FAA for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference 14 CFR Part 77.9.

3) The Horace Williams Airport is a general aviation airport. Currently, the FAA Airport Improvement Program is administered by the NCDOT Division of Aviation on behalf of the FAA for all general aviation airports located in North Carolina. Therefore, please include the NCDOT Division of Aviation (address located in the closed copy distribution list below) in future correspondence on this matter. This will ensure they are informed as the project progresses and allow them to provide additional comments and input related to aviation safety concerns as the proposed action and alternatives are refined during the NEPA, design, and construction process.

Thank you for the opportunity to participate in your scoping process. Please contact me at dana.perkins@faa.gov or (404) 305-7152 if our comments require discussion or if I may be of further assistance

Sincerely,

Dana L. Perkins
Environmental Program Manager

cc: Rick Barkes/Jennifer Fuller/Chastity Clark, NCDOT Division of Aviation, 1560 Mail Service Center, Raleigh, NC 27699-1560
Jon Heisterberg, U.S. Department of Agriculture, Animal and Plant Health Inspection Service – Wildlife Services, 6213-E Angus Drive, Raleigh, NC 27617
Juanita Shearer – Swink, FASLA, Triangle Transit, P.O. Box 530, Morrisville, NC 27560
Jeff Weisner, URS - Planning Department, 1600 Perimeter Park drive Suite 400, Morrisville, NC 27560

NCDENR
North Carolina Department of Environment and Natural Resources
Division of Water Quality
Charles Wakild, P.E
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

June 6, 2012

MEMORANDUM

To: Juanita Shearer-Swink, Triangle Transit

From: Rob Ridings, NC Division of Water Quality, Transportation Permitting Unit RR

Subject: Scoping comments on proposed Durham-Orange Light Rail Transit Project in Durham and Orange Counties.

The following is DWQ's scoping comments for the referenced project. Preliminary analysis of the project reveals the potential for impacts to streams, buffers, and jurisdictional wetlands in the project area. More specifically, potential impacts to the following streams and/or their tributaries:

Stream Name	River Basin & Subbasin	Stream Classifications	Stream Index Number	303(d) Listing?
Morgan Creek	Cape Fear 06	WS-IV; NSW	16-41-2-(5.5)	Yes
Bolin Creek	Cape Fear 06	WS-IV; NSW	16-41-1-15-1-(4)	No
Little Creek	Cape Fear 06	WS-IV; NSW	16-41-1-15-(0.5)	Yes
New Hope Creek	Cape Fear 05	WS-IV; NSW	16-41-1-(11.5)	Yes
Sandy Creek	Cape Fear 05	WS-V; NSW	16-41-1-11	No
Third Fork Creek	Cape Fear 05	WS-IV; NSW	16-41-1-12	No
Ellerbe Creek	Neuse 01	WS-IV; NSW	27-5-(0.7)	Yes

Further investigations at a higher resolution should be undertaken to verify the presence of other streams and/or jurisdictional wetlands in the area. In the event that any jurisdictional areas are identified, the Division of Water Quality requests that Triangle Transit consider the following environmental issues for the proposed project:

Project Specific Comments:

1. The streams in the project corridor are WS-IV (or WS-V); NSW waters of the State. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that highly protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to these streams. NCDWQ requests that design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ's *Stormwater Best Management Practices*.

Transportation and Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1617
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6492
Internet: www.ncwaterquality.org

2. Morgan Creek, Little Creek, New Hope Creek, and Ellerbe Creek are on the state's 303(d) list for impaired use for aquatic life. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that the most protective sediment and erosion control BMPs be implemented in accordance with *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) to reduce the risk of further impairment to these waters. NCDWQ requests that design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ *Stormwater Best Management Practices*.

3. This project is within the Jordan Lake and Neuse River Basins. Riparian buffer impacts shall be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0267 and 15A NCAC 2B.0233, respectively. New development activities located in the protected 50-foot wide riparian areas within the basin shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B.0267 and 15A NCAC 2B.0233. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification.

General Project Comments:

1. The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands, buffers and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.

2. Environmental impact statement alternatives shall consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives shall include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ's *Stormwater Best Management Practices Manual*, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.

3. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the applicant is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.

4. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.

5. Future documentation, including the 401 Water Quality Certification Application, shall continue to include an itemized listing of the proposed wetland , buffer, and stream impacts with corresponding mapping.

6. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. The applicant shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.

7. An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis shall conform to the NC Division of Water Quality Policy on the assessment of secondary and cumulative impacts dated April 10, 2004.

8. The applicant is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.

9. Where streams must be crossed, NCDWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, the applicant should not install the bridge bents in the creek, to the maximum extent practicable.

10. Whenever possible, NCDWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the streambanks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges shall allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) should not be placed in the stream when possible.

11. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NCDWQ's *Stormwater Best Management Practices.*

12. Sediment and erosion control measures should not be placed in wetlands or streams.

13. Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas will need to be presented in the 401 Water Quality Certification and could precipitate compensatory mitigation.

14. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.

15. This project will require a 404 application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the applicant and written concurrence from NCDWQ. Please be aware that any approval will be

contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

16. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

17. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species shall be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.

18. Unless otherwise authorized, placement of culverts and other structures in waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.

19. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation, floodplain benches, and/or sills may be required where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.

20. If foundation test borings are necessary; it shall be noted in the document. Geotechnical work is approved under Nationwide Permit No. 6 for Survey Activities.

21. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250.

22. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.

23. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.

24. Heavy equipment should be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment shall be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.

25. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.

26. Riparian vegetation (native trees and shrubs) shall be preserved to the maximum extent possible. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction

Thank you for requesting our input at this time. The applicant is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact Rob Ridings at 919-807-6403.

cc: US Army Corps of Engineers, Raleigh Field Office
Chris Militscher, Environmental Protection Agency (electronic copy only)
File Copy

From: Barkes, Richard W [mailto:rbarkes@ncdot.gov]
Sent: Friday, June 08, 2012 9:34 AM
To: Juanita Shearer-Swink; Clark, Chastity N; Fuller, Jennifer M
Cc: Weisner, Jeff; Greg Northcutt; 'dana.perkins@faa.gov'; 'brian.smart@dot.gov'
Subject: RE: REMINDER: DURHAM-ORANGE LRT PROJECT SCOPING COMMENTS ARE DUE JUNE 18, 2012

Juanita

To simplify this communication I will be the point of contact on this project for the Division of Aviation. We concur with the FAA comments from Dana Perkins however we do not anticipate any negative impacts from your project on the airport. Please feel free to contact me and we can further discuss the potential Storm water/wetlands impacts mentioned in the FAA response.

Rick

Rick Barkes, Deputy Director
NC Department of Transportation
Division of Aviation
1560 Mail Service Center
Raleigh, NC 27699-1560

rbarkes@ncdot.gov
Office – 919 840-0112
Cell – 919 621-8413

North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

MEMORANDUM

TO: Juanita Shearer-Swink, FASLA
Project Manager, Triangle Transit

FROM: Travis Wilson, Highway Project Coordinator
Habitat Conservation Program

DATE: June 12, 2012

SUBJECT: Response to the scoping notification regarding fish and wildlife concerns for the proposed Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina.

This memorandum responds to a request for our concerns regarding impacts on fish and wildlife resources resulting from the subject project. Biologists on the staff of the N. C. Wildlife Resources Commission (NCWRC) have reviewed the proposed project. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The Triangle Transit Authority in coordination with the Federal Transit Authority has initiated the scoping process for the Durham-Orange Light Rail Transit Project. The proposed project will include the development of approximately 17 miles of light rail transit service from UNC hospitals in Orange County to east Durham in Durham County. The following are specific items of concerns within this corridor:

The project study area includes a portion of Jordan Game Land. Located on US Army Corps of Engineers (USACE) property, Jordan Game Land is managed by NCWRC for public use, and included in this section of the game land is the Upper Little Creek waterfowl impoundment. This area has also been documented as Little Creek Bottomlands and Slopes Significant Natural Heritage Area (SNHA) by NC Department of Natural Resources, Natural Heritage Program. Public conservation areas are an important resource; however in an urbanizing setting such as this the significance of these areas is elevated. As the surrounding landscape develops habitat is minimized and the continuity of that habitat is fragmented. Coinciding with that loss is the difficulty to mitigate for impacts to these areas. Direct impacts to the Little Creek portion of Jordan Game Land would likely have significant and irremediable effects to this area. Therefore NCWRC request that TTA broaden the study area to develop an avoidance alternative for the Jordan Game Land.

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

New Hope Creek is also traversed by this project, although the project does not directly impact conservation property, the New Hope Creek corridor provides an important ecological connection between Duke Forest and Jordan Game Land. Extensive conservation effort in this area has resulted in the preservation of multiple properties within this corridor by NC Ecosystem Enhancement Program and NC Clean Water Management Trust Fund. Additionally, during the planning and design of the recent Highway 15/501 improvements federal and state agencies as well as local organizations coordinated with NCDOT to incorporate a longer bridge crossing at New Hope Creek to improve habitat connectivity. Any light rail crossing in this area should not undermine the efforts and funding that provided a much improved ecological linkage.

To help facilitate document preparation and the review process our general informational needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with:

   NC Natural Heritage Program
   Dept. of Environment & Natural Resources
   1601 Mail Service Center
   Raleigh, NC 27699-1601.
   WWW.ncnhp.org

   and,

   NCDA Plant Conservation Program

   P. O. Box 27647
   Raleigh, N. C. 27611
   (919) 733-3610

2. Description of any streams or wetlands affected by the project. The need for channelizing or relocating portions of streams crossed and the extent of such activities.

3. Cover type maps showing wetland acreages impacted by the project. Wetland acreages should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (USACE). If the USACE is not consulted, the person delineating wetlands should be identified and criteria listed.

4. Cover type maps showing acreages of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.

5. The extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).

6. Mitigation for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.

7. A cumulative impact assessment section which analyzes the environmental effects of construction and quantifies the contribution of this individual project to environmental degradation.

8. A discussion of the probable impacts on natural resources which will result from secondary development facilitated by the project.

9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages for this project. If we can further assist your office, please contact me at (919) 528-9886.

cc: Sarah McRae, USFWS
Rob Ridings, NCDWQ
John Thomas, USACE
Michael Hosey, USACE
Brian Smart, FTA
Jeff Weisner, URS
Melba McGee, DENR
Allison Weakley, NHP

TOWN OF CARRBORO

NORTH CAROLINA

WWW.TOWNOFCARRBORO.ORG

CIN 120154

June 12, 2012

Mr. David King, General Manager, Triangle Transit
Mr. Greg Northcutt, Director of Capital Development, Triangle Transit
c/o Triangle Regional Transit Program
P.O. Box 530
Morrisville, NC 27560

Dear Mr. King and Mr. Northcutt:

Thank you for the opportunity for the Town of Carrboro to provide comments on the scoping process for the Durham-Orange Light Rail Transit (D-O LRT) Project.

The Carrboro Board of Aldermen ("Board") has reviewed plans for regional fixed-guideway service at several of its meetings over the last two years. The Board approved resolutions on November 9, 2010, and November 22, 2011, that included comments pertaining to the station design at UNC Hospitals.

- From the November 9, 2010, resolution: "The design of a regional rail segment to UNC Hospitals should not preclude extensions to Downtown Chapel Hill, Downtown Carrboro, and Carolina North".
- From the November 22, 2011, resolution: "That [the] A3(d) station at UNC Hospital does not preclude future extensions to downtown Chapel Hill [and] Carrboro".

Designing a station to allow for future extensions of the light rail transit service to Carrboro would preserve the opportunity for the Town to address Objectives 4.13 and 4.14 of its *Vision 2020* guiding document.
Objective 4.13 states that the town should cooperate with Chapel Hill and other regional entities in a comprehensive transportation plan to include: regional transit service conducted by the Triangle Transit Authority, seamless connections among all the region's public transit systems, and shorter routes and more frequent service.
Objective 4.14 expresses support for a passenger rail connection through downtown Carrboro.

We hope you will take the Board's comments into consideration as you progress with the Environmental Scoping phase.

Sincerely,

Mark Chilton
Mayor, Town of Carrboro

cc: David Andrews, Town Manager
Patricia McGuire, Planning Director
Jeff Brubaker, Transportation Planner

301 WEST MAIN STREET, CARRBORO, NC 27510 • (919) 942-8541 • FAX (919) 968-7745 • VOICE/TTY/TDD/ASCII:711
AN EQUAL OPPORTUNITY PROVIDER

bike walk durham.org

Durham Bicycle & Pedestrian Advisory Commission

Durham Department of Transportation • 101 City Hall Plaza • Durham, NC 27701

Received 18 June 12

June 13, 2012

TO: The Federal Transit Administration (FTA) and Triangle Transit

FROM: Durham Bicycle and Pedestrian Advisory Commission (BPAC)

RE: Scoping Comment - Incorporation of Multi-use Trail along Durham-Orange County Light Rail Project

The BPAC thanks you for the opportunity to comment on the Environmental Scoping for the Durham-Orange County Light Rail Project. We agree that this project will expand transit options between Durham and Chapel Hill.

We note that in the adopted Durham Bicycle Transportation Plan (2006), as well as the adopted NC 54-Interstate 40 Corridor Study, a multi-use trail is recommended along the transit corridor. We request incorporation of this trail in the upcoming Preliminary Engineering and Draft Enviromental Impact Statement, especially between the former South Square area in Durham and the Meadowmont Area in Chapel Hill.

Please let us know if you have any questions about this request.

TOWN OF CHAPEL HILL
Town Manager's Office

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5707

phone (919) 968-2743 *fax* (919) 969-2063
www.townofchapelhill.org

June 15, 2012

Mr. David King
General Manager
Triangle Transit
PO Box 13787
Research Triangle Park, NC 27709

Dear David,

Thank you for your letter of May 24, 2012 requesting comments from the Town of Chapel Hill related to the Durham to Chapel Hill light rail Environmental Impact Statement Scope of Work. On January 23, 2012 the Town Council reviewed the Local Preferred Alternative for the proposed light rail corridor and adopted several recommendations for consideration by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.

I believe these recommendations should be addressed in the Environmental Impact Statement. I have provided those comments below and request they be incorporated into the Scope of Work.

- Alternative alignments C1 and C2 should be further analyzed as part of the anticipated Environmental Impact Statement. The Town expresses a preference for alignment C2.
- The Environmental Impact Statement should include a more detailed assessment of the location of the Hamilton Road Station and include options for grade separation at the crossing of the C2 corridor with Barbee Chapel Road as included in the NC54 Phase II Study.
- The Environmental Impact Statement should evaluate the impact of both alignments on the Little Creek floodplain and the proposed Little Creek trail.

In addition to the those recommendations it is our understanding that the University of North Carolina at Chapel Hill has proposed a modification to the location of the station proposed for the main campus near the University of North Carolina Hospital. We support the proposed station relocation and request that the Environmental Impact Statement Scope of Work include evaluation of the proposed modification.

Thank you for your cooperation in this matter. Please contact me if you have any questions.

Roger L. Stancil

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

15 June 2012

Triangle Regional Transit Program
Attn: Juanita Shearer-Swink
PO Box 530
Morrisville, NC 27650

Dear Ms. Shearer-Swink:

This letter is in response to your request for scoping comments from the U.S. Fish and Wildlife Service (Service) on the potential environmental effects of the proposed Durham-Orange Light Rail Transit Project in Durham and Orange Counties, North Carolina. These comments provide information in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667d) and section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The Federal Transit Administration (FTA) and the Triangle Transit plan to develop approximately 17 miles of light rail transit service from UNC Hospitals in Chapel Hill, Orange County to NCCU in Durham, Durham County. There are currently no known occurrences of federally protected species in the vicinity of the proposed project, however, the Service has concerns regarding the potential environmental impacts to wetland resources within the proposed corridor.

The proposed study area for alignment options C1 and C2 crosses Little Creek at the Orange/Durham County line. This portion of the corridor crosses the Jordan Game Land which is owned by the US Army Corps of Engineers (USACE) and managed by the NC Wildlife Resources Commission (NCWRC). This area has been designated by the NC Natural Heritage Program (NCNHP) as the Little Creek Bottomlands and Slopes Significant Natural Heritage Area (SNHA), which is an area of land and/or water that has been recognized as being important for the protection of the State's biodiversity, including high-quality or rare natural communities, rare species, and special animal habitats. The Service is concerned not only about impacts to the ecological integrity of SNHA and ability of the public to use the area as a game land, but also those potential impacts to the Upper Little Creek waterfowl impoundment which serve as mitigation for adverse impacts from the construction of Jordan Lake. The Service requests that the study area be expanded to include areas that may not impact the Game Land.

The proposed project also crosses New Hope Creek near the Orange/Durham County line. In the early 1990s as part of the National Wetlands Priority Conservation Planning mandate from the Emergency Wetlands Resources Act of 1986, the Service designated approximately 1,500 acres of the New Hope Creek Corridor as a regionally important wetland that warrants protection because of resource value and vulnerability. The significance of this piedmont swamp forest is as an ecological corridor that connects habitat between Duke Forest and Jordan Game Land. There are several recognized SNHAs in the vicinity of this study area, including the Dry Creek/Mount Moriah Bottomland, New Hope Creek Aquatic Habitat, New Hope Creek Slopes and New Hope Creek Bottomland Forest. Considerable conservation efforts have resulted in significant habitat connectivity along the New Hope Creek corridor. A rail crossing in the New Hope Creek Study Area should not impact habitat connections that have been established.

For transportation improvement projects, the Service recommends the following general conservation

measures to avoid or minimize environmental impacts to fish and wildlife resources:

1. Wetland and forest impacts should be avoided and minimized to the maximal extent practical. Areas exhibiting high biodiversity or ecological value important to the watershed or region should be avoided. Proposed highway/rail projects should be aligned along or adjacent to existing roadways, utility corridors or other previously disturbed areas in order to minimize habitat loss and fragmentation. Highway shoulder and median widths should be reduced through wetland areas;

2. Crossings of streams and associated wetland systems should use existing crossings and/or occur on a bridge structure wherever feasible. Bridges should be long enough to allow for sufficient wildlife passage along stream corridors. Where bridging is not feasible, culvert structures that maintain natural water flow and hydraulic regimes without scouring or impeding fish and wildlife passage should be employed;

3. Bridges and approaches should be designed to avoid any fill that will result in damming or constriction of the channel or flood plain. To the extent possible, piers and bents should be placed outside the bank-full width of the stream. If spanning the flood plain is not feasible, culverts should be installed in the flood plain portion of the approach to restore some of the hydrological functions of the flood plain and reduce high velocities of flood waters within the affected area;

4. Bridge designs should include provisions for roadbed and deck drainage to flow through a vegetated buffer prior to reaching the affected stream. This buffer should be large enough to alleviate any potential effects from run-off of storm water and pollutants;

5. Off-site detours should be used rather than construction of temporary, on-site bridges. For projects requiring an on-site detour in wetlands or open water, such detours should be aligned along the side of the existing structure which has the least and/or least quality of fish and wildlife habitat. At the completion of construction, the detour area should be entirely removed and the impacted areas be planted with appropriate vegetation, including trees if necessary;

6. If unavoidable wetland or stream impacts are proposed, a plan for compensatory mitigation to offset unavoidable impacts should be provided early in the planning process. Opportunities to protect mitigation areas in perpetuity via conservation easements, land trusts or by other means should be explored at the outset;

7. Wherever appropriate, construction in sensitive areas should occur outside fish spawning and migratory bird nesting seasons. In waterways that may serve as travel corridors for fish, in-water work should be avoided during moratorium periods associated with migration, spawning and sensitive pre-adult life stages. The general moratorium period for anadromous fish is February 15 - June 30;

8. Best Management Practices (BMP) for Construction and Maintenance Activities should be implemented; and

9. Activities within designated riparian buffers should be avoided or minimized.

Section 7(a)(2) of the Endangered Species Act requires that all federal action agencies (or their designated non-federal representatives), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any

federally-listed threatened or endangered species. A biological assessment/evaluation may be prepared to fulfill the section 7(a)(2) requirement and will expedite the consultation process. To assist you, a county-by-county list of federally protected species known to occur in North Carolina and information on their life histories and habitats can be found on our web page at http://nc-es.fws.gov/es/countyfr.html .

Although the NCNHP database does not indicate any known occurrences of federally listed species near the project vicinity, use of the NCNHP data should not be substituted for actual field surveys if suitable habitat occurs near the project site. The NCNHP database only indicates the presence of known occurrences of listed species and does not necessarily mean that such species are not present. It may simply mean that the area has not been surveyed. If suitable habitat occurs within the project vicinity for any listed species, surveys should be conducted to determine presence or absence of the species.

If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a listed species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on listed species, then you are not required to contact our office for concurrence.

We reserve the right to review any federal permits that may be required for this project, at the public notice stage. Therefore, it is important that resource agency coordination occur early in the planning process in order to resolve any conflicts that may arise and minimize delays in project implementation. In addition to the above guidance, we recommend that the environmental documentation for this project include the following in sufficient detail to facilitate a thorough review of the action:

1. A clearly defined and detailed purpose and need for the proposed project, supported by tabular data, if available, and including a discussion of the project's independent utility;

2. A description of the proposed action with an analysis of all alternatives being considered, including a "no action" alternative;

3. A description of the fish and wildlife resources, and their habitats, within the project impact area that may be directly or indirectly affected;

4. The extent and acreage of waters of the U.S., including wetlands, that are to be impacted by filling, dredging, clearing, ditching, or draining. Acres of wetland impact should be differentiated by habitat type based on the wetland classification scheme of the National Wetlands Inventory (NWI). Wetland boundaries should be verified by the U.S. Army Corps of Engineers;

5. The anticipated environmental impacts, both temporary and permanent, that would be likely to occur as a direct result of the proposed project. The assessment should also include the extent to which the proposed project would result in indirect and cumulative effects to natural resources;

6. Design features and construction techniques which would be employed to avoid or minimize impacts to fish and wildlife resources, both direct and indirect, and including fragmentation and direct loss of habitat;

7. Design features, construction techniques, or any other mitigation measures which would be employed at wetland crossings and stream channel relocations to avoid or minimize impacts to waters of the US; and,

8. If unavoidable wetland or stream impacts are proposed, project planning should include a compensatory mitigation plan for offsetting the unavoidable impacts.

The Service appreciates the opportunity to comment on this project. Please continue to advise us during the progression of the planning process, including your official determination of the impacts of this project. If you have any questions regarding our response, please contact Sarah McRae at sarah_mcrae@fws.gov or 919-856-4520x16.

Sincerely,

Pete Benjamin
Field Supervisor

Cc: Brian Smart, FTA
Travis Wilson, NCWRC
Michael Hosey, USACE
Allison Weakley, NCNHP
John Kent, New Hope Creek Corridor Advisory Committee

North Carolina Department of Environment and Natural Resources
Office of Conservation, Planning, and Community Affairs

Beverly Eaves Perdue
Governor

Linda Pearsall
Director

Dee Freeman
Secretary

June 18, 2012

SUBMITTED VIA EMAIL AND US MAIL

Juanita Shearer-Swink
Triangle Regional Transit Program
P.O. Box 530
Morrisville, NC 27560

SUBJECT: Scoping – Durham-Orange Light Rail Transit Project

Dear Ms. Shearer-Swink:

We are writing in response to the request for comments during scoping for the proposed Durham-Orange Light Rail Transit project. The North Carolina Natural Heritage Program (NCNHP) has previously commented on the Locally Preferred Alternative Study conducted for this project.We appreciate this opportunity to provide information about the possible direct, secondary, or cumulative impacts to Significant Natural Heritage Areas (SNHAs) located along alternative alignments for the proposed Light Rail Transit (LRT) on Little Creek and New Hope Creek.

Direct Impacts

Alignment Alternatives C1 and C2 both cross the Little Creek Bottomlands and Slopes SNHA. Of the two, Alternative C1 would have the greater direct impact to the natural area, since it crosses the Little Creek floodplain along a proposed new alignment that will pass through currently undeveloped forest. Land that will be affected by this alternative is on property owned by the US Army Corps of Engineers (USACOE) that was acquired specifically to mitigate for wildlife habitat lost during the construction of the Jordan Reservoir project. This area is currently managed by the State of North Carolina as a part of the Jordan Lake Game Land.

Alternative C2 follows existing roadways, crossing the Little Creek floodplain adjacent to NC 54 and then following George King Road, a currently unpaved road that divides the USACOE-owned property, all of which is included in the SNHA. Although this alternative follows existing travel corridors, some use may be made of the USACOE property in order to construct the LRT.

Only one alignment across the New Hope Creek floodplain was considered in the Locally Preferred Alternatives Study, transecting a wide tract of bottomland forest located on a privately owned property just north (about 0.1 miles) of the USACOE/NC Game Land boundary. We commend the decision – mentioned in the Scoping Booklet – to include an

Mailing address: 1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Location: 217 W. Jones Street, Raleigh NC 27604
Phone: 919-707-8600 Webpage: www.oneNCNaturally.org

additional alternative along the US 15-501 right-of-way within the NEPA review process. The exact alignment of this alternative, however, is not illustrated in the Booklet.

The direct impacts resulting from the construction of the LRT along either of these alignments may cause the loss of some high quality habitats classified by the Natural Heritage Program as Piedmont Bottomland Forest (on both New Hope and Little Creeks), Mesic Mixed Hardwood Forest (on Little Creek) and Piedmont Levee Forest (on New Hope Creek). Of particular concern are potential impacts to the population of *Carya laciniosa* (Big Shellbark Hickory) in the New Hope Creek Bottomland Forest SNHA, south of US15-501; this is the only population of this species known to occur in the Piedmont, one of only 5 known to occur in the state, and this is considered to be the best quality population.

Additional rare species that are reported from the vicinity of the proposed project are listed below:

Significant Natural Heritage Area (SNHA)	Species (Common name)	Federal Status	State Status	Last Observation
Little Creek Bottomlands and Slopes	*Carex bushii* (Bush's Sedge)		SR-P	1968
Little Creek Bottomlands and Slopes	*Dichanthelium annulum* (Ringed Witch Grass)		SR-P	Pre-1902
Little Creek Bottomlands and Slopes	*Monotropsis odorata* (Sweet Pinesap)	FSC	SC-V	1927
Little Creek Bottomlands and Slopes	*Tridens chapmanii* (Chapman's Redtop)		T	1894
New Hope Creek Bottomland Forest	*Carya laciniosa* (Big Shellbark Hickory)		T	1999

FSC = Federal Species of Concern
T = State Threatened
SC-V = State Special Concern, Vulnerable
SR-P = Significantly Rare in North Carolina, Peripheral

Secondary (Indirect) Impacts

All of these proposed alternatives are likely to have significant secondary impacts, particularly the alternatives along new alignments. In addition to the direct effects of habitat loss resulting from land clearing, opening the canopy of the forest will create edge effects on the remaining stands, which is likely to encourage the growth of invasive species. Effects extending well beyond the actual footprint of the project will result from disruption of animal movements along these important travel corridors. Impacts to the New Hope Creek floodplain are especially important in this regard because it provides connections between the Jordan Lake Game Land to the south and several other protected natural areas to the north, including Duke Forest, Boulevard Lands, and New Hope Preserve. The Little Creek floodplain similarly provides a connection between the Jordan Lake Game Land and a series undeveloped, predominately publically-owned tracts extending west to US 15-501 and located in the 100 year floodplain of Jordan Lake, which gives them at least some protection from development.

Juanita Shearer-Swink
June 18, 2012

Cumulative Impacts

Impacts of this project will take place in the context of a large amount of development that is either already happening around the margins of New Hope Creek and Little Creek floodplains – we have reviewed several in the last few years – or that is currently in the planning and review stage, or that can be expected to occur in the near future. A significant portion of this development can be expected to result from this project itself. As stated in the Scoping Booklet, construction of the LRT is not only intended to expand transit options between Durham and Chapel Hill but also to foster development within certain areas and to promote economic growth. This linkage between the LRT and future development is very clearly stated in the NC 54-I40 Corridor Study, which we recently reviewed and submitted comments on. For the area covered by this study, selection of alternative alignments for the LRT is strongly tied with development that will closely impinge upon the SNHA and public lands. For many species of wildlife, close proximity to dense human development and other activities is very disruptive, leading to effective loss, degradation, and fragmentation of habitats, even where the vegetation and physical features of the landscape remain otherwise the same.

Recommendations for Analysis of Impacts

All three types of expected impacts should be thoroughly addressed in any environmental documents produced for this project. Field surveys should be conducted to determine the significance of direct impacts as well as the indirect impacts on adjoining areas of habitat. For the analysis of indirect impacts, we suggest that the study area be extended from the USACOE-owned lands to US 15-501 along Little Creek and to both the Korstian and Durham Divisions of Duke Forest along New Hope and Mud Creeks. The Natural Heritage Program has conducted inventories of some of these tracts in the past, which may be of some use in this analysis (LeGrand, 1999; Hall and Sutter, 1999). Cumulative impacts should be considered both in terms of the development the project itself will contribute to – including transit stations and associated facilities, shopping centers, and planned developments – as well as additional development that is projected to occur within the overall study area of this project (as modified above).

In assessing the potential for impacts to the SNHAs resulting from this project, we request that the analysis include a greater range of alternative alignments than were considered in the Locally Preferred Alternative Study. Specifically, we echo the request made by NC Wildlife Resources Commission that consideration be given to modifying the C-1 alternative so that it avoids direct impact to Jordan Game Lands and the Significant Natural Heritage Areas We also recommend that an alternative which follows existing transportation corridors, including the NC 54 right-of-way from the Friday Center to I-40, and then following the I-40 right-of-way north to the proposed Leigh Farms transit hub be studied. This alignment would involve the least amount of impact to the Little Creek floodplain, Jordan Game Lands and the SNHA. Similarly, we would like to see a full assessment be given to an alignment following the US 15-501 right-of-way across New Hope Creek as noted in at the bottom of page 8 in the scoping booklet.

Recommendations for Avoidance, Minimization, and Mitigation of Impacts

In general, we would like to see the following design features be incorporated into the proposed project:

- Selection of alignments that avoid or minimize impacts as much as possible to significant natural areas, following already disturbed transportation corridors as much as possible.

Juanita Shearer-Swink
June 18, 2012

- Design of floodplain crossings that maintain or enhance wildlife movements.
- Establishment of buffers between the identified natural areas and any development that results from or is otherwise associated with the creation of the LRT and related transportation improvements.

We commend the effort this project represents to plan and manage the tremendous growth that is occurring within this area. However, we would like to point out that protection of local natural areas and the species and ecosystems they support results from the efforts of Orange and Durham counties with strong support of their citizens and various state agencies. Protection of the wildlife movement corridor along New Hope Creek in particular has received a great deal of attention, with private conservation organizations, county government agencies, and state agencies all contributing to the protection of natural areas within this area. For example, the new bridge on US 15-501 was designed explicitly to accommodate the movement of animals between the USACOE lands at the upper end of Jordan Lake and Duke Forest and other conservation lands located north of US 15-501.

The above mentioned bridge on US 15-501 clearly illustrates that transportation planning can be done in conjunction with protecting, or even enhancing, the functions of natural ecosystems. We would like to see that example be followed in the development of the LRT and related transportation plans. A cooperative, collaborative planning effort, involving conservation-minded citizens and agencies as well as transportation and land use planners, will facilitate the development of a truly comprehensive solution to the problems associated with future growth within this region.

Thank you for the opportunity to comment on this proposed project during the scoping process. Please feel free to contact us if you have any questions or we can assist further.

Sincerely,

Linda Pearsall

cc: Brian Smart, FTA
Melba McGee, NCDENR
Sarah McRae, USFWS
Michael Hosey, USACOE
Rob Ridings, NCDWQ
Andy Henry, DCHC MPO

Yu Robinson, Cyndy

From: Anita_Barnett@nps.gov
Sent: Monday, June 18, 2012 1:55 PM
To: WASO_EQD_ExtRev@nps.gov; info@ourtransitfuture.com; brian.smart@dot.gov
Subject: ER-12/0229 Proposed Premium Transit Service corridor - FTA

Mr. Smart:

The National Park Service has reviewed the Notice of Intent to prepare a Draft Environmental Impact Statement for a Proposed Premium Transit Service Corridor in Durham and Orange Counties and we have no comments. If you have any questions, please contact Anita Barnett, Environmental Protection Specialist at 404-507-5706. Thank you for the opportunity to review and provide comments.

National Park Service
Anita Barnett
100 Alabama Street
1924 Building
Atlanta, Georgia 30303

404-507-5706 Phone
404-562-3257 Fax
Anita_Barnett@nps.gov

MEMO

TO: Greg Northcutt, Director of Capital Development
FROM: Ed Harrison

SUBJECT: Comments on scoping for LPA PEIS, Durham-Orange corridor

DATE: June 18, 2012

REPLY TO: ed.harrison@mindspring.com

I am familiar with the project and its environs for a number of reasons: three decades of continuous natural community fieldwork and identification in Durham and Orange Counties; 18 years of association with Triangle Transit's regional planning process, including the past 2.5 years as a member of the Board of Trustees; over a decade as a Chapel Hill Town Council member, with the last 2.5 years dealing with corridor concerns.

My remarks focus on three station areas and/or corridors and associated issues:

1. An uncommon/"vulnerable" natural community type potentially within the C-1 alternative corridor

2. Possible inadequate length of bridging in C-1 corridor

3. Potential impact on built lot by C-1 corridor at eastern edge of Meadowmont

4. Pedestrian access issues for the Hamilton Road station

5. Ability to extend future fixed guideway to west/north of UNC Hospitals station (Consult ToCH staff)

1. AN UNCOMMON/"VULNERABLE" NATURAL COMMUNITY TYPE POTENTIALLY WITHIN THE C-1 ALTERNATIVE CORRIDOR

Natural community of concern: Piedmont Swamp Forest

As defined by the adopted LPA , the C-1 corridor where it crosses the Little Creek floodplain, appears to intersect with an area with inundation periods greater than would be expected in an "average" Piedmont Bottomland Hardwood Forest in theTriassic Basin. This is based on satellite photos of the area that were not in the LPA documents.

In Michael Schafale's 2011 edition of the "Guide to the Natural Communities of North Carolina – Fourth Approximation," he differentiates between the true "Piedmont Swamp Forest" and Piedmont Bottomland Hardwood Forest. Shown first is the differentiation, and then the community description.

DIFFERENTIATING PIEDMONT SWAMP FROM BOTTOMLAND FOREST
Comments: There has been substantial confusion in the nomenclature of Piedmont swamps versus bottomland forests. The oak-dominated, broad Triassic basin floodplains have been called swamps in some of the literature and bottomlands

elsewhere. However, these floodplains include both wetter swamps that stay flooded for long periods, and slightly drier oak-dominated areas that correspond to this subtype. The 3rd Approximation contributed to the confusion by mixing descriptions of these heterogeneous floodplains. The 4th Approximation attempts to reduce confusion by defining Piedmont Bottomland Forest as the portion of the flooding gradient where most oaks occur, and defining Piedmont Swamp Forest as the wettest sites, where only the most water-tolerant trees (including *Quercus lyrata* but not most other oak species) predominate.

PIEDMONT SWAMP FOREST GNR
Synonyms: *Acer rubrum - Fraxinus pennsylvanica / Saururus cernuus* Forest (CEGL006606). Ecological Systems: Southern Piedmont Large Floodplain Forest (CES202.324).
Concept: Type covers communities of the wetter parts of large Piedmont floodplains, generally backswamps and large sloughs but possibly depressions on terraces. These areas are flooded for prolonged periods and support species tolerant of longer hydroperiod, such as *Fraxinus pennsylvanica, Ulmus americana, Acer rubrum var. trilobum*, and *Quercus lyrata*.
Distinguishing Features: Piedmont Swamp Forest is distinguished from all other Piedmont floodplain types by its flood-tolerant species composition, generally dominated by *Fraxinus pennsylvanica, Ulmus americana, Acer rubrum*, or *Quercus lyrata*. The lower strata are similarly water-tolerant, with a relatively depauperate herb layer, generally dominated by *Carex* spp., *Saururus cernuus*, or *Boehmeria cylindrica*.

In my recent examination of known examples of this community type, the predominance of wetland obligate trees such as Overcup Oak (Q. lyrata) and Black Willow (Salix nigra) shading wide sloughs full of Lizardtail (Saururus cernuus)seems to capture the essence of Piedmont Swamp Forest. No other oak species are visible. Also, there are frequently visible Marsh Rabbits – seen nowhere else in the Piedmont landscape.

The “GNR” appellation indicates that it is “Globally Nor Ranked.” I’m told that this is because neighboring states with Piedmont rivers and creeks have not clearly identified the community type, most notably South Carolina.

The closest described Natureserve community type is the Red Maple-Green Ash/Lizard Tail forest.

Reference :
http://www.natureserve.org/explorer/servlet/NatureServe?searchCommunityUid=ELEMENT_GLOBAL.2.685450

Global Status: G3G4 (14Feb2012)
Rounded Global Status: G3 - Vulnerable
Reasons: This association is geographically restricted to the Mid-Atlantic Coastal Plain and in limited areas of the Piedmont. It occurs in small patches, generally less than 20 acres. As of December 2011, it is ranked as S3 in Maryland and S3S4 in Virginia, where it is reportedly widespread in the backswamps of the Coastal Plain. In New Jersey, this type is documented from Great Swamp on the transition from Inner Coastal Plain to Piedmont. This type also is likely to occur in Delaware but its classification requires further resolution there. Beaver impoundments have been observed to threaten this vegetation.

2. POSSIBLE INADEQUATE LENGTH OF BRIDGING IN C-1 CORRIDOR

My examination of the agency supplied satellite photo of the LPA corridor crossing Little Creek, using other topo maps to compare with topo on that one, suggests that the floodplain bridging would need to be extended at least 20 percent in length on the eastern end to deal with likely flooding. Am simply basing this on the latest FEMA elevations. I would recommend a re-examination of likely flooding extent on the eastern end of the crossing.

3. POTENTIAL IMPACT ON BUILT LOT BY C-1 CORRIDOR AT EASTERN EDGE OF MEADOWMONT

Based on field examination today, the easternmost lot now shown as having impact from Corridor C-1 in the adopted LPA, is undergoing site development.
The advertised price for the house to be built there, plus the usual pricing for Meadowmont single family lots, suggests that it would be a very expensive condemnation to gain use of that single area, lot 302. The alignment available for examination last year did not show the alignment in that location, although it was a very short distance away. In the event C-1 is used, it should be tweaked to avoid this expensive property – which would be expensive even if unbuilt.

4. PEDESTRIAN ACCESS ISSUES FOR THE HAMILTON ROAD STATION

As someone who has frequently crossed NC 54 at Hamilton Road – most often by bicycle – I see no way to integrate the future redevelopment in Glen Lennox within the station area without a grade-separated crossing. An extended pedestrian signal – which by Triangle standards tops out at 15 seconds – would back peak hour street traffic on NC 54 through adjoining signalized intersections. The approved NC 54 plan (May 9 2012 MPO action) does not appear to include
such a grade-separated crossing. Based on recent examples elsewhere in nearby counties, the 2012 cost of such a facility would be in the millions of dollars. Given the importance of the Glen Lennox buildout to the success of this station area, it would be helpful if this access issue could be included in the scope in some way. I was involved with the Glen Lennox planning process as the first Council Member brought into neighborhood meetings on the redevelopment proposal, and then as Council liaison to the Neighborhood Conservation District Committee that produced the concept plan.

5. ABILITY TO EXTEND FUTURE FIXED GUIDEWAY TO NORTHWEST OF UNC HOSPITALS STATION

The UNC Hospitals station location needs to be examined for how it affects the ability of transit providers to extend a fixed guideway to the northwest, toward Carrboro and beyond. Town of Chapel Hill staff have flagged that as a potential issue with the location as shown in the LPA, or as contemplated by UNC.

NOTE: I can be available for follow up on these concerns if it is helpful.

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

REPLY TO
ATTENTION OF:

June 19, 2012

Regulatory Division

Action ID No. SAW 2012 00957

Mr. Brian Smart
Federal Transit Administration
230 Peachtree Street NW, Suite 800
Atlanta, GA 30303

Dear Mr. Smart:

Reference is made to the e-mail from Ms. Juanita Shearer-Swink with the Triangle Transit received on May 24, 2012, requesting scoping comments on the proposed Durham-Orange Light Rail Transit Project located on new linear alignment from UNC Hospitals in Chapel Hill, Orange County, North Carolina, to Austin Avenue in Durham, Durham County, North Carolina. This correspondence addresses concerns from both the Operations and Regulatory Divisions with the U.S. Army Corps of Engineers, Wilmington District. Comments from Operations address their concerns pertaining to the project's proposed impacts to Corps owned property within the Jordan lake watershed and Regulatory's comments specifically address the project's impacts to waters of the United States, including adjacent wetlands, subject to our regulatory authority pursuant to Section 404 of the Clean Water Act.

First of all, with regards to our concerns pertaining to Operations, please reference the proposed alternatives shown crossing government property along Little Creek at B. Everett Jordan Lake. This property is under the stewardship of US Army Corps of Engineers (USACE), Wilmington District, Operations Division. A route crossing this property would require an easement from the federal government. Requests for use of government property administered by USACE are reviewed in compliance with USACE policies for out granting of government property and the National Environmental Policy Act (NEPA). The decision to approve or deny a requested use would be made after the review process has been completed and the requirements of NEPA have been satisfied. If a route crossing government property is proposed, the EIS being prepared for the Federal Transit Authority (FTA) may satisfy the NEPA requirements for our land use request review process. However, in order to meet our NEPA requirements the discussion of alternatives must include routes that do not impact public lands. The EIS scoping document does not include discussion or depiction of alternatives off of government property. Alternative routes should be added and/or the study area should be increased to include alternatives to the north and east of those currently depicted crossing public lands along Little Creek. The discussion of impacts due to routes crossing public lands should include impacts due to relocation of existing roads, utilities, etc. Routes crossing public land must be avoided, if possible, and impacts minimized, if public lands cannot be avoided. Mitigation would be required for any unavoidable adverse impacts on public lands.

The congressionally authorized purposes of the Jordan Lake project are flood control, water supply, water quality, recreation, and fish and wildlife conservation. In addition to these authorized purposes, the permanent wildlife lands in the area which include the Little Creek Waterfowl Impoundment, serve as mitigation for adverse impacts from the construction of Jordan Lake. The area is leased to the State of North Carolina and managed by the North Carolina Wildlife Resources Commission (NCWRC) as part of their game lands program. Portions of a Significant Natural Heritage Area as designated by the NC Natural Heritage Program (NCNHP) are located in the proposed alignments. The proposed alignments are within the lake's flood storage pool, which is subject to inundation to elevation 245 feet mean sea level. If you require any additional information regarding use of public lands at Jordan Lake, please contact Mr. Michael Hosey, Operations Division at 919-542-4501, extension 26.

In regards to our Regulatory concerns, our review is based on the information provided at the Scoping meeting for regulatory agencies held on May 2, 2012, and the referenced e-mail. It appears that the proposed light

rail project may impact jurisdictional waters of Little Creek and New Hope Creek of the Cape Fear watershed (HUC 03030002). Department of the Army (DA) permit authorization, pursuant to Section 404 of the Clean Water Act of 1977, as amended, will be required for the discharge of excavated or fill material into waters of the United States or any adjacent wetlands in conjunction with this project, including disposal of construction debris. Specific permit requirements will depend on design of the project, extent of fill work within the waters of the United States, construction methods, and other factors including temporary construction, support facilities (i.e. rail stations, maintenance shop facilities), facility maintenance access, mechanized land clearing and dewatering activities.

Please be aware that the Department of the Army and the U.S. Environmental Protection Agency signed a memorandum of agreement (MOA) on November 15, 1989, establishing procedures for DA permit authorization in compliance with Clean Water Act Section 404(b)(1) Guidelines. First of all DA permits are available only for work dependent upon being located within a jurisdictional waters of the United States that are the least environmentally damaging practical alternative. Once that alternative is determined, then the DA permit authorization requires that the project design avoids and minimize impacts to jurisdictional waters. Finally for those impacts that cannot be avoided and minimized appropriate and practical mitigation will be required.

With reference to the provided Scoping Information Booklet (SIB), we offer the following comments:

a. Widening of an existing transportation corridor through a jurisdictional waters systems (i.e. wetlands) most often is preferred over a new alignment or realignment of the existing linear transportation corridor. The existing linear transportation corridor has already impacted the jurisdictional water systems. The SIB includes such an alternative for the crossing of the Little Creek system along the NC 54 corridor. However, the SIB crossing of the New Hope Creek system does not include such an alternative even though such an alternative appears to exist along the US 15/501 corridor. We recommend that such an alternative should be included in the Scoping review. Although not discussed in the SIB, other new alignment alternatives were discussed at in your May 2, 2012, workshop. In our discussions you stated that the details of these reviewed alternatives were available and in documents located on the project web page. We have reviewed the web page documents and could not find the referenced other new alignment alternatives details. Again we request that you provide the referenced details to be included in our scoping review comments for your proposed transportation project.

b. Linear transportation projects often result in the unavoidable crossings of jurisdictional waters systems with the need to connect logical termini associated with the project purpose. However, these crossings should be made perpendicular and at the narrowest point of the jurisdiction waters system. Maps included with the SIB shows such an opportunity within the defined project study area located north of the C1 alternative for the Little Creek crossing. The SIB maps also show another opportunity for avoidance in the crossing of New Hope Creek adjacent to the US 15/501 bridge crossing. We recommend that such alternatives should be included in the Scoping review.

c. DA permit authorization requires minimization of unavoidable impacts to jurisdictional waters. Review of construction methods often result in the best opportunities for such required minimization efforts. Although not discussed in the SIB, aerial segments were discussed at your May 2, 2012, workshop and in documents located on the project web page. We recommend the aerial crossings (i.e. bridging) of the proposed projects unavoidable crossings of jurisdictional waters.

d. The SIB identified two large jurisdictional water systems (i.e. Little Creek and New Hope Creek). However it did not identify other jurisdictional streams channels and/or adjacent wetlands that no doubt exist in a 17 mile linear corridor. Such information is necessary for your planning that should include avoidance and minimization of impacts to jurisdictional waters. We recommend a jurisdictional delineation and mapping of jurisdictional waters for the proposed project 17 mile corridor.

e. The SIB discusses the use of top down construction to minimize impacts, however, discussions of plans for permanent access roads for the maintenance of the LRT track and the possibility for impacts to jurisdictional waters from the installation of those roads should be included in the scoping review.

f. Potential boarding stations and maintenance yards were identified in the SIB, however, a more robust discussion regarding impacts to jurisdictional features from the construction of the stations and maintenance yards should be included in the scoping review.

g. Final comment, your scoping review should include discussion of plans for compensatory mitigation of unavoidable impacts to jurisdictional waters associated with the proposed project.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web site at http://per2.nwp.usace.army.mil/survey.html and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office.

Thank you for the opportunity to comment on the scoping review of your proposed project. We encourage and look forward to the continuing coordination with you in the planning and development of this project. Should you have any questions pertaining to Regulatory concerns, please contact Mr. Thomas at the Raleigh Field Office at 919-554-4884, ext. 25.

Sincerely,

S. Kenneth Jolly
Chief, Regulatory Division

From: Gledhill-earley, Renee [mailto:renee.gledhill-earley@ncdcr.gov]
Sent: Tuesday, June 19, 2012 12:28 PM
To: info@ourtransitfuture.com; Smart, Brian (FTA)
Subject: Durham-Orange Light Rail Transit Project ER 12-0738

We have reviewed the information provided at the May 2, 2012 meeting and find that review under Section 106 and Section 4(f) will be necessary. Thus, we look forward to working with you as the project progresses.

Please reference our website at: http://www.hpo.ncdcr.gov/ to review information on what resources are available to you as you proceed with your project. The information concerning known historic properties on our web-based GIS http://gis.ncdcr.gov/hpoweb/ should also be helpful. Information concerning significant archaeological resources must still be obtained from the Office of State Archaeology.

Thank you,
Renee G-E

--
Renee Gledhill-Earley
Environmental Review Coordinator
NC State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617
Phone: 919-807-6579 Fax: 919-807-6599
http://www.hpo.dcr.state.nc.us
Special Notice: To expedite review of your project, you may wish to follow the directions found at http://www.hpo.ncdcr.gov/er/er_email_submittal.html for submitting requests via email.

Yu Robinson, Cyndy

From: Jill.Stark@dot.gov
Sent: Wednesday, June 20, 2012 9:54 AM
To: jshearerswink@triangletransit.org
Cc: gnorthcutt@triangletransit.org; Weisner, Jeff; Yu Robinson, Cyndy; pmcdonough@triangletransit.org
Subject: RE: REMINDER: DURHAM-ORANGE LRT PROJECT SCOPING COMMENTS ARE DUE JUNE 18, 2012

My only comment would be that we would not support any route that would run along interstate routes and hinder the widening of any interstate.

Jill S. Stark
Transportation Planner
Federal Highway Administration
310 New Bern Avenue, 4th Floor
Raleigh, NC 27601
919.747.7027

From: Juanita Shearer-Swink [mailto:jshearerswink@triangletransit.org]
Sent: Wednesday, June 20, 2012 9:34 AM
To: Stark, Jill (FHWA)
Cc: Sullivan, John (FHWA); Greg Northcutt; 'Weisner, Jeff'; Cyndy Yu Robinson ; Patrick McDonough
Subject: RE: REMINDER: DURHAM-ORANGE LRT PROJECT SCOPING COMMENTS ARE DUE JUNE 18, 2012

Good Morning Jill:
As I indicated in the voice mail message which I left for you this morning, it appears that we have not received scoping comments regarding the Durham-Orange (D-O) Light Rail Transit (LRT) from FHWA.

While the comment period closed on June 18th, we would greatly appreciate receiving correspondence from your agency reflecting a federal interest in the project. For your use I have attached a map showing the Durham-Orange (D-O) Light Rail Transit (LRT) project.

Background information and additional material including mapping which was presented at the Scoping meetings in May 2012, are available on the D-O LRT Project website: http://www.ourtransitfuture.com/index.php/projects/durham-orange. For your convenience I have also attached a copy of the Scoping Information Booklet prepared for the project.

If you need additional information or have any questions regarding the D-O LRT Project, please contact Mr. Jeff Weisner, URS Planning Department Manager at (919) 461-1440 or jeff_weisner@URS.com (1600 Perimeter Park Drive, Suite 400, Morrisville, NC 27560), or me as listed below.

Your comments may be sent to Brian C. Smart / Environmental Protection Specialist / FTA / 230 Peachtree Street, NW, Suite 800 / Atlanta, GA 30303 / phone (404-865-5607) / email: brian.smart@dot.gov; Jeff Weisner or me. You may also provide your comments by mail:

TRTP, P.O. Box 530, Morrisville, NC 27560. We look forward to receiving your comments at your earliest possible convenience.

Thank you.

Juanita

Juanita Shearer-Swink, FASLA
Project Manager
Triangle Transit
Phone: (919) 485-7412
Fax: (919) 485-7541
jshearerswink@triangletransit.org
www.triangletransit.org
PO Box 13787, Research Triangle Park, NC 27709
4600 Emperor Blvd. Suite 100, Durham, NC 27703

Learn more about future Bus and Rail Options for the Triangle at www.ourtransitfuture.com

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From: Juanita Shearer-Swink
Sent: Thursday, May 24, 2012 7:13 PM
To: 'John.T.Thomas.JR@saw02.usace.army.mil'; 'Michael.L.Hosey.II@usace.army.mil'; 'james.lastinger@usace.army.mil'; 'jean.b.gibby@usace.army.mil'; 'Francis.e.ferrell@usace.army.mil'; 'linda.pearsall@ncdenr.gov'; 'melba.mcgee@ncdenr.gov'; 'dee.freeman@ncdenr.gov'; 'sheila.holman@ncdenr.gov'; 'brian.strong@ncdenr.gov'; 'heather.hildebrandt@ncdenr.gov'; 'rob.ridings@ncdenr.gov'; 'Allison.weakley@ncdenr.gov'; 'john.sullivan@fhwa.dot.gov'; 'dana.perkins@faa.gov'; 'rusty.nealis@faa.gov'; 'jkorest@durhamcountync.gov'; 'mueller.heinz@epa.gov'; 'john_ellis@fws.gov'; 'pete_benjamin@fws.gov'; 'sarah.mcrae@fws.gov'; 'dewitt.hardee@ncagr.gov'; 'david.smith@ncagr.gov'; 'jeff.crow@ncdcr.gov'; 'shawn.faircloth@ncdcr.gov'; 'renee.gledhill-earley@ncdcr.gov'; 'zeke.creech@doa.nc.gov'; 'gconti@ncdot.gov'; 'showard@ncdot.gov'; 'rkwall@ncdot.gov'; 'jhopkins@dot.state.nc.us'; 'wbowman@ncdot.gov'; 'mkneis@ncdot.gov'; 'farmergray@ncdot.gov'; 'doug.howell@ncdps.gov'; 'jb.martin@nc.usda.gov'; 'travis.wilson@ncwildlife.org'; 'jill.stark@dot.gov'; 'pmorris@ncdot.gov'; 'thart@ncdot.gov'; 'mmills@ncdot.gov'; 'jnance@ncdot.gov'; 'gary_jordan@fws.gov''
Cc: 'brian.smart@dot.gov'; 'Weisner, Jeff'; Cyndy Yu Robinson ; Greg Northcutt; Brad Schulz
Subject: REMINDER: DURHAM-ORANGE LRT PROJECT SCOPING COMMENTS ARE DUE JUNE 18, 2012

Representatives of Federal, State and Local Regulatory Agencies

Dear Colleague:

Following the decision by the Durham-Chapel Hill-Carrboro MPO to advance the Durham-Orange Light Rail Transit (D-O LRT) Project for further study in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Federal Transit Administration and Triangle Transit initiated an Environmental Scoping process for the D-O LRT Project on April 3, 2012. The deadline for Scoping comments on the D-O LRT Project is June 18, 2012.

In addition to Public Scoping Workshops and a Briefing for Elected and Appointed Officials, a Scoping Meeting for Regulatory Agencies was held on May 2, 2012, in Chapel Hill, NC.

Through Scoping the public, elected and appointed officials and representatives from interested government agencies provide comments on the proposed project's draft Purpose and Need, the alternatives to be evaluated and the potential impacts of the alternatives. As you know, the

Scoping process is intended to help define the range of issues that will be studied in the EIS which, subject to Federal and local decision-making, is anticipated to be undertaken by mid-2013.

Background information and materials including mapping presented at the Scoping meetings in May 2012, are available on the D-O LRT Project website: http://www.ourtransitfuture.com/index.php/projects/durham-orange. For your convenience I have attached a copy of the Scoping Information Booklet prepared for the project.

The Federal Transit Administration and Triangle Transit desire to engage in meaningful coordination with interested Federal, state and local agencies. Interested Federal agencies seeking to be included as a Cooperating Agency are therefore encouraged to contact Mr. Brian Smart, Environmental Protection Specialist, Federal Transit Administration, (404) 865–5607, brian.smart@dot.gov (230 Peachtree Street NW, Suite 800, Atlanta, GA 30303).

We need to receive your comments and input no later than June 18, 2012. It is equally important for you to let us know that your agency does not intend to comment or participate in the Scoping process for this project. If you need additional information or have any questions regarding the D-O LRT Project, please contact Mr. Jeff Weisner, URS Planning Department Manager at (919) 461-1440 or jeff_weisner@URS.com (1600 Perimeter Park Drive, Suite 400, Morrisville, NC 27560), or me as listed below.

Your comments may be sent to Brian Smart, Jeff Weisner or me. You may also provide your comments by mail: TRTP, P.O. Box 530, Morrisville, NC 27560. We look forward to receiving your comments no later than June 18, 2012.

Thank you for your assistance and cooperation.

Juanita

Juanita Shearer-Swink, FASLA
Project Manager
Triangle Transit
Phone: (919) 485-7412
Fax: (919) 485-7541
jshearerswink@triangletransit.org
www.triangletransit.org
PO Box 13787, Research Triangle Park, NC 27709
4600 Emperor Blvd. Suite 100, Durham, NC 27703

Learn more about future Bus and Rail Options for the Triangle at www.ourtransitfuture.com

Yu Robinson, Cyndy

From: Jill.Stark@dot.gov
Sent: Thursday, June 21, 2012 10:40 AM
To: jshearerswink@triangletransit.org; gnorthcutt@triangletransit.org; Weisner, Jeff; Yu Robinson, Cyndy; bschulz@triangletransit.org
Cc: Bradley.Hibbs@dot.gov; Clarence.Coleman@dot.gov; Felix.Davila@dot.gov; Jgeigle@dot.gov; John.Sullivan@dot.gov; Michael.Dawson@dot.gov
Subject: FHWA Comments regarding Orange Chatham Lightrail

Juanita, thank you for the opportunity to comment on the planning process for the Durham-Orange lightrail project. As mentioned previously, most comments would be deferred to FTA. However a few questions did arise regarding the scoping booklet:

- Is this project intending to encroach on I-40?
- Is the project proposing any type of direct access from I-40 to lightrail stations, particularly Gateway and Leigh Village?
- Is the project proposing to use I-40 right of way?
- Is the project proposing to modify any existing interstate interchanges?
- Who will write the environmental document?
- Is there a letter of intent?
- If the proposed project route is published and made available to the general public, are the project sponsors prepared to handle inverse condemnation claims filed by property owners and businesses who claim that their property values and their ability to sell, rent or develop their properties have been negatively impacted by the publication of the route?
- Will the project sponsors be acquiring property under corridor preservation or protective acquisition regulations prior to the selection and public hearing disclosure of the preferred alternatives in the NEPA process?

Jill S. Stark
Transportation Planner
Federal Highway Administration
310 New Bern Avenue, 4th Floor
Raleigh, NC 27601
919.747.7027

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

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Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St., N.W.,
Suite 800
Atlanta, GA 30303
404-865-5600
404-865-5605 (fax)

June 27, 2012

Mr. Heinz J. Mueller
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

**RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina
Invitation to Become a Cooperating Agency**

Dear Mr. Mueller:

On April 3, 2012, a Notice of Intent (NOI) was published in the Federal Register indicating that the Federal Transit Administration and Triangle Transit will be preparing an Environmental Impact Statement (EIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project. Project scoping has been initiated and an agency scoping meeting was held on May 2, 2012. We are pleased to invite your agency to be a Cooperating Agency under the National Environmental Policy Act (NEPA) and Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) for this project.

The proposed project involves light rail transit and station planning in a 17-mile corridor in Durham County and Orange County, North Carolina. The Scoping Information Booklet and environmental scoping maps are enclosed for your use. Additional project background and details including the Alternatives Analysis Final Report and other related and supporting information about the D-O LRT Project may be found at http://www.ourtransitfuture.com/index.php/projects/durham-orange.

Your involvement as a Cooperating Agency is important because the project has the potential to affect social, economic, and environmental resources for which your agency has special expertise and/or jurisdiction related to the determination of effects and/or issuance of permits.

We believe that enhanced agency coordination will provide opportunities for your agency to participate actively in the development of the EIS. Furthermore, your agency's commitment will enhance opportunities to avoid, minimize, and/or mitigate social, economic and environmental impacts of the proposed project.

We will include information in the project environmental documents that your agency needs to discharge its responsibilities under NEPA and the President's Council on Environmental Quality (CEQ), as well as other requirements regarding jurisdictional approvals, permits, licenses and/or clearances. Your agency will be provided with information regarding environmental and socioeconomic resources located in the project area and the general location of alternatives.

Your jurisdictional responsibilities will not be affected or compromised by your participation. We anticipate that the EIS and our public involvement process will satisfy the NEPA requirements for your agency, such as those related to project alternatives, environmental consequences, and avoidance, minimization and mitigation. In addition, we will use the EIS and Record of Decision (ROD) as our decision-making documents and the basis for permit applications. We will also solicit your feedback to ensure that your agency's requirements are being met throughout the process.

Please note that under Section 6002 of SAFETEA-LU, a federal agency which declines to be a Cooperating Agency, must state in writing that:

1. The agency has no jurisdiction or authority;
2. The agency has no expertise or information relevant to this project; and
3. The agency does not intend to comment on this project.

Please respond by **July 27, 2012** to confirm that you will serve as a Cooperating Agency and identify your agency's designated contact. Please contact Mr. Brian C. Smart, Environmental Protection Specialist, Federal Transit Administration, by telephone at (404) 865-5607, or by email at brian.smart@dot.gov if you have any questions.

Your agency's participation and input will help to ensure the project's success. In addition, our close working relationship will not only ensure that your Agency's requirements are met in a timely manner but also that the project reviews are done expeditiously. Designation as a Cooperating Agency does not imply that your agency supports the proposed project.

We look forward to your involvement.

Sincerely,

Yvette G. Taylor, Ph.D.
Regional Administrator

Copy: Brian C. Smart, Environmental Protection Specialist, FTA
Adam Denton, Community Planner, FTA
David D. King, General Manager, Triangle Transit
Greg Northcutt, Director of Capital Development, Triangle Transit
Jeffrey C. Weisner, AICP, Planning Department Manager, URS

Enclosures:

- Scoping Information Booklet
- Four Project Maps with (1) Natural Heritage and Conservation Areas data; (2) Wetland and Floodplains data; (3) Historic Resources data; and (4) Community Resources data

U.S. Department
of Transportation
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Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St., N.W.,
Suite 800
Atlanta, GA 30303
404-865-5600
404-865-5605 (fax)

June 27, 2012

Mr. John F. Sullivan III, P.E.
FHWA Division Administrator
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

**RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina
Invitation to Become a Cooperating Agency**

Dear Mr. Sullivan:

On April 3, 2012, a Notice of Intent (NOI) was published in the Federal Register indicating that the Federal Transit Administration and Triangle Transit will be preparing an Environmental Impact Statement (EIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project. Project scoping has been initiated and an agency scoping meeting was held on May 2, 2012. We are pleased to invite your agency to be a Cooperating Agency under the National Environmental Policy Act (NEPA) and Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) for this project.

The proposed project involves light rail transit and station planning in a 17-mile corridor in Durham County and Orange County, North Carolina. The Scoping Information Booklet and environmental scoping maps are enclosed for your use. Additional project background and details including the Alternatives Analysis Final Report and other related and supporting information about the D-O LRT Project may be found at http://www.ourtransitfuture.com/index.php/projects/durham-orange.

Your involvement as a Cooperating Agency is important because the project has the potential to affect social, economic, and environmental resources for which your agency has special expertise and/or jurisdiction related to the determination of effects and/or issuance of permits.

We believe that enhanced agency coordination will provide opportunities for your agency to participate actively in the development of the EIS. Furthermore, your agency's commitment will enhance opportunities to avoid, minimize, and/or mitigate social, economic and environmental impacts of the proposed project.

We will include information in the project environmental documents that your agency needs to discharge its responsibilities under NEPA and the President's Council on Environmental Quality (CEQ), as well as other requirements regarding jurisdictional approvals, permits, licenses and/or clearances. Your agency will be provided with information regarding environmental and socioeconomic resources located in the project area and the general location of alternatives.

Your jurisdictional responsibilities will not be affected or compromised by your participation. We anticipate that the EIS and our public involvement process will satisfy the NEPA requirements for your agency, such as those related to project alternatives, environmental consequences, and avoidance, minimization and mitigation. In addition, we will use the EIS and Record of Decision (ROD) as our decision-making documents and the basis for permit applications. We will also solicit your feedback to ensure that your agency's requirements are being met throughout the process.

Please note that under Section 6002 of SAFETEA-LU, a federal agency which declines to be a Cooperating Agency, must state in writing that:

1. The agency has no jurisdiction or authority;
2. The agency has no expertise or information relevant to this project; and
3. The agency does not intend to comment on this project.

Please respond by **July 27, 2012** to confirm that you will serve as a Cooperating Agency and identify your agency's designated contact. Please contact Mr. Brian C. Smart, Environmental Protection Specialist, Federal Transit Administration, by telephone at (404) 865-5607, or by email at brian.smart@dot.gov if you have any questions.

Your agency's participation and input will help to ensure the project's success. In addition, our close working relationship will not only ensure that your Agency's requirements are met in a timely manner but also that the project reviews are done expeditiously. Designation as a Cooperating Agency does not imply that your agency supports the proposed project.

We look forward to your involvement.

Sincerely,

Yvette G. Taylor, Ph.D.
Regional Administrator

Copy: Brian C. Smart, Environmental Protection Specialist, FTA
Adam Denton, Community Planner, FTA
David D. King, General Manager, Triangle Transit
Greg Northcutt, Director of Capital Development, Triangle Transit
Jeffrey C. Weisner, AICP, Planning Department Manager, URS

Enclosures:

- Scoping Information Booklet
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U.S. Department
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Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St., N.W.,
Suite 800
Atlanta, GA 30303
404-865-5600
404-865-5605 (fax)

June 27, 2012

Colonel Steven A. Baker, District Commander
USAED, Wilmington
69 Darlington Avenue
Wilmington, NC 28403

**RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina
Invitation to Become a Cooperating Agency**

Dear Colonel Baker:

On April 3, 2012, a Notice of Intent (NOI) was published in the Federal Register indicating that the Federal Transit Administration and Triangle Transit will be preparing an Environmental Impact Statement (EIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project. Project scoping has been initiated and an agency scoping meeting was held on May 2, 2012. We are pleased to invite your agency to be a Cooperating Agency under the National Environmental Policy Act (NEPA) and Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) for this project.

The proposed project involves light rail transit and station planning in a 17-mile corridor in Durham County and Orange County, North Carolina. The Scoping Information Booklet and environmental scoping maps are enclosed for your use. Additional project background and details including the Alternatives Analysis Final Report and other related and supporting information about the D-O LRT Project may be found at http://www.ourtransitfuture.com/index.php/projects/durham-orange.

Your involvement as a Cooperating Agency is important because the project has the potential to affect social, economic, and environmental resources for which your agency has special expertise and/or jurisdiction related to the determination of effects and/or issuance of permits.

We believe that enhanced agency coordination will provide opportunities for your agency to participate actively in the development of the EIS. Furthermore, your agency's commitment will enhance opportunities to avoid, minimize, and/or mitigate social, economic and environmental impacts of the proposed project.

We will include information in the project environmental documents that your agency needs to discharge its responsibilities under NEPA and the President's Council on Environmental Quality (CEQ), as well as other requirements regarding jurisdictional approvals, permits, licenses and/or clearances. Your agency will be provided with information regarding environmental and socioeconomic resources located in the project area and the general location of alternatives.

Your jurisdictional responsibilities will not be affected or compromised by your participation. We anticipate that the EIS and our public involvement process will satisfy the NEPA requirements for your agency, such as those related to project alternatives, environmental consequences, and avoidance, minimization and mitigation. In addition, we will use the EIS and Record of Decision (ROD) as our decision-making documents and the basis for permit applications. We will also solicit your feedback to ensure that your agency's requirements are being met throughout the process.

Please note that under Section 6002 of SAFETEA-LU, a federal agency which declines to be a Cooperating Agency, must state in writing that:

1. The agency has no jurisdiction or authority;
2. The agency has no expertise or information relevant to this project; and
3. The agency does not intend to comment on this project.

Please respond by **July 27, 2012** to confirm that you will serve as a Cooperating Agency and identify your agency's designated contact. Please contact Mr. Brian C. Smart, Environmental Protection Specialist, Federal Transit Administration, by telephone at (404) 865-5607, or by email at brian.smart@dot.gov if you have any questions.

Your agency's participation and input will help to ensure the project's success. In addition, our close working relationship will not only ensure that your Agency's requirements are met in a timely manner but also that the project reviews are done expeditiously. Designation as a Cooperating Agency does not imply that your agency supports the proposed project.

We look forward to your involvement.

Sincerely,

Yvette G. Taylor, Ph.D.
Regional Administrator

Copy: Brian C. Smart, Environmental Protection Specialist, FTA
Adam Denton, Community Planner, FTA
David D. King, General Manager, Triangle Transit
Greg Northcutt, Director of Capital Development, Triangle Transit
Jeffrey C. Weisner, AICP, Planning Department Manager, URS

Enclosures:

- Scoping Information Booklet
- Four Project Maps with (1) Natural Heritage and Conservation Areas data; (2) Wetland and Floodplains data; (3) Historic Resources data; and (4) Community Resources data

U.S. Department of Transportation
Federal Highway Administration

North Carolina Division
310 New Bern Avenue, Suite 410
Raleigh, NC 27601
(919) 856-4346
(919) 747-7030
http://www.fhwa.dot.gov/ncdiv/

July 24, 2012

In Reply Refer To:
HDA-NC

Ms. Yvette G. Taylor, Ph.D.
Regional Administrator
Federal Transit Administration
230 Peachtree Street, NW, Suite 800
Atlanta, GA 30303

Dear Ms. Taylor:

This is in response to your June 27- letter to our office inviting the Federal Highway Administration (FHWA) to be a Cooperating Agency for the Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina. We accept your invitation to be a Cooperating Agency because the proposed light rail transit project alignment contains a section that runs parallel to I-40 and subsequently crosses Interstate I-40 on an aerial structure west of the interchange of I-40 and US 15-501 in Durham County. Protecting the integrity of the I-40 highway corridor is our main interest in this project.

We appreciate the opportunity to participate in this project. If you have any questions or comments regarding this response, please contact Clarence Coleman, Director of Preconstruction and Environment for the NC Division Office, at (919) 747-7014. For the environmental document, Mr. Felix Davila, Preconstruction and Environment Engineer, will be acting as the designated contact and can be reached at (919) 747-7021 or felix.davila@dot.gov.

Sincerely,

Clarence W. Coleman, Jr.

For John F. Sullivan, III, P.E.
Division Administrator

cc: Brian C. Smart, Environmental Protection Specialist, FTA

Brian:
FYI

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

REPLY TO
ATTENTION OF:

July 26, 2012

Regulatory Division

SUBJECT: Action ID. 2012 00957, Durham-Orange Light Rail Transit Project

Ms. Yvette G. Taylor, Ph.D.
Federal Transit Administration
230 Peachtree Street NW, Suite 800
Atlanta, GA 30303

Dear Ms. Taylor:

Reference your letter dated June 27, 2012, in which you invited us to participate as a Cooperating agency in the development of the Environmental Impact Statement (EIS) for the proposed Durham-Orange Light Rail Transit Project located on new linear alignment from UNC Hospitals in Chapel Hill, Orange County, North Carolina, to Austin Avenue in Durham, Durham County, North Carolina. In addition, you have also requested that we participate as a Participating Agency pursuant to Section 6002 of SAFETEA-LU.

In accordance with the Council on Environmental Quality, (40 CFR 1501.6 Cooperating Agencies), we agree to participate as a Cooperating Agency. It is our intention to formally adopt the Federal Transit Administration (FTA) National Environmental Policy Act (NEPA) document, in whole or in part, provided it meets our requirements relative to Section 404 of the Clean Water Act and NEPA when the Record of Decision (or Finding of No Significant Impact, as appropriate) is completed.

Please note that other program commitments will preclude us from funding or writing any portion of the subject document. However, it is our intention to fully participate in the development of the necessary document throughout the NEPA process. It is also our intention that at the end of this process, our requirements pursuant to Section 404 of the Clean Water Act, including our Public Interest Review, and Section 10 of the Rivers and Harbors Act would be fully satisfied. Regarding these identified regulatory requirements, please reference our letter to you dated June 19, 2012. This letter responded to your request for comments concerning your scoping review of the identified project. Please be aware that as a cooperating agency, we would have the same concerns that were identified in our June 19th letter including, but not limited to, the evaluation of alternatives which may have less environmental impact. In the event that your NEPA analysis does not adequately address our program responsibilities, a supplemental NEPA document may become necessary.

Finally, we also agree to Participating Agency status, pursuant to Section 6002 of SAFETEA-LU, and will provide you with issues of concern regarding environmental or socioeconomic

impacts as early as possible in the planning process that could substantially delay or prevent our agency from granting a permit for the project.

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. James Lastinger, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Wake Forest, North Carolina, 27587, or telephone 919-554-4884, extension 32.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web-site at http://per2.nwp.usace.army.mil.survey.html and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office.

Sincerely,

Jean B. Gibby
Acting Chief, Regulatory Division

Copy Furnished:

Mr. Michael Hosey
B. Everett Jordan Dam and Lake
P.O. Box 144
Moncure, NC 27559

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

July 27, 2012

Mr. Brian Smart
Transportation Planner
Federal Transit Administration, Region IV
230 Peachtree Street NW, Suite 800
Atlanta, Georgia 30303

SUBJ: Cooperating Agency Request for the Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina

Dear Mr. Smart:

The U.S. Environmental Protection Agency (EPA) received your letter on July 12, 2012, offering this Agency an opportunity to be a cooperating agency for the subject EIS. Scoping has been initiated on the project and a scoping meeting was held on May 2, 2012. The cooperating agency request document includes a scoping information booklet and maps. The document also provides a reference to project background and details including the Alternatives Analysis Final Report.

The proposed Durham-Orange Light Rail Transit Project involves light rail transit and station planning in a 17-mile corridor in Durham County and Orange County, North Carolina. The purpose of the proposed transit investment in the Durham-Orange County (D-O) Corridor is to provide solutions that address the need to enhance mobility, expand transit options between Durham and Chapel Hill, serve populations with high propensity for transit use and foster compact development

EPA accepts Federal Transit Administration's (FTA's) offer to act as a cooperating agency. EPA will provide NEPA comments, early review for key environmental sections of the document, and we can also participate in teleconferences or meetings with stakeholders to discuss important milestones, as appropriate. It should also be noted that our status as a cooperating agency has no effect on our review responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) or Section 309 of the Clean Air Act.

We appreciate your coordination with us. EPA will submit comments on the project as a follow-up to this letter. The NEPA contacts will be Ntale Kajumba (404/562-9620) of my staff in the NEPA Program Office.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

July 27, 2012

Mr. Brian Smart
Transportation Planner
Federal Transit Administration, Region IV
230 Peachtree Street NW, Suite 800
Atlanta, Georgia 30303

SUBJ: EPA Scoping Comments for the Environmental Impact Statement (EIS) on the Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina.

Dear Mr. Smart:

Thank you for the opportunity to comment on the above subject document. Pursuant to Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA), Region 4, reviewed materials that include information on the proposed project, and accepted the Federal Transit Administration's (FTA's) request to act as a cooperating and participating agency on the proposed project.

The Durham-Orange Light Rail Transit Project involves light rail transit and station planning in a 17-mile corridor between Durham and UNC Chapel Hill. Bus coverage and frequency will also be expanded. The proposed project will provide connections to North Carolina Central University, downtown Durham, Duke University, Duke University Medical Center, Durham Veterans Administration Medical Center, the Friday Center, UNC Hospitals and several park-and-ride lots. Connections will also be made to Amtrak and various buses in downtown Durham. The purpose of the proposed transit investment in the Durham-Orange County (D-O) Corridor is to provide solutions that address the need to enhance mobility, expand transit options between Durham and Chapel Hill, serve populations with high propensity for transit use and foster compact development.

The proposed project currently includes the development and analysis of three primary alternatives between the University of North Carolina Hospitals and east Durham. The alternatives evaluated include a No-Build Alternative that serves as the baseline condition; a Transportation Systems Management (TSM) Alternative consisting of an enhanced bus network that provides a level of transit service and capacity similar to that of a fixed-guideway transit service; and a Light Rail Transit (LTR) Alternative consisting of a new fixed-guideway rail alignment and support facilities. This alternative represents the locally preferred alternative as currently proposed. EPA notes that the federally preferred alternative for the project will be selected in the FEIS.

EPA wishes to note that we support the use of light-rail transit technology for this project. Optimizing the use of existing transportation corridors can reduce the amount of greenfield acreage that would be disturbed, if new alignments were selected. However, we also understand that such projects are not without their impacts. So, we have attached some detailed comments for your consideration.

EPA appreciates the opportunity to provide these scoping comments and look forward to working with you on the proposed project. If you have any further questions or concerns, you may contact Ntale Kajumba at (404) 562-9620.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Detailed EPA Comments

EPA Detailed Scoping Comments on Durham-Orange Light Rail Transit Project

Alternatives: The alternatives analysis evaluation document considered various alignments and the alignments that best met the project purpose and need. The alternatives considered include a No-Build Alternative and two build alternatives. The alternatives analysis and the locals both identified the Light Rail Transit (LRT) Alternative as the technology that best satisfies the purpose and need. Rationale for selection of the alternative is included in the document. EPA notes that there a few alternative alignments within the corridor (e.g., Alternative C1 and 2) that will require further study. These alternatives also involve environmental resource consideration. The DEIS should indicate discuss the rationale for rejecting any proposed alternative.

Air Quality: The Draft EIS should contain a discussion of the regulatory transportation air quality requirements, air quality concerns in the project area, and a carbon monoxide (CO) analysis. The document should assess existing air quality conditions in terms of National Ambient Air Quality Standards (NAAQS), Federal Prevention of Significant Deterioration (PSD) increments, and state air quality standards (if they are more stringent than the federal regulations). Based on our review, Durham and Orange County, NC is currently unclassifiable or in attainment of the National Ambient Air Quality Standards. EPA recommends that the project implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment with emission reduction technologies, repowering older engines with newer cleaner engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies. EPA can assist in the future development or implementation of these options.

Mobile Sources Air Toxics: Evaluation of project should include consideration of the impacts of air toxics emissions from trains, buses and vehicular traffic on nearby population centers and sensitive populations. The EIS should include an inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations. The screening level evaluation could be conducted using the approach described in EPA's Air Toxics Risk Assessment Reference Library (ATRA Library). We refer the project applicant to the ATRA Library, Volume 1 Section 3.3.3 for further detail (http://epa.gov/ttn/fera/risk_atra_main.html). The evaluation should include a description of recent literature concerning the impact of air toxics emissions on near-transportation receptors, including sensitive receptors such as children and the elderly. If sensitive receptors exist within the project area and mobile source air toxic issues are projected to increase, the evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.

Water Quality: Pollution Control: Best Management Practices (BMPs) should be used to reduce erosion during and after construction. Typical BMPs include the use of staked hay bales, silt fences, sediment ponds, mulching and reseeding, and appropriate buffer zones along water bodies. The document should include an erosion control plan or reference *North Carolina's Erosion and Sediment Control Planning and Design Manual* and document FTA's and Triangle Transit's commitment to compliance. Compliance should include National Pollutant Discharge Elimination System (NPDES) permit coverage for the construction activity, compliance with the

Storm Water Management Program and proper and maintenance of BMPs. BMPs for the design operational life of the facility should also be considered.

The document should discuss any proposed crossings of water bodies. In general, crossings should be minimized. Unavoidable crossings should be strategically placed to reduce harm by avoiding fish spawning areas, avoiding fringe wetlands, approaching at right angles to streams, etc. If the proposed project includes disturbance of one or more acres of land during construction, and point source discharges into waters of the United, coverage under EPA's storm water NPDES General Permit or state equivalent is required. Contact North Carolina's Department of Environment and Natural Resources Water Quality Division for further information on the NPDES program.

***Aquatic Resources*:** To fully evaluate this proposal, the requirements of the Section 404 (b) (1) Guidelines (Guidelines) must be fully and completely considered if this project is to move forward. The objective of the Guidelines is to require would-be dischargers of fill material to avoid and minimize impacts, and compensate for those which are unavoidable. To do this the applicant will have to, at a minimum, fully consider: developing the least environmentally damaging practicable alternative and associated requirements of section 230.10 (a). The least environmentally damaging alternative is determined by utilizing the project's "basic project purpose". If the basic project purpose can be achieved by less environmentally damaging means then EPA would prefer those. The EIS should also include information which addresses the Guidelines' prohibition on allowing the potential effects of the fill to cause violations of state water quality standards, applicable toxic effluent standards, jeopardize threatened and/or endangered species or their habitat. If unavoidable impacts to wetlands, streams and floodplain are involved, information will be needed outlining how impacts have been avoided and how the unavoidable impacts will be compensated. Compensation for any unavoidable impacts will have to comply with Subpart J, Compensatory Mitigation for Losses of Aquatic Resources (a.k.a., the Mitigation Rule of 2008).

Noise: Noise impacts should be predicted for the no build and each of the build alternatives. State-of-the-art noise modeling should be provided and consistent methods used by North Carolina Department of Transportation. EPA looks to FTA to provide federal oversight and consistency in approach, methodology and mitigation. The EIS should document construction noise attributable to the project. Typical noise levels produced by construction equipment (e.g., trucks, front end loaders, pile drivers, etc.) within 50 feet, which are available in the literature, should be disclosed. The total project construction time (months, years) should also be estimated in order to help assess the magnitude of the construction noise impact. Attempts should also be made to estimate the temporary construction time associated with any one feature along the ROW or section thereof. For example, how long is construction expected to take near any given affected residence or for an average mile of construction? This information will allow affected residents and businesses to approximate their degree of noise disturbance during construction.

Although temporary, construction noise should be reasonably mitigated in residential areas. Construction should not start before 7AM or continue after 7PM during the work week (5-6 days) and be discontinued on Sundays and on locally-observed federal and/or state holidays. In addition, the use of a hush house should be considered around any stationary equipment to shield

noise at its source, and all motorized equipment should be properly tuned to the manufacturer's specifications for additional source reduction. All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. Such mitigative methods should be made a contractual obligation that is periodically reviewed in the field by FTA, Triangle Transit or third-party inspectors.

The document should predict what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background (ambient) noise levels should also be included in the document. EPA prefers that noise impacts are measured using the Leq(h) metric since it provides an average level during peak traffic periods as opposed to the L10 metric which provides a less specific level that is not exceeded more than 10 percent of the time. The NEPA evaluation should also estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., DOT/FTA) or city ordinances are also appropriate. EPA has a target noise level (not a guideline or standard) of DNL 55 dBA for outdoor areas where people spend a varying amount of time (such as residences). In addition, OSHA regulations apply for all employees affected by job noises.

Noise abatement should be considered by FTA when project noise impacts approach the DOT Noise Abatement Criteria or if they meet or exceed the existing noise levels by 10 dBA (expecially if the existing noise levels are 50 dBA and above). Forms of noise and/or visual mitigation include, but are not limited to, vegetative screens, vegetated earthen berms (suburban areas), fabricated noise barriers, and alignment shifts. Avoiding noise impacts via alignment shifts is frequently more effective than mitigation.

Archeological and Historic Property: The EIS should identify potential archeological sites and historic properties within the project area. If present, the EIS should document that proper coordination with the State Historic Preservation Office (SHPO) has occurred. EPA encourages use of the NEPA process as a mechanism for compliance with Section 106 of the National Historic Preservation Act. The EIS should discuss any avoidance or minimization measures and procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until the SHPO and/ the Tribes approve of continued construction.

***Threatened or Endangered Species*:** EPA principally defers to and encourages continued coordination with the National Marine Fisheries Service (NMFS) and the U.S. Fish & Wildlife Service regarding assessments of federally-protected threatened or endangered species. Impacts to threatened and endangered species should be discussed and assessed in the EIS.

***Environmental Justice*:** Pursuant to the executive order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994) and its accompanying memorandum, the EIS should examine the effect of the transportation facilities on minority and/or low-income populations. The EIS should identify, analyze and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The EIS should include a demographics analysis of the affected project

area. Some of this information can be found at the U.S. Census Bureau, U.S. Bureau of Labor Statistics, LAUS, and the U.S. Bureau of Economic Analysis, REIS. Publically available EPA Web-based tools like *EJView:* http://http://epamap14.epa.gov/ejmap/entry.html and *NEPAssist:* https://oasext.epa.gov/NEPA/ can also be used to conduct preliminary screening level EJ reviews. This information should be used in conjunction with information acquired during the public involvement and ground verification processes. Based on the coordination documents, the public involvement process has been robust and should continue to provide opportunities for communities to help identify potential effects, and minimization and mitigation measures. A summary of the communities' potential environmental justice concerns and the agencies response to those concerns should be included in the EIS. EPA notes that effort to improve access to public meetings, official documents, and notices to affected communities are being made. Efforts to minimize and mitigate adverse impacts should be outlined or analyzed in EISs, whenever feasible, should address significant and adverse environmental effects of proposed federal actions on minority communities and low income communities.

***Children's Health*:** The EIS should evaluate potential environmental and human health effects of the proposed project on children. Information identifying children under 18 (demographics) within the surrounding area and schools in proximity to the transportation corridors and stations should be included in the EIS. Both the impacts and benefits of the proposed project on this population should be assessed.

Indirect and Cumulative Impacts - Transit projects have both direct and indirect effects on the environment. NEPA requires the assessment and disclosure of reasonably foreseeable effects of transportation projects or the indirect effects of the project. Cumulative impacts are "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." It is suggested that the spacial/temporal criteria of the analysis be given and that they be uniform throughout the analyses of the project, if appropriate. Such consideration should include other transit projects in the Durham and Orange County area and other private, local, state, or federal projects in general -- particularly those with similar impacts -- that are existing, proposed or are expected to occur within the reasonably foreseeable future (10-20 year horizon).

URS

URS DIN 00815-J

January 8, 2013

Mr. Kumar Neppalli
Town of Chapel Hill
405 Martin Luther King Blvd
Chapel Hill, NC 27514

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Neppalli:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

Additional hardcopies will be available at the meeting, and the electronic version will be available on the SharePoint site as of tomorrow's date. An informational e-mail regarding the SharePoint site log-in will be sent to you.

Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

URS Corporation
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919 461 1100
Fax: 919 461 1415

URS

URS DIN 00815-B

January 8, 2013

Mr. David Bonk
Town of Chapel Hill
405 Martin Luther King Blvd
Chapel Hill, NC 27514-5708

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Bonk:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

URS Corporation
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919 461 1100
Fax: 919 461 1415

URS

URS DIN 00815-D

January 8, 2013

Mr. Aaron Cain
Durham City County Planning Department
101 City Hall Plaza
Durham, NC 27701

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Cain:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

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PMC@triangletransit.org

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Morrisville, NC 27560
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URS

URS DIN 00815-A

January 8, 2013

Mr. Mark Ahrendsen
Ms. Ellen Beckmann
Durham Transportation Department
101 City Hall Plaza
Durham, NC 27702

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Ahrendsen and Ms. Beckmann:

Enclosed please find 2 (two) copies (one for each of you) of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

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Morrisville, NC 27560
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Fax: 919 461 1415

URS

URS DIN 00815-C

January 8, 2013

Mr. Wally Bowman
NCDOT Division 5
2612 North Duke Street
Durham, NC 27704

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Bowman:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

Additional hardcopies will be available at the meeting, and the electronic version will be available on the SharePoint site as of tomorrow's date. An informational e-mail regarding the SharePoint site log-in will be sent to you.

Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

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1600 Perimeter Park Drive, Suite 400
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G-01

URS

URS DIN 00815-E

January 8, 2013

Mr. Cadmus Capehart
NCDOT Division 2
815 Stadium Drive
Durham, NC 27704

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Capehart:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

Additional hardcopies will be available at the meeting, and the electronic version will be available on the SharePoint site as of tomorrow's date. An informational e-mail regarding the SharePoint site log-in will be sent to you.

Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

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Morrisville, NC 27560
Tel: 919 461 1100
Fax: 919 461 1415

URS

URS DIN 00815-G

January 8, 2013

Mr. Charles Edwards
NCDOT Division 7
115 East Crescent Square Drive
Graham, NC 27253

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Edwards:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

URS Corporation
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919 461 1100
Fax: 919 461 1415

URS

URS DIN 00815-H

January 8, 2013

Mr. Chris Haire
NCDOT
1000 Birch Ridge Drive
Raleigh, NC 27610

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Haire:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

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Morrisville, NC 27560
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URS

URS DIN 00815-I

January 8, 2013

Ms. Dawn McPherson
NCDOT Division 7
1584 Yanceyville Street
Greensboro, NC 27415

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Ms. McPherson:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Please let me know if you have any questions.

Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

cc: URS File
PMC@triangletransit.org

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1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919 461 1100
Fax: 919 461 1415

URS

URS DIN 00815-F

January 8, 2013

Mr. Felix Davila
FHWA
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

Subject: Analysis of the Use of USDOT and NCDOT Rights of Way Report - DRAFT

Dear Mr. Davila:

Enclosed please find 1 (one) copy of the above-referenced document for your use and review prior to the meeting scheduled for Friday, January 11, 2013 10:00 – 12:00 at the URS office location.

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Sincerely,

Luann Polissaint

Luann Polissaint
Project Administrator

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PMC@triangletransit.org

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triangletransit
take it. easy.

June 11, 2013

Doc. Control: #130112

Ms. Laura Sutton, PE
NCDOT Structures Management Unit
1581 Mail Service Center
Raleigh, NC 27699-1581

SUBJECT: Request for Plans for Pettigrew Street Roadway Structure Plans (TIP U-3308)

Dear Ms. Sutton:

Triangle Transit (TTA) continues to develop its programs for commuter rail service and two light rail corridors in Durham, Orange and Wake Counties. As a part of this ongoing effort to promote these modes of transit, TTA is interested in the development and progress of various projects within the North Carolina Railroad (NCRR) Corridor in both Wake and Durham Counties. One of these current projects, the Pettigrew Street Roadway Bridge Replacement, located along the NCRR Corridor in Durham County is of primary interest to TTA at this time. As part of the Alston Avenue roadway widening (TIP U-3308) and located adjacent to the proposed freight track bridge replacements also being completed to allow for the widening of Alston Avenue, the Pettigrew Street bridge replacement may have an impact on the proposed Durham Orange LRT Corridor. The current proposed light rail track alignments are also located along the NCRR Corridor as it crosses Alston Avenue on a proposed rail structure between the proposed freight rail structures and the Pettigrew Street bridge replacement.

As such, TTA would like to be part of any plan distribution and review for the various milestones for the project. In addition, we would like to get a copy of the most current set of construction plans for the proposed replacement structure for Pettigrew Street over Alston Avenue. We would gladly accept the plans in a pdf format or as a hard copy, whichever is most convenient. A pdf version of the plans can be emailed to gnorthcutt@triangletransit.org. Or, a hard copy set can be mailed to Mr. Greg Northcutt, Director of Capital Development, at the following address: Triangle Transit, PO Box 13787, Research Triangle Park, NC 27709. We can also arrange to meet to exchange current information. Just let me know.

Thank you for your assistance with this information request and we look forward to receiving the latest set of construction plans in the very near future.

Sincerely,

Greg Northcutt
Director of Capital Development
919 485-7522
gnorthcutt@triangletransit.org

From:	Juanita Shearer-Swink
To:	"stan.mitchell@dot.gov"; "Myra.Immings@dot.gov"; "Jennifer.Hibbert@dot.gov"; "Gail.mcfadden-roberts@dot.gov"; "felix.davila@dot.gov"; "Clarence.Coleman@dot.gov"; "john.sullivan@fhwa.dot.gov"; "Michael.L.Hosey.II@usace.army.mil"; "John.T.Thomas.JR@saw02.usace.army.mil"; "james.lastinger@usace.army.mil"; "Francis.E.ferrell@usace.army.mil"; "mueller.heinz@epa.gov"; "Kajumba.ntale@epa.gov"; "Militscher.chris@epa.gov"; "john_ellis@fws.gov"; "pete_benjamin@fws.gov"; "sarah_mcrae@fws.gov"; "gary_jordan@fws.gov"; "dana.perkins@faa.gov"; "rusty.nealis@faa.gov"; "jb.martin@nc.usda.gov"; "ajtata@ncdot.gov"; "rbarkes@ncdot.gov"; "Cnclark3@ncdot.gov"; "jmfuller@ncdot.gov"; "pworley@ncdot.gov"; "thart@ncdot.gov"; "plvereen@ncdot.gov"; "tshaw@ncdot.gov"; "mmills@ncdot.gov"; "mkneis@ncdot.gov"; "rjwalls@ncdot.gov"; "mwcraig1@ncdot.gov"; "jhopkins@dot.state.nc.us"; "wbowman@ncdot.gov"; "emidkiff@ncdot.gov"; "cnedwards@ncdot.gov"; "dmcpherson@ncdot.gov"; "pwilson@ncdot.gov"; "david.smith@ncagr.gov"; "dewitt.hardee@ncagr.gov"; "zeke.creech@doa.nc.gov"; "mike"; "linda.pearsall@ncdenr.gov"; "travis.wilson@ncwildlife.org"; "Allison.weakley@ncdenr.gov"; "rob.ridings@ncdenr.gov"; "heather.hildebrandt@ncdenr.gov"; "brian.strong@ncdenr.gov"; "renee.gledhill-earley@ncdcr.gov"; "dolores.hall@ncdcr.gov"; "fclifton@orangecountync.gov"; "Kneppalli@townofchapelhill.org"; David Bonk; "jkorest@durhamcountync.gov"; "mscully@durhamcountync.gov"; "aaron.cain@durhamnc.gov"; "hannah.jacobson@durhamnc.gov"; "lisa.miller@durhamnc.gov"; "sara.young@durhamnc.gov"; "mark.ahrendsen@durhamnc.gov"; Ellen Beckmann; "Andrew.henry@durhamnc.gov"; "helen.youngblood@durhamnc.gov"; "johnh@tjcog.org"; "Ed Harrison"; Felix Nwoko; "Bernadette Pelissier"; "Ellen Reckhow"
Cc:	Yu Robinson, Cyndy; Weisner, Jeff; Poindexter, Gavin; "brian.strong@ncdenr.gov"; Geoff Green; Patrick McDonough; Deborah Ross; Greg Northcutt; Benton, Charles; David King; Maryann Battista; Polissaint, Luann
Subject:	D-O LRT project Interagency Meeting August 27, 2013 Meeting Minutes & Deadline for Comments
Date:	Thursday, September 19, 2013 10:51:04 AM
Attachments:	00956 D-O LRT Project Interagency Meeting #1 Meeting Minutes 2013-08-27.docx

Dear Colleague,

At the Durham-Orange (D-O) Light Rail Transit (LRT) Project Interagency Meeting which was held on Tuesday, August 27, 2013, meeting participants were asked to provide the D-O LRT Project Team with comments on the previously distributed Environmental Methodologies Report and the draft Outline for the DEIS. (A similar request accompanied the invitation to this meeting.) While we received some comments during the Interagency Meeting we are extending the deadline for comments to September 26th.

Attached for your review are meeting minutes which represent the Project Team's synopsis of the August 27th Interagency Meeting. Please review this information and send me your proposed edits or corrections in writing by September 26th. We will rely on these meeting minutes as the record of all matters discussed and conclusions reached during this meeting unless written changes are sent to me at *jshearerswink@triangletransit.org* by or before September 26, 2013.

Regards

Juanita

Juanita Shearer-Swink, PLA, FASLA
Project Manager, Triangle Transit
Phone: (919) 485-7412; Fax: (919) 485-7541
jshearerswink@triangletransit.org
www.triangletransit.org
PO Box 13787, Research Triangle Park, NC 27709
4600 Emperor Blvd. Suite 100, Durham, NC 27703


20
1993 » 2013
YEARS OF SERVICE

CIN 120217

North Carolina Department of Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

October 10, 2013

Juanita Swink
Triangle Transit
PO Box 13787
Research Triangle Park, NC 27709

Re: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0738

Dear Ms. Swink:

Thank you for your email of September 19, 2013, transmitting the minutes resulting from the meeting and webinar of August 27, 2013, concerning the above project.

As noted during the meeting, staff of the Office of State Archaeology have reviewed the Environmental Methodology Report and concur that it is appropriate for the project. We look forward to working with your consultants, URS Corporation, on this project and sharing information with them. As also noted during the meeting, archaeological site location information is sensitive and is protected pursuant to NC General Statute 70-18. Archaeological site locations are not to be made available to the public nor included in documents available to the public due to the risk of harm to the resources.

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, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or renee.gledhill-earley@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking.

Sincerely,

Renee Gledhill-Earley

for Ramona M. Bartos

Please note, the correct mailing address for environmental review projects is:

Renee Gledhill-Earley
State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

FedEx: Renee Gledhill-Earley
State Historic Preservation Office
109 East Jones Street, 2nd Floor
Raleigh, NC 27601

Or you may submit by email to: environmental.review@ncdcr.gov

Using this address will help ensure our timely receipt. Otherwise, your submittal may be lost or delayed in reaching us.

Office of the Chancellor

James E. Shepard

April 13, 2014

Mr. David King
General Manager
Triangle Transit Authority
P. O. Box 13787
Durham, NC 27709

Dear David,

I hope all is well and that you are beginning to focus on days filled with family and friends. However, before you set sail on your next adventure, I am writing to follow up on our recent conversations regarding Go Triangle's GoPass Program, Durham-Orange Light Rail Transit Project and North Carolina Central University.

Per our conversations, we are diligently working to incorporate the GoPass Program on our campus by the fall. My team has been working with your colleagues to make this happen and we are looking forward to the many opportunities and benefits this will provide for our students, faculty and staff, including reduced parking demand, options for regional mobility and savings to our commuters. Our university community will directly benefit from this program.

As you will also recall, I have spoken with you about the Durham-Orange Light Rail Project's failure to include a Light Rail stop on campus at North Carolina Central University. You and I have vetted this idea many times and reached a mutual understanding that although Phase One will not offer a stop on our campus, Phase Two will indeed incorporate a Light Rail stop at North Carolina Central University.

By this letter I urge you to share our intent and agreement with your successor, and I also respectfully request that you memorialize our agreement via letter to me reflecting your acquiescence.

I have enjoyed getting to know you and working with you and sincerely wish you all the best. You will be missed. Thank you for your patience, sincerity and for your integrity. I look forward to hearing from you soon.

In Truth and Service,

Debra Saunders-White

Dr. Debra Saunders-White
Chancellor

From:	Hopkins, Joey
To:	Poindexter, Gavin; Bill Judge (Bill.judge@durhamnc.gov); Wesley Parham; Mark Ahrendsen; Reese, Michael P; Ishak, Doumit Y; Craig, Mark W
Cc:	Thomas R. Hepler, PE, PLS; Houppermans, Bill; Wert, Brian; Juanita Shearer-Swink <jshearerswink@triangletransit.org> (jshearerswink@triangletransit.org); Greg Northcutt (gnorthcutt@triangletransit.org); Patrick McDonough; Scot R. Sibert (Scot.Sibert@stvinc.com); Trisha L. Hartzell (Trisha.Hartzell@stvinc.com); Bunting, Clarence B; Bowman, John W; Kneis, Michael J
Subject:	RE: E-mail to NCDOT and Durham
Date:	Monday, April 14, 2014 10:03:01 PM

Gavin,

I apologize about the delay in responding to your request and have not had an opportunity to talk to Durham about this, but wanted to provide you some comments from NCDOT. We do not feel that the superstreet should be contingent on an interchange at Falconbridge and think the superstreet could be modeled separately at Falconbridge. Since we are not in a position at this time to know if funding for the superstreet or interchange will be funded we would like to see a 2026 model with the superstreet and widening in place and without it. In addition, I think you should consider other improvements/revisions that may be needed for NC 54 to operate, with the changes proposed for the rail station, at least no worse than without the rail station.

Again, I am sorry in the delay in response. Please let me know if you have any questions.

Thanks,

Joey

From: Poindexter, Gavin [mailto:gavin.poindexter@urs.com]
Sent: Monday, April 07, 2014 12:49 PM
To: Bill Judge (Bill.judge@durhamnc.gov); Wesley Parham; Hopkins, Joey; Mark Ahrendsen; Reese, Michael P; Ishak, Doumit Y; Craig, Mark W
Cc: Thomas R. Hepler, PE, PLS; Houppermans, Bill; Wert, Brian; Juanita Shearer-Swink <jshearerswink@triangletransit.org> (jshearerswink@triangletransit.org); Greg Northcutt (gnorthcutt@triangletransit.org); Patrick McDonough; Scot R. Sibert (Scot.Sibert@stvinc.com); Trisha L. Hartzell (Trisha.Hartzell@stvinc.com)
Subject: RE: E-mail to NCDOT and Durham

Dear NCDOT and City of Durham,

Following the meeting on Monday, March 31, 2014, URS reexamined the LRT crossing at Farrington Rd. and we now believe that we will be able to keep Farrington Rd. open. The crossing would be fully gated and the only time traffic would need to stop would be for trains crossing Farrington Rd.

Also, we would like to confirm what we will be modeling along NC 54 between Little Creek and I-40 in 2040 with both NCDOT and the City of Durham before we begin our modeling process. We were reviewing the DCHC MPO 2040 MTP and the NC 54/I-40 Corridor Study. We discovered that the NC 54/I-40 Corridor Study doesn't present the conversion of the NC 54 into a superstreet without the construction of an interchange at Falconbridge and NC 54, however it does present NC 54 with 3 through lanes in each direction. This lead us to believe that the widening of NC 54 could occur separately from the conversion to a superstreet, but that the superstreet is dependent upon the interchange at Falconbridge Rd. However, the DCHC MPO 2040 MTP identifies the widening and conversion of the NC 54 to a superstreet will occur between 2021 and 2030, but the Interchange will not happen before 2040. As a result, we would like some clarity regarding what we should model.

To assist us with this we are asking that the City of Durham and NCDOT discuss amongst themselves and communicate any proposed changes to the assumptions laid out below to Triangle Transit and URS

by April 11, 2014. As you are aware the schedule for this project is a critical element and we need a quick response in order to begin our modeling work.

2040 Model Run

We are planning on modeling the Phase 2 recommendations of the NC 54/I-40 Corridor Study, prepared by the DCHC MPO from December 2011, refined April 2012 based on public comments. It should be noted that these elements are not assumed to be part of the D-O LRT project.

Key elements of this plan include:

- Grade separation of Farrington Rd. over NC 54
- Slip ramp between Farrington Rd. and eastbound I-40 (accessible from both north and south Farrington Rd.)
- Full at-grade intersection at Falconbridge Rd. and NC 54
- Falconbridge Rd. extended north to serve the Leigh Village station area
- Cleora Dr. connection between Falconbridge and Farrington Rd.
- Widening of NC 54 to 3 lanes in each direction

Attached is a graphic showing the Phase 2 of the NC 54/I-40 Corridor Study.

Need for 2026 Model Run

Also, given the planned timing of the proposed improvements described above, sometime between 2021 and 2030, with planned opening of the LRT in 2026. It seems that NCDOT and Triangle Transit would try to time the construction in such a manner that they would occur at the same time to minimize the impacts to the nearby neighbors and businesses, few businesses could sustain a decade of construction. As a result, we are wondering if a 2026 model run would be necessary since in all likelihood it would contain the same roadway configurations, but lower traffic volumes as the 2040 model run.

Thank you in advance for your input in our proposed modeling scenarios.

Sincerely,

Gavin Poindexter, AICP
Senior Transportation Planner, URS
612-618-5514
gavin.poindexter@urs.com

From:	Hopkins, Joey
To:	Poindexter, Gavin; Polissaint, Luann; Bill Judge (Bill.judge@durhamnc.gov); Wert, Brian; Wesley Parham; Craig, Mark W; Thomas Hepler; Mark Ahrendsen; gnorthcutt@triangletransit.org; jshearerswink@triangletransit.org; Scot Sibert (scot.sibert@stvinc.com); Reese, Michael P; pmcdonough@triangletransit.org; Ishak, Doumit Y; Houppermans, Bill; kneppalli@townofchapelhill.org
Subject:	RE: D-O LRT Traffic Modeling Assumptions for NC 54
Date:	Monday, April 21, 2014 10:41:20 AM

Thanks! I think that is fine for your purposes.
Joey

From: Poindexter, Gavin [mailto:gavin.poindexter@urs.com]
Sent: Monday, April 21, 2014 10:09 AM
To: Hopkins, Joey; Polissaint, Luann; Bill Judge (Bill.judge@durhamnc.gov); Wert, Brian; Wesley Parham; Craig, Mark W; Thomas Hepler; Mark Ahrendsen; gnorthcutt@triangletransit.org; jshearerswink@triangletransit.org; Scot Sibert (scot.sibert@stvinc.com); Reese, Michael P; pmcdonough@triangletransit.org; Ishak, Doumit Y; Houppermans, Bill; kneppalli@townofchapelhill.org
Subject: RE: D-O LRT Traffic Modeling Assumptions for NC 54

Joey,
Thank you for your response. I am sorry I meant to say we are assuming there will be NO U-turns allowed at Downing Creek. There is no development and won't be any developments (due to the USACE property) between Downing Creek and the proposed U-turn location just south of George King Rd.

Gavin Poindexter, AICP
Senior Transportation Planner, URS
612-618-5514
gavin.poindexter@urs.com

From: Hopkins, Joey [mailto:jhopkins@ncdot.gov]
Sent: Monday, April 21, 2014 9:14 AM
To: Poindexter, Gavin; Polissaint, Luann; Bill Judge (Bill.judge@durhamnc.gov); Wert, Brian; Wesley Parham; Craig, Mark W; Thomas Hepler; Mark Ahrendsen; gnorthcutt@triangletransit.org; jshearerswink@triangletransit.org; Scot Sibert (scot.sibert@stvinc.com); Reese, Michael P; pmcdonough@triangletransit.org; Ishak, Doumit Y; Houppermans, Bill; kneppalli@townofchapelhill.org
Subject: RE: D-O LRT Traffic Modeling Assumptions for NC 54

Gavin,
Thanks for requesting us to review your assumptions. I agree with the second and third assumptions, but am a little confused about the first one. You are assuming that u-turns will be allowed from wb 54, but state that there is no need for u-turns because there is another location east of here that will allow it. Did you mean eastbound?? Or are you suggesting not to allow wb u-turns here??
Thanks,
Joey

From: Poindexter, Gavin [mailto:gavin.poindexter@urs.com]
Sent: Thursday, April 17, 2014 12:14 PM

To: Polissaint, Luann; Bill Judge (Bill.judge@durhamnc.gov); Hopkins, Joey; Wert, Brian; Wesley Parham; Craig, Mark W; Thomas Hepler; Mark Ahrendsen; gnorthcutt@triangletransit.org; jshearerswink@triangletransit.org; Scot Sibert (scot.sibert@stvinc.com); Reese, Michael P; pmcdonough@triangletransit.org; Ishak, Doumit Y; Houppermans, Bill; kneppalli@townofchapelhill.org
Subject: D-O LRT Traffic Modeling Assumptions for NC 54

All
Based on our review DCHC MPO 2040 MTP and the NC 54/I-40 Corridor Study, as well as, conversations with NC DOT and DCHC MPO staff. Our 2040 traffic modeling for NC 54 will include the following assumptions we have broken it down by intersection to help with your review. In particular, we would like to verify that our assumptions, which are highlighted in yellow. Below is what we will be modeling so please let us know, ASAP.

- Farrington Road and NC 54 – Farrington is Grade Separated over NC 54 with no direct access between the two facilities.
- Farrington and I-40 EB Slip Ramp (NCDOT TIP Project U-5517) – New slip ramp with access from Farrington Road to I-40 EB on-ramp. Connectivity to be provided to the new ramp from both NB and SB Farrington. Per the U-5517 study that was recently completed this intersection will not be signalized in the no-build conditions.
- Falconbridge at NC 54 – Full at-grade intersection with signal control.
- NC 54 at Huntingridge Road – Converted to a right-in/right-out consistent with a super street along NC 54. No cross-over access will be provided at this location.
- NC 54 at Downing Creek Parkway – left-over access from WB NC 54 to be provided. No direct access from Downing Creek will provided to WB NC 54. We are assuming U-turns will be allowed at this location from WB NC 54. There is a location to the east that allows U-turns, so there is no need for u-turns at this location given the lack of access in the area.
- NC 54 at Little John Road – Little John Road is converted to a right-in/right-out access with no median break.
- NC 54 at New Hillmont Development Access – Left-over from WB MC 54 in to Hillmont Development. NC 54 EB U-turn with corresponding bulb out. Only rights are permitted out of Hillmont Development. We are assuming that U-turns will be allowed to provide access to Little John Road.
- NC 54 at E. Barbee Chapel Road – A continuous median will be built through this intersection leaving only right-in/right-out access to Barbee Chapel Road
- NC 54 at Meadowmont/Friday Center Drive – Left over access from NC 54 to be provided to Meadowmont and Friday Center drive. Right turns only will be permitted out of Meadowmont drive and Friday Center Drive. We are assuming U-turns be permitted from WB NC 54 at this signal. Plans call for a dual left so u-turns could occur in the inner lane.
- NC 54 at W. Barbee Chapel Road – Left-over access from NC 54 to W. Barbee Chapel and Driveway on south side. Only right-turns are allowed from W. Barbee Chapel and Driveway on south side.
- NC 54 at Burning Tree/Finley Golf Course – Left over access from NC 54 as well as u-turns. Only right-turns are permitted out of Burning Tree/Finley Golf Course.
- NC 54 at Rogerson Drive/Shopping Center Entrance – Maintain existing right-in/right-out conditions on Rogerson and Shopping Center entrance. Eliminate existing left-over from WB NC 54 to shopping center entrance.

- NC 54 at Hamilton – Full at-grade signalized intersection with u-turns permitted for access to Shopping center opposite Rogerson Drive from WB NC 54

Gavin Poindexter, AICP
Senior Transportation Planner, URS
612-618-5514
gavin.poindexter@urs.com

from GP - from Brandon @ STV.

Received 19 May 14

01219

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. 201200957 County: Durham-Orange U.S.G.S. Quad: Southwest Durham

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: Triangletransit / David King
Address:
P.O. Box 13787
Research Triangle Park, NC 27709
Telephone No.: 919 549-9999

COPY

Property description:
Size (acres) 400 Nearest Town Durham-Chapel Hill
Nearest Waterway Little-New HopeCreek River Basin Haw
USGS HUC 03030002 Coordinates N 35.958951 W -78.981665
Location description Proposed Durham-Orange Light Rail corridor from UNC Hospitals in Chapel Hill, Orange County, North Carolina, to Austin Avenue in Durham, Durham County, North Carolina adjacent to Little Creek and New Hope Creek in the Haw River Basin.

Indicate Which of the Following Apply:

A. Preliminary Determination

_ Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

_ There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

X There are waters of the U.S. including wetlands on the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

_ We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

X The waters of the U.S. including wetland on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

_ The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on _____. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

_ There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Action ID: 20120057

- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Washington, NC, at (252) 946-6481 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **John Thomas** at **919 554-4884 ext. 25**.

C. Basis For Determination

There are stream channels within your project site which are tributaries of Little Creek & New Hope Creek which flows into the Haw River and the Atlantic Ocean.

D. Remarks

E. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division
Attn:Jean Gibby, Project Manager,
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **July 12, 2014**.

It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: _____

Date **05/12/2014** Expiration Date

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at http://regulatory.usacesurvey.com/ to complete the survey online.

Copy furnished:
Brandon Fulton, 900 West Trade Street, Suite 715, Charlotte, NC 28202-1144

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: : **Triangletransit / David King**	File Number: SAW 2012 00957	Date: May 12, 2014
Attached is:		See Section below
☐ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
☐ PROFFERED PERMIT (Standard Permit or Letter of permission)		B
☐ PERMIT DENIAL		C
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: John Thomas @ 919 554-4884 ext. 25	If you only have questions regarding the appeal process you may also contact: Mr. Mike Bell, Administrative Appeal Review Officer CESAD-ET-CO-R U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 9M15 Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:

District Engineer, Wilmington Regulatory Division, Attn:Jean Gibby, Project Manager, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive , Suite 105, Wake Forest, North Carolina 27587

For Permit denials and Proffered Permits send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Mike Bell, Administrative Appeal Officer, CESAD-ET-CO-R, 60 Forsyth Street, Room 9M15, Atlanta, Georgia 30303-8801

USDA
United States Department of Agriculture
Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Milton Cortés, Assistant State Soil Scientist
Telephone No.: (919) 873-2171
Fax No.: (919) 873-2157
E-mail: milton.cortes@nc.usda.gov

July 31, 2014

Paul Himberger
Environmental Planner
URS Corporation – North Carolina
1600 Perimeter Park Drive
Morrisville, NC 27560

Dear Mr. Himberger;

The following information is in response to your request asking for information on farmlands in the Durham-Orange Light Rail Transit Project, URS Corporation, NC.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide of local importance.

“Farmland" does not include land already in or committed to urban development or water storage. Farmland ``already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as ``urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a ``tint overprint" on the USGS topographical maps, or as ``urban-built-up" on the USDA Important Farmland Maps. See over for more information.

Soils inventory on your project location shows highly populated metropolitan areas or committed to urban development. The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. Documents submitted and a copy of this letter will be saved for any further consultation. You are exempt from filling the CPA-106 neither the AD1006 at this time. Use this letter as proof of exemption.

If you have any questions, do not hesitate to contact me.

Sincerely,

Milton Cortes
Assistant State Soil Scientist

Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

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CIN 140192

August 22, 2014

VIA U.S. MAIL

Mr. Michael L. Hosey
Operations Division - Lakes Branch
B. Everett Jordan Dam and Lake
Post Office Box 144
Moncure, North Carolina 27559

Re: Initial Request to Use Land and Water Resources of the U.S. Army Corps of Engineers for the Proposed Durham-Orange Light Rail Transit Project

Dear Mr. Hosey,

The Research Triangle Regional Public Transportation Authority d/b/a Triangle Transit (Triangle Transit) respectfully submits to the United States Army Corps of Engineers, Wilmington District (USACE) our initial request to use land and water resources in conjunction with the construction and operation of the proposed Durham-Orange Light Rail Transit (D-O LRT) Project.

In support of this request, Triangle Transit encloses the *Initial Request to Use Land and Water Resources of the U.S. Army Corps of Engineers* with attachments (Request). In accordance with USACE's list of Minimum Information for Initial Request, our Request includes the following information:

- Purpose and Need (Via *Purpose and Need Report,* Attachment 1)
- Location of proposed activity
- Footprint of Proposed Activity Including Structures/Facilities, Dimensions, and Acreage of Government Property Being Requested (Via *Basis for Engineering Design*, Attachment 2)
- Provide justification for use of Government property. Provide information on alternative routes/locations being considered, including those off of Government property (Via *Alternatives Considered*, Attachment 3)
- Describe basic construction methods and alternatives
- Duration of proposed activity and temporary uses
- Describe anticipated impacts such as removal of vegetation, ground disturbance, wetland impacts, amount of fill within the reservoir or its flood pool, activities in the floodplain, etc.
- Applicant/Grantee and Point of Contact

(919) 549-9999 • fax: (919) 485-7441
www.triangletransit.org • PO Box 13787, Research Triangle Park, NC 27709

If you have any questions or need any additional information, please do not hesitate to contact me at (919) 485-7562 or tbouchelle@triangletransit.org.

Very truly yours,

Tammy A. Bouchelle
Assistant General Counsel
Triangle Transit

cc: David King, General Manager, Triangle Transit
Greg Northcutt, Director of Capital Development, Triangle Transit
Meghan Makoid, Environmental Planner, Triangle Transit

Enclosure: *Initial Request to Use Land and Water Resources of the U.S. Army Corps of Engineers*, with Attachments 1-3

01387

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

REGION IV
Alabama, Florida, Georgia,
Kentucky, Mississippi,
North Carolina, Puerto
Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St.,
N.W., Suite 800
Atlanta, GA 30303
404-865-5600

October 8, 2014

Ms. Renee Gledhill-Earley
State Historic Preservation Office
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

RE: Authorization to Initiate Section 106 Consultation with SHPO/THPO and Others

Dear Ms. Gledhill-Earley:

This letter is notify you that the Federal Transit Administration (FTA) in cooperation with Research Triangle Regional Public Transportation Authority (dba "Triangle Transit") is currently in the preliminary design phase for a proposed major transit investment in Durham and Orange Counties that will be a Federal undertaking should FTA provide financial assistance. As such, the proposed project is subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and associated implementing regulations 36 CFR 800.

The proposed project would consist of the planning, development, and construction of a Light Rail Transit (LRT) system on double track alignment approximately 17.1 miles between east Durham (Alston Avenue/NCCU Station) and UNC Chapel Hill (UNC Hospitals Station). The proposed LRT alignment connects a range of activity centers including North Carolina Central University, east and downtown Durham, Duke University, Duke University Medical Center, Durham Veterans Administration Medical Center, the Friday Center, UNC Hospitals, and several park-and-ride lots. Convenient connections also will be made to Amtrak and local, regional, and intercity bus service in downtown Durham.

The exact locations of each element of the LRT are still to be determined however the LRT alignment generally follows the North Carolina Railroad Corridor, Erwin Road, US 15-501, I-40 and NC 54. A total of 17 stations are planned.

Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of 36 CFR 800, FTA is authorizing TTA as an applicant for federal assistance, to prepare information, analyses, and recommendations regarding the Section 106 consultation process for the proposed project. The delegated authority to initiate consultation **does not extend** legal responsibility for any and all findings and determinations, **as this shall remain with FTA.** FTA will also remain responsible for all government-to-government relationships with all federally recognized tribes for the proposed project.

Thank you in advance for your assistance with the proposed project. Representatives from TTA and/or their consultants will be contacting your office as the project proceeds. Please contact Mr. Stan Mitchell of my staff at (404) 865-5643 or at stanley.a.mitchell@dot.gov should you have any questions.

Sincerely,

Yvette G. Taylor, Ph.D.
Regional Administrator

CC: Meghan Makoid, Triangle Transit Authority, P.O. Box 13787,
Research Triangle Park, NC 27709

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November 6, 2014

Renee Gledhill-Earley, Environmental Review Coordinator
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0378

Dear Ms. Gledhill-Earley:

Thank you for consulting with the Federal Transit Administration (FTA) and Triangle Transit (TTA) and for meeting with us on August 25, 2014. As you may recall, we reviewed the preliminary historic Area of Potential Effects (APE) that TTA submitted to the North Carolina State Historic Preservation Office (SHPO) for the proposed Durham-Orange Light Rail Transit (D-O LRT) project (an Undertaking pursuant to 36 CFR 800.4(a)(1) and 800.16(d)).

During this meeting SHPO agreed that the proposed APE encompassed the geographic area within which the D-O LRT project might directly affect historic properties. However, SHPO expressed concern regarding the width of the proposed APE around stations due to the potential for indirect effects upon historic properties through future induced development.

SHPO requested that FTA consider expanding the APE to ½ mile around five station areas:

- Patterson Place Station
- Ninth Street Station
- Buchanan Station
- Durham Station
- Dillard Station

As a result of this consultation, FTA and TTA considered suggestion to expand the APE for these stations to determine the most appropriate approach for addressing SHPO's concerns. FTA also reviewed TTA's *Durham-Orange Light Rail Transit Corridor Transit Oriented Development (TOD) Assessment* Report (July 2011). This document was prepared to provide an initial evaluation of the potential future TOD within and near the station areas. FTA believes that these projections identify the potential for induced growth within and around the station areas.

FTA and TTA concluded that the best approach for addressing the potential effects of induced growth on historic resources is through the Indirect and Cumulative impact analysis, which will be completed as part of the National Environmental Policy Act (NEPA) process and included in the Draft Environmental Impact Statement. The Indirect and Cumulative impact analysis in the NEPA document will use information as appropriate from the TOD report and will

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include an expanded discussion around the station areas where growth is anticipated directly, indirectly and cumulatively from the project. This analysis will consider the effects of potential growth from TOD on historic properties ½ mile around the stations. FTA and TTA will continue to consult with SHPO to address its concerns related to impacts on historic properties as part of the NEPA process.

In response to SHPO's concerns about the APE, FTA and TTA have revised the APE boundaries for historic properties along the entire D-O LRT project corridor. While the revised APE does not extend to ½ mile around the five stations, it follows property boundaries, includes the full boundaries of the National Register-listed or eligible properties/districts located partially or fully within the originally proposed APE, and considers physical barriers such as NC 147 to the south. These revisions are reflected in the updated APE maps and described in the enclosed revised Historic Resources – *Durham-Orange Light Rail Transit Historic Resources Area of Potential Effects Report*.

At the request of FTA, TTA submits this letter and the enclosed documents for your files. The enclosed APE for historic resources defines the APE for the Undertaking and will be used to evaluate and determine the effects. Please call Stan Mitchell with FTA Region IV at (404) 865-5643 or email stanley.a.mitchell@dot.gov if you have any questions about the enclosed APE.

Should you need any additional D-O LRT project information, please contact me at (919) 485-7554 or email me at mmakoid@triangletransit.org. We look forward to continued consultation with your office as the D-O LRT project progresses.

Sincerely,

Meghan Makoid, AICP
Environmental Planner

cc: David King, General Manager, Triangle Transit
Stan Mitchell, Environmental Protection Specialist, FTA Region 4

Enclosures:

- *October 2014 - Durham-Orange Light Rail Transit Historic Resources Area of Potential Effects*
- *July 2011 - Durham-Orange Light Rail Transit Corridor Transit Oriented Development (TOD) Assessment*

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Dolores A. Hall, Deputy State Archaeologist
North Carolina Office of State Archaeology, Department of Cultural Resources
4619 Mail Service Center
Raleigh, NC 27699-4619

November 7, 2014

RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0738.

Dear Ms. Hall:

Thank you for consulting with the Federal Transit Administration (FTA) and Triangle Transit (TTA) on August 25, 2014 and for meeting with us on August 25, 2014. As you may recall, we reviewed the preliminary archaeology Area of Potential Effects (APE) that TTA submitted to the North Carolina Historic Preservation Office for the proposed Durham-Orange Light Rail Transit (D-O LRT) project. SHPO agreed that the proposed APE encompassed the geographic area within which the D-O LRT project may affect archaeological resources. As such, FTA and TTA will use this APE to evaluate and determine the effects.

Also during the meeting on August 25, 2014, SHPO requested to meet with TTA's archaeological consultant, Matthew Jorgenson of URS Corporation (URS) to discuss the future archaeological fieldwork needs. The meeting between SHPO and Mr. Jorgenson occurred on September 14, 2014. During the meeting, SHPO identified the need for Phase I archaeological survey work along five sections of the D-O LRT project:

1. north of Mason Farm Road between UNC and US 15/501,
2. between George King Road and Interstate 40 (I-40),
3. the Leigh Village, Farrington Road, or Patterson Place Rail Operations and Maintenance Facility (ROMF) (if any of those options are chosen as the one ROMF planned for the entire project area),
4. the Gateway Park-and-Ride lot west of I-40 at the US 15/501 interchange, and
5. between US 15/501 and Erwin Road.

Further, it was agreed by SHPO that Phase II testing of site 31DH655**, which was previously recommended as potentially eligible for the National Register of Historic Places (NRHP) (Webb and Millis 1999:31), might be needed; however, re-locating and re-assessing the current state of the site would be the recommended first step to determining if this testing, recommended 15 years ago, is still warranted. Similarly, additional work in the form of mechanical removal of historic overburden/fill at potential site (PS) 1 (based on historic map evidence depicting a planning mill, office building, and a Durham Granite Company facility in the area) (Webb and Millis 1999:30), located immediately east of Buchanan Street and south of the North Carolina Rail Road (NCRR) right-of-way, may also be needed, depending on the relation of the chosen alignment of the D-O LRT and PS-1. Finally, similar mechanically-assisted overburden removal at PS-3 (based on historic map evidence depicting the Durham Bottling Works in that location) (Webb and Millis 1999:37), located west of Blackwell Street and south of the NCRR right-of-way, may be needed. PS-3 was initially assessed as not being adversely affected by the Wake-Durham Regional Rail project based on the plan to build the system on the existing gravel berm; however, as recommended by Webb and Millis (1999:37), the mechanical exposure

work may be needed if project plans include the removal or alteration of the berm, or if other ground disturbing activities are required.

As discussed in the meeting, the archaeological fieldwork tasks listed above would be performed at an undetermined future date during the final design phase of the project. TTA also understands that the archaeologist(s) involved in the fieldwork portion of the project would be required to obtain a permit from the state for any archaeological work performed on state-owned lands. Finally, TTA acknowledges that should significant changes to the D-O LRT alignment be made during the life cycle of the project, the above information would be amended as appropriate and further consultation with your office would be performed to address archaeological needs for any areas added to the project's APE.

At the request of FTA, TTA submits this letter and the enclosed document for your files. The enclosed document, *Archaeological Background Information: Durham-Orange Light Rail Transit Project*, summarizes known archaeological resources and past archaeological projects in relation to the archaeological APE for the proposed project. The document also makes recommendations regarding future fieldwork needs for the project as currently planned.

Please call Stan Mitchell with FTA Region IV at (404) 865-5643 or email stanley.a.mitchell@dot.gov if you have any questions about the APE for archaeological resources. Should you have any questions about the enclosed document or need any additional D-O LRT project information, please contact me at (919) 485-7554 or email me at mmakoid@triangletransit.org.

Again, thank you for meeting with our archaeological consultant on this matter. We look forward to continued consultation with your office as the D-O LRT project progresses.

Sincerely,

Meghan Makoid, AICP
Environmental Planner

Cc: David King, General Manager, Triangle Transit
Stan Mitchell, Environmental Protection Specialist, FTA Region 4

Enclosure:
- *November 2014 - Archaeological Background Information: Durham-Orange Light Rail Transit Project*

References Cited:

Webb, Paul A., and Heather Millis
1999 *Archaeological Survey for Phase I of the proposed Triangle Transit Authority Regional Rail Project, Durham and Wake Counties, North Carolina*. Prepared by TRC Garrow Associates, Inc., Chapel Hill, North Carolina for Parsons Brinckerhoff Quade & Douglas, Inc., Morrisville, North Carolina. Manuscript on file, North Carolina Office of State Archaeology, Raleigh.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER
508 Fulton Street
Durham, North Carolina 27705

In Reply Refer To: 558 / 00

December 18, 2014

Mr. David King, General Manager
Triangle Transit
P.O. Box 13787
Durham, NC 27709

Re: Durham-Orange LRT Project

Dear Mr. King,

We appreciate the update that we received from Triangle Transit staff and members of their project team on the Durham-Orange (D-O) Light Rail Transit (LRT) Project on October 20, 2014.

Subsequent to the October 20th meeting, we discussed the Eye Care Center and Trent-Flowers alternative locations for the Duke/VA Medical Centers LRT Station as well as the overall challenges and opportunities presented by the D-O LRT Project. We appreciate the effort that your project team has undertaken to develop the Eye Care Center alternative which would provide direct access to the south entrance to the Durham VAMC. And, we recognize that the impacts to our property would generally be the same regardless of the station location.

Given the level of traffic congestion and the high volume of pedestrians at the intersection of Fulton and Erwin, we believe it would be more advantageous to place the station between Trent and Flowers, east of Fulton. The direct and fully accessible sidewalk connections and pedestrian signalization between the Trent and Fulton intersections will provide more options for people coming to and from the Durham VAMC.

The addition of the roundabout at Elba Street will enhance vehicular circulation and divert some of the traffic congestion on Fulton Street at both Erwin and Elba. We also believe that the park and ride facilities including those proposed at the Alston Avenue and Dillard Street LRT stations will be attractive to commuters on north-bound NC 147.

The Durham VAMC staff is committed to working with Triangle Transit as the D-O LRT Project advances through the design and implementation phases of this major transportation investment. It will enhance our ability to serve our veterans and their families as well as our staff.

Sincerely,

for

DeAnne M. Seekins, MBA, VHA-CM
Director, Durham VA Medical Center

Cc: Greg Northcutt, Director, Capital Development Department Triangle Transit

North Carolina Department of Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

January 6, 2015

Meghan Makoid
Triangle Transit
PO Box 13787
Research Triangle Park, NC 27709
mmakoid@triangletransit.org

Re: Architectural and Archaeological Area of Potential Effect Document and Archaeological Background Information Document, Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0738

Dear Ms. Makoid:

Thank you for your letters of November 6 and 7, 2014, transmitting the documents cited above for our review concerning the above project.

We appreciate your consideration of our concerns about the appropriate Area of Potential Effects (APE's).

We agree with your determination of APE for architectural resources.

The Archaeological Resources APE document accurately outlines the APE as developed and agreed upon during the August 25, 2014 meeting with the Federal Transit Administration, your agency and our office. On September 14, 2014, staff of the Office of State Archaeology met with Matthew Jorgenson of URS Corporation, your consultant, and reviewed previous archaeological investigations in the vicinity and delineated which areas of the proposed light rail transit project will require additional consideration of archaeological resources. The Archaeological Background Information document accurately reflects the results of that consultation.

We look forward to continued consultation and collaboration with you, your consultants and the Federal Transit Administration on this project.

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, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Renee Gledhill-Earley

for Ramona M. Bartos

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
POST OFFICE BOX 144
MONCURE, NORTH CAROLINA 27559

January 7, 2015

Tammy A. Bouchelle, Assistant General Counsel
Triangle Transit
Post Office Box 13787
Research Triangle Park, North Carolina 27709

Dear Ms. Bouchelle:

Please reference the Research Triangle Regional Public Transportation Authority's (Triangle Transit), August 2014 Initial Request for Use of Land and Water Resources for the Durham Orange Light Rail Transit project and subsequent coordination. The proposed project would cross government property under the stewardship of the US Army Corps of Engineers at B Everett Jordan Lake. We have provided comments on the request in a separate letter.

As previously discussed, Triangle Transit must bear the cost of administrative expenses incurred by the Government for review of the proposal whether or not the request is ultimately authorized. A draft funding Memorandum of Agreement (MOA) including an administrative cost estimate is enclosed for your review and comment. The current cost estimate does not include funding for our Real Estate Division to issue a real estate document. This cost cannot be determined until completion of the review process and the final route is identified.

Upon the signing of the MOA and receipt of requested funds the review process will go forward. The point of contact for payment is Ms. Anita Bissette, telephone 910-251-4803. Funds should be made payable to FAO-USAED Wilmington and sent to: USACE Wilmington District, Financial Accounting Office, ATTN: Anita Bissette, 69 Darlington Avenue, Wilmington, North Carolina 28403

We appreciate your efforts to avoid and minimize adverse impacts to public lands at Jordan Lake. If you have questions regarding this matter, please contact Mr. Francis Ferrell at 919-542-4501 extension 28.

Sincerely

Carol M. Banaitis, R. F.
Piedmont Operations Project Manager

CC:
CESAW-RM-F - Anita Bissette

Memorandum of Agreement
Between the
Research Triangle Regional Public Transportation Authority
and the
Department of the Army
United States Army Corps of Engineers, Wilmington District

This **MEMORANDUM OF AGREEMENT (MOA)** is entered into by the United States hereinafter referred to as the Government, acting through the District Engineer, US Army Corps of Engineers, Wilmington District and his authorized representatives, and the Research Triangle Regional Public Transportation Authority, hereinafter referred to as Triangle Transit.

WITNESSETH

WHEREAS, the Flood Control Act of 1963 (Public Law 88-253, 88th Congress), authorized the construction, operation, and maintenance of the B. Everett Jordan Dam and Lake project on Haw River, North Carolina; and

WHEREAS, Triangle Transit is requesting an easement for the purposes of construction, maintenance, and operation of a portion of the Durham Orange Light Rail Transit Project on Government property;

WHEREAS, it is the intent of the parties in this MOA to define the responsibilities to be assumed by Triangle Transit and the Government during the review of the Triangle Transit's land use request and if the request were granted; and

WHEREAS, 10 USC 2695, Chapter 159, as amended by the Defense Authorization Act of 1998, Section 2813(a), stipulates that "... the Secretary of a military department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction." And that " Covered transactions" include " b. The lease or license of real property of the United States." and "c. The grant of an easement over, in, or upon real property of the United States."

NOW THEREFORE, in consideration of faithful performance by each party of the mutual agreements hereinafter stated, it is mutually agreed by and between the parties as follows:

1. Triangle Transit will compensate the Government for administrative expenses incurred during the review of the proposal, regardless of whether the request is ultimately approved or denied.

2. The current estimated administrative fee to be paid by Triangle Transit is $12,000, (Exhibit A).

3. Triangle Transit will provide funds in the amount of $12,000 to the Government. Payment will be made by check payable to FAO-USAED Wilmington.

4. In the event that the Government's actual administrative costs incurred exceed the amount provided the Government will request and receive additional funds from Triangle Transit as necessary to compensate the Government for such additional documented administrative costs.

5. Upon completion of all transactions the Government will promptly provide an accounting of the expenditures of the funds provided by Triangle Transit. Unexpended funds provided by Triangle Transit will be returned to Triangle Transit by the Government.

6. Nothing herein shall constitute, or be deemed to constitute, an obligation of future appropriations by the United States.

7. If the requested out grant is authorized, Triangle Transit will be responsible for payment of consideration (rental) based on fair market value for the use of Government property. The consideration can be paid in cash or in-kind.

8. If the requested out grant is authorized, Triangle Transit will be responsible for mitigation and/or compensation for unavoidable adverse impacts to the Government's property and programs and those of the Government's lessees resulting from Triangle Transit's activities on Government property. A separate Mitigation MOA and/or Mitigation Plan would be developed identifying required mitigation and compensation.

RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY

_____
Name
Title

Date _____

US ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

_____
Robert E. Sattin
Operations Division, Chief

Date _____

Exhibit A: Administrative Cost Estimate

ADMINISTRATIVE COST ESTIMATE WORKSHEET		
Request for Use of Land/Water		
Triangle Transit, Durham Orange Light Rail Transit Project		
Division	**Activity**	**Estimated Cost**
Environmental	Review of Environmental Impact Statement	**$10,000**
Operations	Review of Environmental Impact Statement Coordination and Preparation of Mitigation Documents, and Report of Availability	**$2000**
Real Estate	Completion of outgrant process	**N.1.**
	Total	**$12,000**

N.1. The current cost estimate does not include funding for the Real Estate Division to complete the outgrant process. This cost cannot be determined until the project route has been identified.

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
POST OFFICE BOX 144
MONCURE, NORTH CAROLINA 27559

January 7, 2015

Tammy A. Bouchelle, Assistant General Counsel
Triangle Transit
Post Office Box 13787
Research Triangle Park, North Carolina 27709

Dear Ms. Bouchelle:

Please reference the Research Triangle Regional Public Transportation Authority's (Triangle Transit), August 2014 Initial Request for Use of Land and Water Resources for a portion of the Durham Orange Light Rail Transit Project (D-O LRT) and subsequent coordination. The government property at B. Everett Jordan Lake that would be impacted by the proposed project is under the stewardship of the US Army Corps of Engineers (USACE), Wilmington District.

This request is being reviewed in accordance with the USACE Non-Recreation Outgrant Policy and Engineer Regulation (ER) 200-2-2-Procedures for Implementing NEPA (National Environmental Policy Act). Triangle Transit is preparing an Environmental Impact Statement (EIS) for the entire D-O LRT project. We have determined that the EIS alternatives analysis may be sufficient to meet requirements for review of the requested use of government property in compliance with ER 200-2-2. The USACE Non-Recreation Outgrant Policy requires mitigation for unavoidable adverse impacts to government resources in order to make the government lands and programs "whole". Compensation for destruction of government assets including marketable timber is also required. Mitigation for unavoidable adverse impacts on government property must be addressed as part of the EIS. The final decision on approval or denial of the request for use of government property or consent to cross the government's flowage easement cannot be made until the EIS is complete.

The land use request identifies alternative alignments for the D-O LRT crossing Little Creek. Alternatives C1 and C2/2A cross government property. Alternative C1A crosses private property on which the government holds a flowage easement. The government property impacted by alternatives C1and C2/2A is leased to the State of North Carolina and managed by the NC Wildlife Resources Commission (NCWRC) as part of their Game Lands program. The area is designated as permanent wildlife lands and serves as mitigation for adverse impacts from the construction of Jordan Lake. The Little Creek Bottomlands and Slopes, a State Natural Heritage Area (SNHA) located on government and private property, would also be impacted by all of the alternatives.

Alternative C1 would create a new right of way crossing forested areas on NCWRC Game Lands including the Upper Little Creek Waterfowl Impoundment. This would adversely impact natural resources and public use of these Game Lands. These undisturbed forested areas

and wetlands are also within the SNHA. It appears that the impacts to government property and resources from alternative C1 would be substantially greater than alternative C1A which avoids government fee owned property and alternative C2/2A which utilizes existing road rights of way crossing government property. We do not object to alternative C1going forward for the EIS alternatives analysis. However, a request to use government property for alternative C1 would not be authorized, given the availability of less damaging alternatives.

Alternative C1A would not cross government fee owned property, but would cross a government owned flowage easement on private property. The flowage easement allows the government to impound flood water onto the property. As proposed, the amount of fill and interference with water flow within the government's flowage easement would be minimized by elevating the rail line. Any parts of structure and equipment located below 245 feet mean sea level (ft msl) would need to be flood proofed. Any loss of water storage volume would need to be replaced. We do not object to alternative C1A going forward for the EIS alternatives analysis. If impacts to the government's flowage easement interests are avoided and mitigated, a request for consent to encroach within the flowage easement could be authorized. However, alternative C1A would adversely impact natural resources including forest within the SNHA and wetlands under jurisdiction of the USACE Regulatory Division. These adverse impacts should be taken into account during the alternatives analysis.

Alternative C2/2A utilizes existing rights of way crossing government property, with the exception of a small area at the intersection of NC Hwy 54 and George King Road. The route avoids wetlands on government property and the line is elevated to minimize impacts to water storage. It appears that co-location with existing rights of way would avoid and minimize impacts to resources on government property and may result in less overall adverse impacts to natural resources than alternatives C1and C1A. Based on our preliminary review, C2/2A is a viable alternative for crossing government property and could be authorized if identified as the preferred alternative.

If alternative C2/2A were selected as the preferred alternative, mitigation for unavoidable adverse impacts to resources on government property would be required. A portion of the route is forested, however impacts to habitat are considered minor due to previous disturbance and the close proximity to existing roadways. Adverse impacts requiring mitigation/compensation would occur to public access, marketable timber, and water storage volume. We have coordinated with the NCWRC to identify potential mitigation/compensation for adverse impacts to public access and marketable timber in their managed area. The following potential mitigation measures have been identified based on information provided to date. These measures may be revised based on subsequent submittals. A mitigation agreement would be signed prior to issuance of an easement.

1. Replace reservoir water storage volume lost due to fill below elevation 245 ft msl by excavation of an equal amount of new storage volume at the same elevation as the lost storage volume.

2. Compensate the NCWRC for loss of marketable timber. Timber value would be determined by a registered government forester and payment for timber would be collected at the time the easement is issued.

3. Complete the following mitigation measures, to the satisfaction of the NCWRC.
    a. Relocate the access road to the existing impoundment parking area (identified as parking area # 1 on the enclosed Mitigation Map), place gravel on the parking lot, provide and install a new gate and informational signs.
    b. Construct an access road and a second parking area for the impoundment (identified as parking area # 2), provide and install a new gate and informational signs.
    c. Construct a public access parking area on the south side of NC HWY 54 (identified as parking area # 3), provide and install a gate and informational signs.
    d. Replace the existing Waterfowl Impoundment sign and install a new Game Lands access directional sign for parking area #3, along NC Hwy 54.

We have the following comments on the information provided to date. Please address these comments when submitting the detailed land use request proposal and preparing the EIS, as appropriate.

1. Sheet C-04 - It appears that the government property boundary along George King Road is not shown correctly for alternative C2/C2A north of station 274. Reference the enclosed survey plats of government acquisition tracts which depict the government property boundary running along the center line of George King Road in this area. The North Carolina Department of Transportation (NCDOT) right of way for George King Road is 60 feet wide; 30 feet on either side of the center line of the road.

2. The "Footprint of Proposed Activity" section and "Table 2: Acres of Property Requested" identify the acreage of government property in and out of the NCDOT easement along NC Highway 54. Acreages should be revised to identify the amount of government property requested inside and outside of the NCDOT rights of way along NC Highway 54 and George King Road. With the exception of a section of the proposed transit right of way from approximately Station 267 to 269, it appears that the portion of alternative C2/C2A on government property is within these existing road rights of way.

3. Sheet C-04 depicts relocation of the Waterfowl Impoundment access road. The height of the elevated rail line crossing the access road must allow for passage of trucks, trailers, and other equipment utilized for management of public lands. Minimum clearance should be 14 feet.

4. The USACE and NCWRC need continued access along the right of way for management of public lands. Public access may be limited as necessary for safety and security of the transit rail line. Plans should clearly show areas proposed to be fenced or gated to restrict public access. If details are not available during the EIS process, this information must be provided before construction begins.

5. Include the estimated amount of cut and fill below elevation 245 ft msl if available. If not available during the EIS process, this information must be provided before construction begins.

6. Provide information on layout of fences, transformers, overhead and underground wires, etc. within the proposed right of way on government property. Electrical or mechanical equipment located on government property should be raised above the lake's flood pool elevation (245 ft msl) or flood proofed. If not available during the EIS process, this information must be provided before construction begins.

7. Identify any existing utility lines on government property that would be relocated due to the project. Utility companies would be responsible for requesting their own easements.

8. Provide documentation of existing noise levels along the routes on government property and the anticipated noise levels from the project. Noise levels and the potential impacts associated with noise should also be addressed in the EIS.

9. The EIS should address cultural resources on government property. Portions of the government property crossed by alternatives C-1 and C2/C2A have not been surveyed for cultural resources. Further coordination will be necessary to determine if surveys of these areas will be required.

As previously discussed, Triangle Transit must bear the cost of administrative expenses incurred by the Government for review of the proposed use of government property whether or not the request is ultimately authorized and issuance of any real estate document if the project is authorized. A draft funding Memorandum of Agreement (MOA) detailing the conditions of this transaction will be provided for your review in a separate correspondence.

This letter only addresses Triangle Transit's proposed activities on government owned property and flowage easement areas at Jordan Lake. Please continue to coordinate with the USACE Raleigh Regulatory Field Office regarding the entire D-O LRT project and any activities in waters and wetlands within their jurisdiction under Section 404 of the Clean Water Act

We appreciate your efforts to avoid and minimize adverse impacts to public lands at Jordan Lake. If you have questions regarding this matter, please contact Mr. Francis Ferrell at 919-542-4501 extension 28.

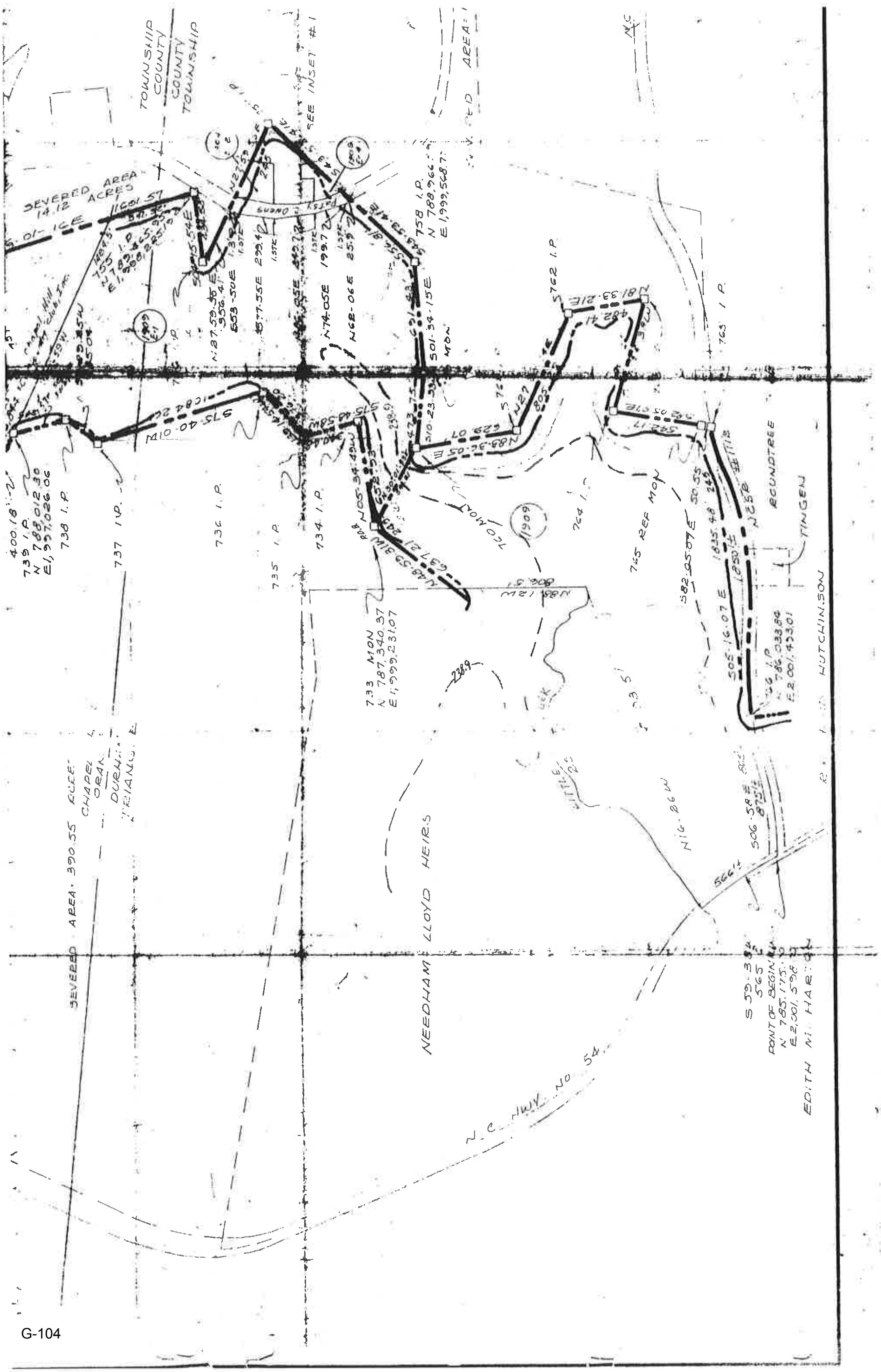
Sincerely

Carol M. Banaitis

Carol M. Banaitis, R. F.
Piedmont Operations Project Manager

Copy Furnished:

NCWRC – Travis Wilson
NCWRC – Chris Dawes
CESAW-RG-R – John Thomas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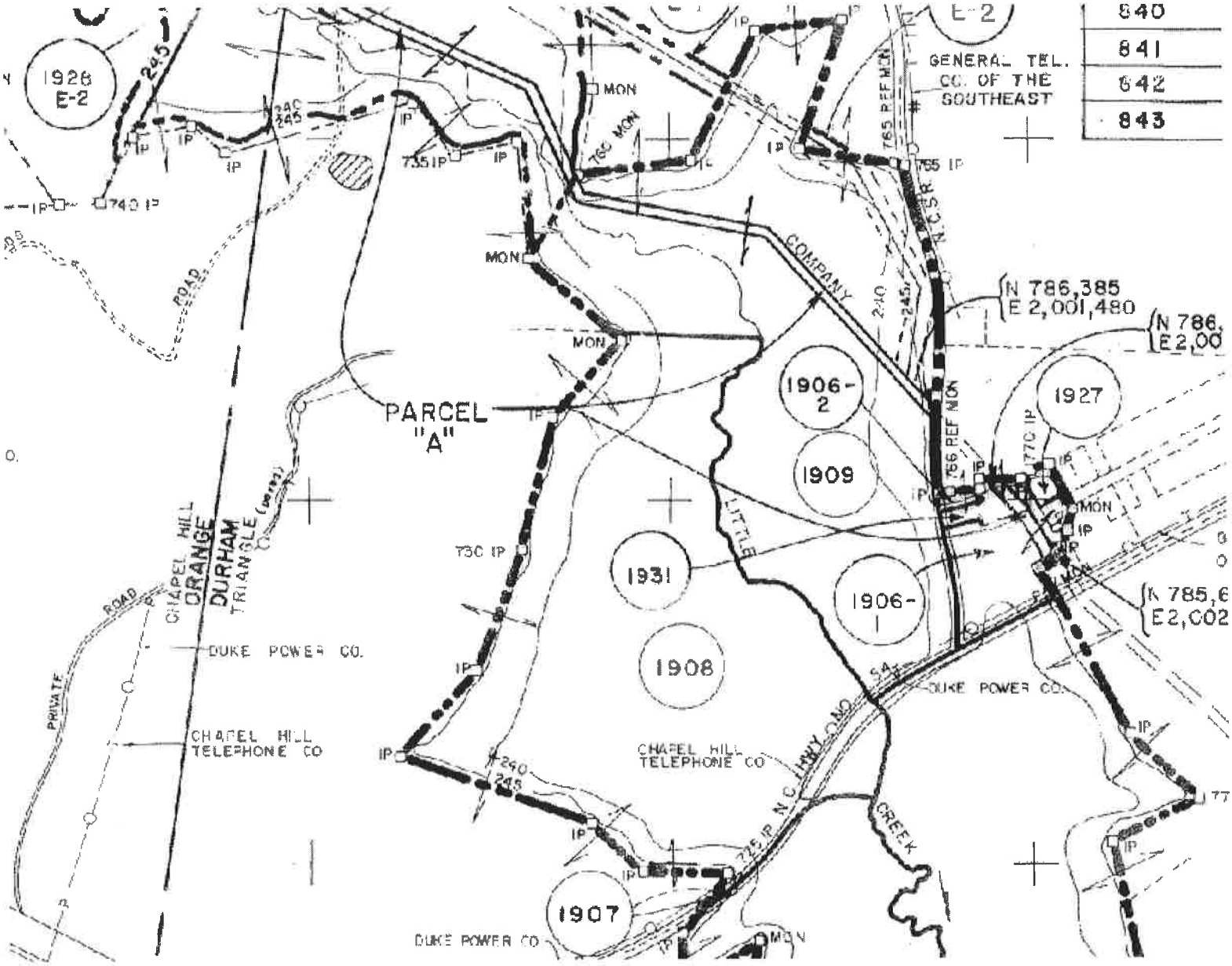
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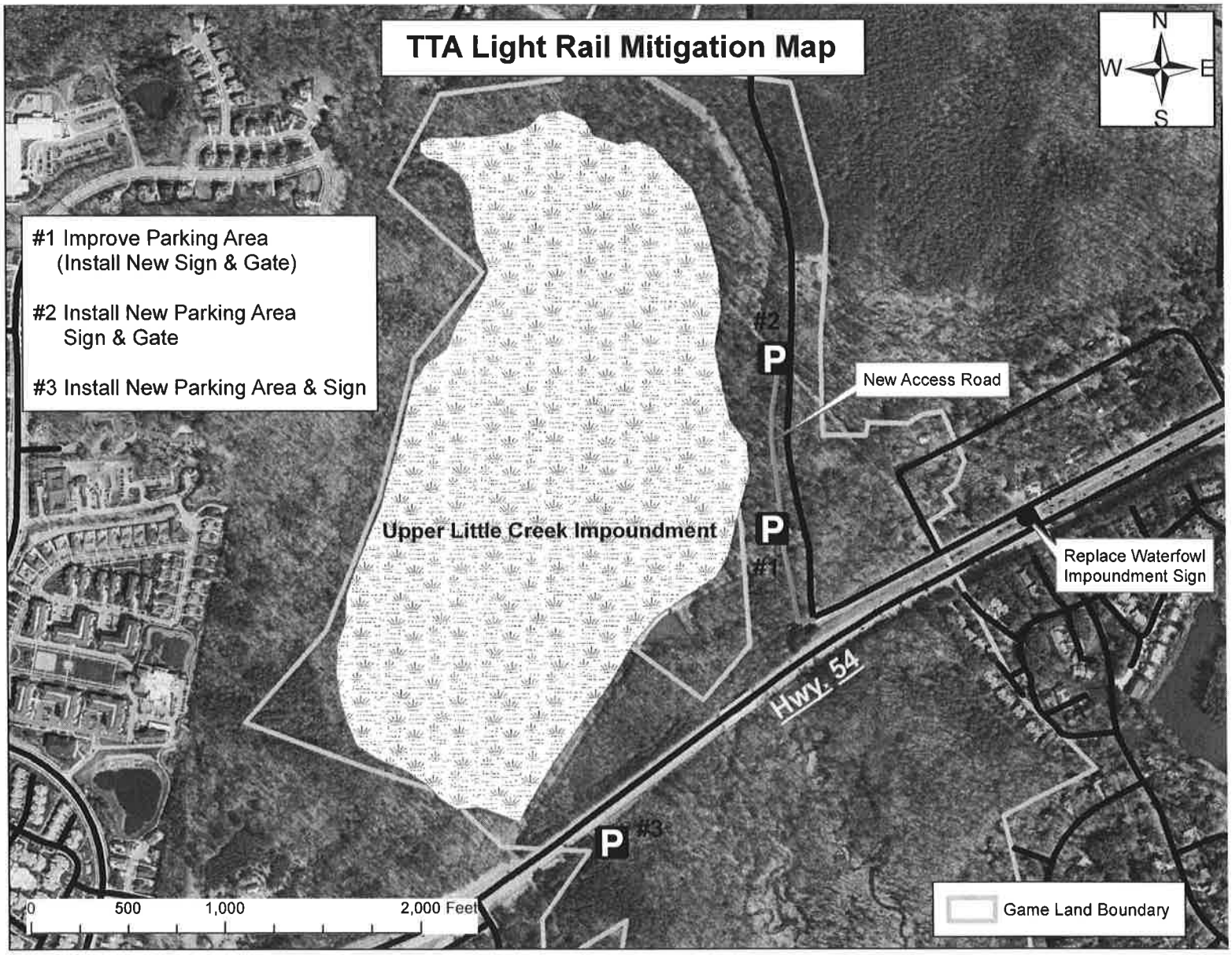
TTA Light Rail Mitigation Map
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#1 Improve Parking Area
(Install New Sign & Gate)
#2 Install New Parking Area
Sign & Gate
#3 Install New Parking Area & Sign
#2
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New Access Road
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Game Land Boundary

DURHAM
1869
CITY OF MEDICINE

CITY OF DURHAM | NORTH CAROLINA

URS DIN 01595

Date: **January 16, 2015**

To: **Triangle Transit**
From: **Mark D. Ahrendsen, Transportation Director**

Subject: **Pettigrew Street Alignment**

In light of the North Carolina Railroad's request for protection of adequate space to construct four freight railroad tracks in their corridor through central Durham, Triangle Transit has been developing options for alternative alignments for the Durham-Orange Light Rail Transit project focused along the Pettigrew Street corridor from Erwin Road to Alston Avenue. In November 2014, the City of Durham expressed a preference for utilizing Pettigrew Street over other possible alignments connecting Erwin Road to Alston Avenue. Triangle Transit has presented two preliminary options, a mixed traffic scenario and a transitway scenario along Pettigrew Street. Based on feedback from the City of Durham, the transitway scenario is preferred as the mixed traffic scenario has slower speeds, decreased ridership, increased capital and operating costs, and does not provide space to potentially collocate City water utilities under Pettigrew Street. Triangle Transit has further developed a possible alignment for the transitway scenario and presented this to the City on January 5, 2015.

The City of Durham has been provided:

- A roll plot and cross-section of the mixed traffic scenario last updated on December 12, 2014
- A roll plot and cross-section of the transitway scenario last updated on December 31, 2014
- A travel time analysis for the LRT for both the mixed traffic and transitway scenarios last updated on December 31, 2014
- A ridership analysis for the LRT for both the mixed traffic and transitway scenarios last updated on January 2, 2015
- A description of the station location changes for the transitway scenario last updated on January 5, 2015
- A high-level traffic analysis for the transitway scenario using the Triangle Regional Travel Demand Model last updated on January 6, 2015
- A utility cross-section for the transitway scenario last updated on January 7, 2015

Additional information has been requested to more thoroughly analyze the traffic impacts of the transitway scenario. In addition, Triangle Transit expects to receive a list of requirements from the North Carolina Railroad on the transitway scenario that may affect the alignment, vehicle and pedestrian access to the stations and across the tracks, station locations, or other aspects of the project. Furthermore, the transitway scenario has not yet been presented to the public or the affected property owners. Public feedback and comments may also affect the City's position on this alignment. Triangle Transit did present the transitway scenario to the Joint City-County Committee on January 13, 2015 and to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

Board on January 14, 2015. The City is offering the following preliminary comments based on the current information provided.

General Comments on the Process

The City of Durham requests a clear schedule for opportunities for input from the City of Durham, Durham County, and DCHC MPO Board. Please provide a written description of the expected or required input and approval from each entity and the timing of updates to the elected boards.

The City of Durham requests that more clarity be provided on what aspects of the project will be determined at which steps as the project moves forward through the Environmental Impact Statement process and project engineering. We understand that Triangle Transit is working towards a very tight and inflexible deadline for preparation of the Environmental Impact Statement. The change to the alignment through central Durham is a significant change to the City of Durham and the affected property owners. More information, public feedback, and time to consider the impacts of this change are necessary for the City to take a definitive position on what is proposed. In addition, in light of the impacts that the alignment will have that haven't fully been documented or studied yet, there may be other alignment options or design changes that would be preferable to what has been proposed. If this is the case, the City of Durham would like to better understand what options could be further studied at which times during the process and which elements of the project will be determined by the EIS with no opportunity to change later. Please cite written material from federal guidance or correspondence with FTA staff.

The transitway scenario under development is different from the plans that were provided at the public meetings in November 2014. Please advise of the plan for future public engagement opportunities on this section of the Durham-Orange LRT.

Please explain in more detail the ridership changes at each station from Ninth Street to Alston Avenue for the previous alignment, the transitway scenario, and the mixed traffic scenario. Describe the model inputs that resulted in these ridership changes.

General Comments on the Transitway Scenario

-
- The City requests that there be an evaluation of the opportunity and costs to bury overhead utilities along streets impacted by the light rail project, particularly between Gregson and Fayetteville streets.
- The City requests that there be an evaluation of the opportunity to include bicycle lanes on streets impacted by the light rail project and providing a parallel multi-use path in appropriate locations along the entire corridor.
- A plan for enhancing pedestrian access to access all stations from both the north and south needs to be developed. The City would like approval of the plan from the North Carolina Railroad for the access from the north across their tracks. If there are locations where pedestrian access is not part of Triangle Transit's project, the City of Durham needs assurance that it will be able to construct pedestrian facilities across the tracks where needed. This is a particular concern at the Swift Ave., Buchanan Blvd., Blackwell St., Dillard St., and Grant St.

Comments on the Transitway Scenario from West to East

- An oversize truck turnaround facility needs to be provided near the intersection of Pettigrew and Erwin Road or an alternative way to address the low clearance on the NCRR bridge over

Erwin Road needs to be identified. This could be a turnaround or a loop formed by connecting the south-end of Case Street back to Erwin Road.

- The proposal impacts access to the properties west of Swift Avenue. The affected property owners need to be contacted to determine the best way to maintain access.
- The City has concerns over the traffic impact of the LRT at-grade crossing at Swift Avenue. A traffic analysis needs to be done to study this intersection.
- The proposal impacts access to the Hillcrest Convalescent Center requiring reconstruction of their parking lot and eliminating access to their service entrance from Swift Avenue. Access to the service entrance would be provided through a new connector street to Campus Drive, a private street owned by Duke University. Both Hillcrest and Duke need to be contacted to discuss the best way to provide access. Please include City staff in these conversations.
- Between Erwin Road and Hillcrest, the LRT is still partly or fully within the North Carolina Railroad property which will require further extensive coordination with the railroad.
- The cumulative impacts of the proposed alignment between Erwin Road and Campus Drive warrants looking at alternatives. The City requests that Triangle Transit develop options in this corridor which could include: more aerial structure along the proposed alignment to mitigate traffic impacts and maintain access to properties under the structure; a new alignment that closely parallels NC 147 on the north-side and includes an aerial segment over the Swift Avenue interchange passing in between the on/off ramps and the mainline; and/or a new alignment that closely parallels NC 147 on the south-side, moves the Ninth Street station south of NC 147, and crosses to the north-side of NC 147 near Campus Drive. While we understand that these options are likely more costly, we would like to better understand the magnitude of the costs, the impact on the performance of the LRT, and the impact to traffic and properties.
- Duke University needs to be contacted regarding the impact of the proposed alignment through their property. Please include City staff in these conversations.
- The property owners along Wilkerson Avenue need to be contacted regarding the impact of the proposed alignment though their property and the affect this may have on future development plans. Please include City staff in these conversations.
- Between Wilkerson Avenue and Chapel Hill Street, there may be some flexibility to modify the alignment to reduce impacts to properties or to be more compatible with future redevelopment plans for these properties.
- A complete traffic analysis of the area from Gregson Street to Fayetteville Street needs to be prepared. The transitway alignment introduces several new at-grade road crossings at Gregson Street, Chapel Hill Street, and Roxboro Road, and increases the frequency of existing at-grade crossings at Duke Street, Blackwell Street, Mangum Street, Dillard Street, and Fayetteville Street. The analysis should include the effect of these at-grade crossings on the capacity of these cross-streets, the safety of motorists, bicyclists, and pedestrians crossing the LRT, emergency vehicle access and delay, and congestion. The analysis should include both existing conditions and forecasted development in and around downtown Durham both north and south of the LRT tracks.
- A visualization of the cut from Duke Street to Chapel Hill Street and how this may be integrated into the redevelopment of the adjacent property would be helpful to better understand the visual impact of the proposed alignment.
- Between Chapel Hill Street and Dillard Street, the proposed location of the alignment appears to be the only feasible option and will require further extensive coordination with the North Carolina Railroad.

- The transitway is also the only option that provides the potential to maintain the City's utilities in the Pettigrew Street corridor. Additional analysis, more information, and further coordination with the City's Water Management Department are needed to determine where the installation of a 36" diameter water transmission main under the vehicle lanes is feasible and that there will be adequate space to access the water main for maintenance and repairs in the future. As it appears that this is likely not possible where Pettigrew Street is narrowed to one lane, an alternative routing for this critical transmission main needs to be identified that maintains the necessary engineering function of the main. There will likely be relocations costs associated with this transmission main.
- A more detailed traffic analysis of the Chapel Hill Street and Pettigrew Street intersection needs to be provided.
- While we understand that the EIS needs to reflect the projects in the adopted Metropolitan Transportation Plan which includes grade separations of the North Carolina Railroad at Blackwell and Mangum Streets, the MPO is likely to consider removing these projects. As such a proposal that does not include these grade separations should be developed and analyzed in parallel with the EIS. The City also requests an explanation of the appropriate timing for the MPO to remove these projects from the MTP that will not negatively impact the schedule for preparing the EIS.
- The North Carolina Railroad bridges over Ninth Street, Gregson Street, Chapel Hill Street, and Roxboro Streets all provide substandard clearance for trucks. With the proposed alignment, some of these streets will be reconstructed or modified and the elevation of Pettigrew Street and the LRT will affect any future improvements that could be made to these bridges. The City of Durham would like to understand if any of these streets could be modified in such a way to provide additional clearance under these bridges when they are reconstructed with the LRT project.
- It is our understanding that Capital Broadcasting has a lease with the North Carolina Railroad for the property bounded by Pettigrew, Mangum, Vivian, and Blackwell streets and, therefore, they should be contacted regarding the impact of the proposed alignment near this property. Please include City staff in these conversations.
- The City of Durham requests a more thorough analysis of the trade-offs between including and not including a station at DPAC. Quantifying the costs and ridership changes must be included. Better understanding of the relationship between this station and future redevelopment plans for the vacant property to the south needs to be explored. The City of Durham requests a description of the possibility of adding this station to the LRT through a future phase and/or in coordination with a private development proposal. Similarly, but not on the transitway section, the City would like to understand the potential for adding a station near Garrett Road.
- The owners/developers of the Hendricks Auto Mall site need to be contacted regarding the impact of the proposed alignment near this property. Please include City staff in these conversations.
- While space is limited, it is important that a sidewalk be provided on the south-side of Pettigrew between Fayetteville Street and Grant Street.
- Between Dillard Street and Alston Avenue, the LRT is still partly or fully within the North Carolina Railroad property which will require further extensive coordination with the railroad.

- The City of Durham requests a more thorough analysis of the trade-offs between locating the Alston Avenue Station west and east of Alston Avenue. Community organizations need to be contacted regarding this change. Please include City staff in these conversations.
- A station area plan for the Alston Avenue station needs to be developed. Convenient and efficient bus transfer capabilities need to be included.
- The proposed alignment needs to show how the extension of the tracks to access the East Durham Rail Operations and Maintenance Facility could be provided.
- The City requests a written description of what would be required to extend the LRT to the east to provide a future transit station at Briggs Avenue as currently designated in the 2040 Metropolitan Transportation Plan including a preliminary analysis of the costs and impacts that may have.
- Development of an alternative alignment that does not use the North Carolina Railroad corridor between Dillard and the Alston Avenue station may be warranted. Reducing the use of the North Carolina Railroad corridor may provide more flexibility in the design and operation of the system and may provide more potential for future extension to the east. An alignment that parallels the north-side of NC 147, includes a bridge over Alston Avenue near the interchange and continues to hug NC 147 to the east with a station near the water tower may be an option. While we understand that this option is likely more costly, we would like to better understand the magnitude of the costs, the impact on the performance of the LRT, the effect on the accessibility of the station from neighborhoods both north and south of NC 147, the impact to properties and City utilities, and the impact on the viability of future extension of the LRT.

triangletransit
take it. easy.

CIN 150079

January 28, 2015

VIA U.S. MAIL & EMAIL

Mr. Than Austin, Associate Director
UNC Department of Transportation & Parking
CB #1600
Public Safety Building
285 Manning Drive
Chapel Hill, NC 27599-1600
Email: nkaustin@psafety.unc.edu

Re: Durham-Orange Light Rail Transit (D-O LRT) Project
Request for Formal Section 4(f) Coordination

Dear Mr. Austin:

As you know, the proposed Durham-Orange Light Rail Transit (D-O LRT) Project was accepted into Project Development by the Federal Transit Administration (FTA) in February 2014. As part of the Project Development phase, pursuant to the National Environmental Policy Act (NEPA), the FTA, with support from Triangle Transit, is preparing a Draft Environmental Impact Statement (DEIS). The DEIS is expected to be completed in late summer 2015. It will include a full description of the affected human and natural environments of the alternatives considered and an analysis of the impacts of each alternative.

The DEIS will also contain an analysis pursuant to Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (Section 4(f)). (Section 4(f) is codified in 49 U.S.C. § 303 and 23 U.S.C. § 138.) Section 4(f) requires FTA to consider significant publicly owned public park and recreation lands, wildlife and waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places during transit project development. When approving a project that uses a Section 4(f) property, FTA must either: (i) determine that the project's impacts to the property are *de minimis* (i.e., the project will not adversely affect the activities, features, or attributes of the property), or (ii) undertake a specific evaluation to assure that sufficient planning has been done to avoid and/or minimize harm to the 4(f) property at issue.

Regulations require coordination with the official(s) with jurisdiction over publicly owned parks, recreation areas, and wildlife and waterfowl refuges identified during the NEPA process.

(919) 549-9999 • fax: (919) 485-7441
www.triangletransit.org • PO Box 13787, Research Triangle Park, NC 27709

Preliminary coordination has already occurred between the University of North Carolina at Chapel Hill (UNC) and Triangle Transit. Title to the lands identified below – which may be impacted by the Light Rail Alternatives – rests with UNC. For your reference, please find enclosed: (i) a map which depicts the proposed D-O LRT Project's proximity to UNC properties, and (ii) the pertinent *Basis for Engineering Design* drawings (November 2014).

- **UNC Open Space** – The proposed D-O LRT Project is expected to cross approximately 2.9 acres of land identified as UNC Open Space. This land is located on the south or east side of US 501/NC 54, adjacent to the UNC Finley Golf Course. Within the UNC Open Space, the proposed D-O LRT Project would primarily cross wooded land with no development; however, we have identified gravel paths in the vicinity of the proposed D-O LRT alignment. We understand that these gravel paths are used for cross country track and informal recreation.

- **UNC Finley Golf Course** – The proposed D-O LRT Project is expected to cross approximately 3.1 acres of land identified as part of the UNC Finley Golf Course in the vicinity of Hole 17 (cart paths and tee boxes). Three of four potential D-O LRT Alternatives (C1, C1A and C2) are expected to cross additional land identified as part of the Finley Golf Course, Hole 3 (cart paths and tee boxes). These three alignment alternatives would cross approximately 1.0-1.2 acres of the golf course. The C2A alignment alternative would have the fewest impacts to the UNC Finley Golf Course because it traverses a very small portion (0.1 acre) of wooded land with no development. Previous consultation with UNC resulted in the identification of potential visual impacts, noise impacts, and protection/screening from golf balls. Adjustments to the proposed D-O LRT Project alignment have already been made and future refinements in the design may be necessary in order to minimize the potential impacts of the proposed D-O LRT Project to this property.

Members of the D-O LRT Project team would like to schedule a meeting with you as soon as possible to discuss the potential for impacts to the activities, features, and attributes of these lands that may qualify the UNC Open Space and the UNC Finley Golf Course to be classified as Section 4(f) resources. At this meeting, proposed D-O LRT Project plans will be available for your review and staff will be present to answer questions. This Section 4(f) coordination and your continued support in developing the DEIS will empower the FTA to conclude its Section 4(f) responsibility by May 1, 2015.

Prior to the meeting, questions concerning the Section 4(f) coordination process can be directed to the following member of the D-O LRT Project team:

Tammy Bouchelle, Assistant General Counsel
Triangle Transit
4600 Emperor Blvd, Suite 100, Durham, NC 27703
P.O. Box 13787, RTP, NC 27709
Phone: 919.485.7562
Fax: 919.485.7441
E-mail: tbouchelle@triangletransit.org

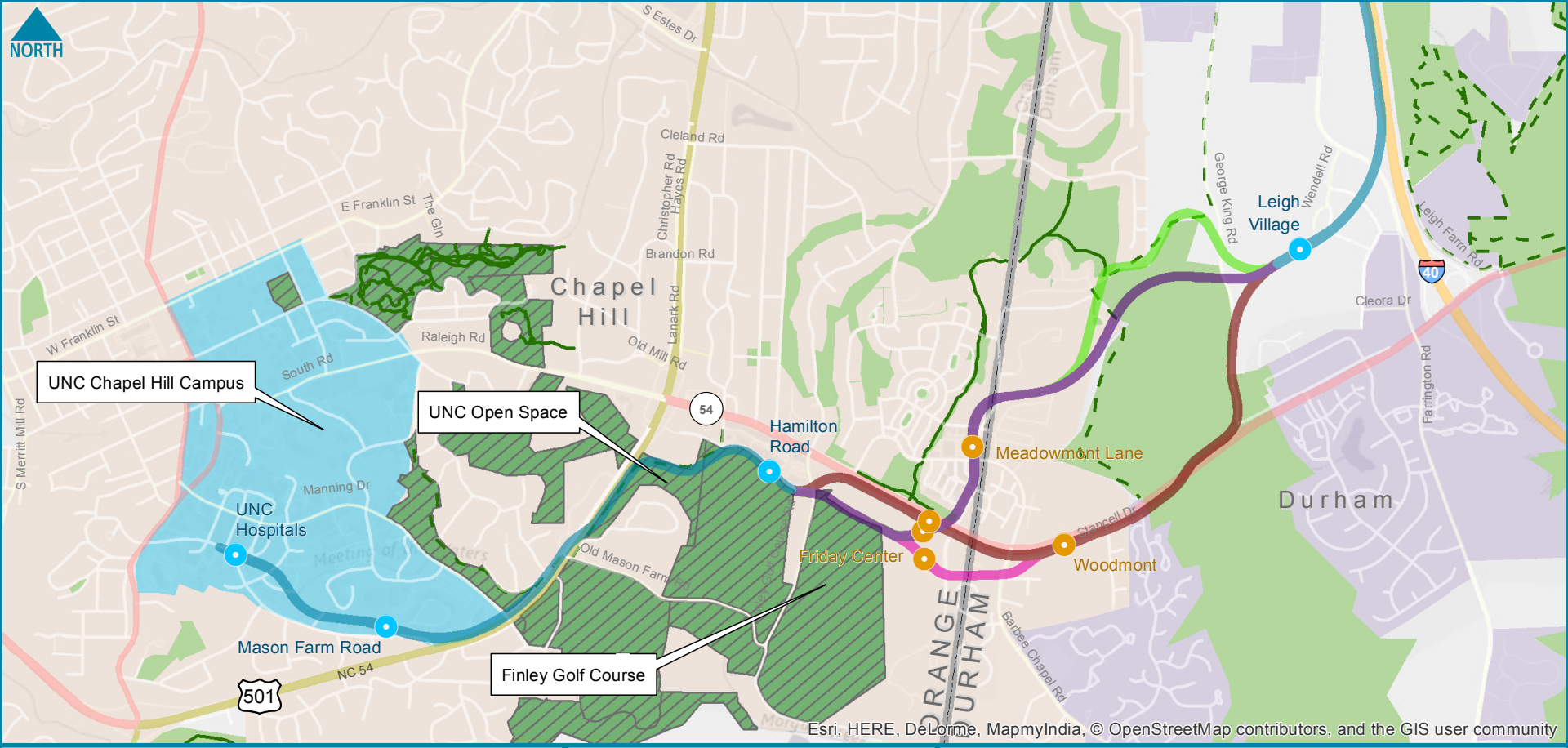
We appreciate your assistance in this vital step of the planning process.

Sincerely,

Greg Northcutt
Director of Capital Development
Triangle Transit

Enclosures:
UNC – Section 4(f) Vicinity Map
UNC – Section 4(f) *Basis for Engineering Design* drawings (November 2014)

cc: Anna Wu, UNC Facilities Operations, Planning & Design (via email)
Paul Pogge, UNC Athletic Department (via email)
Keith Melton, FTA Region IV (via email)
Stan Mitchell, FTA Region IV (via email)
Carrie Walker, FTA Region IV (via email)
David King, Triangle Transit (via email)
Tammy Bouchelle, Triangle Transit (via email)
Meghan Makoid, Triangle Transit (via email)
Gavin Poindexter, AECOM (via email)



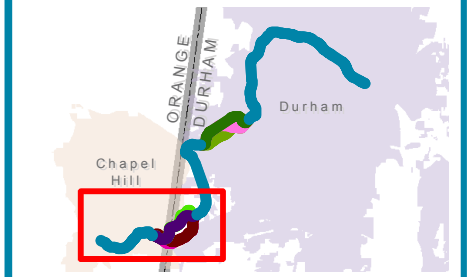
Parklands - UNC Chapel Hill

DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT

G-115 0 1,000 2,000 Feet

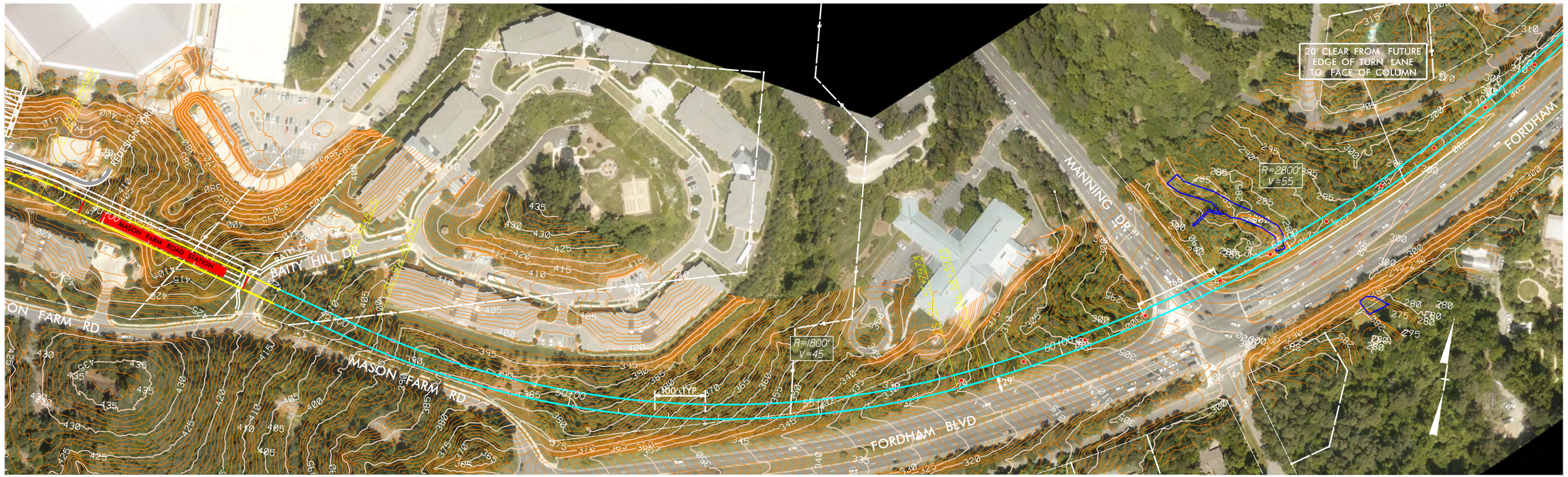
Source: ESRI, NCDOT, CGIA, URS

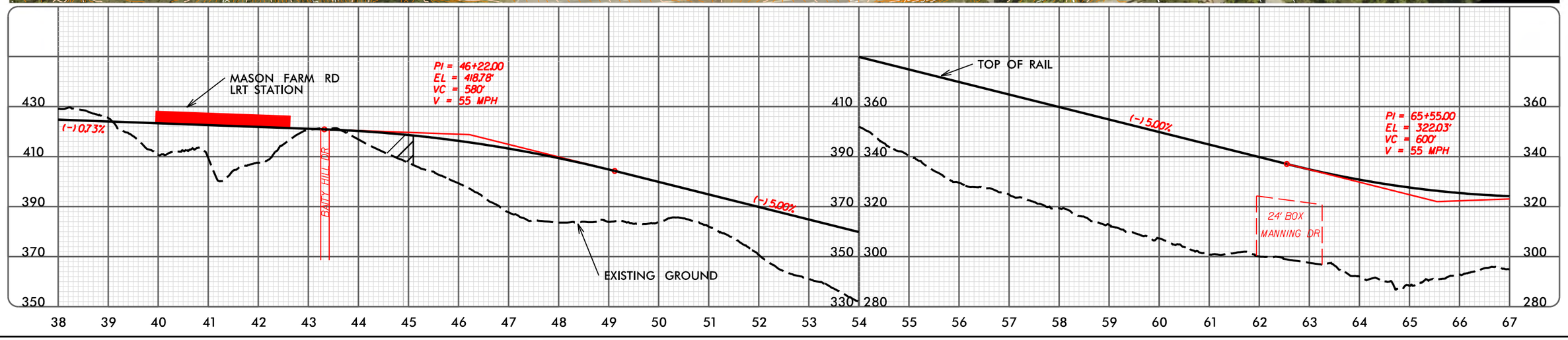
Draft January 2015



- LRT Station
- LRT Station Alternative
- Proposed Light Rail Alignment
- C1 Alternative
- C1A Alternative
- C2A Alternative
- C2 Alternative
- New Hope Creek 1 Alternative
- New Hope Creek 2 Alternative
- New Hope Creek LPA Alternative
- County Boundary
- UNC Parks
- Existing Trail
- Planned Trail
- Parkland

MASON FARM ROAD STATION





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-116

CONCEPT PLANS ONLY
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LEGEND

- AT-GRADE
- ELEVATED
- WETLANDS
- STATION

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PLAN AND PROFILE

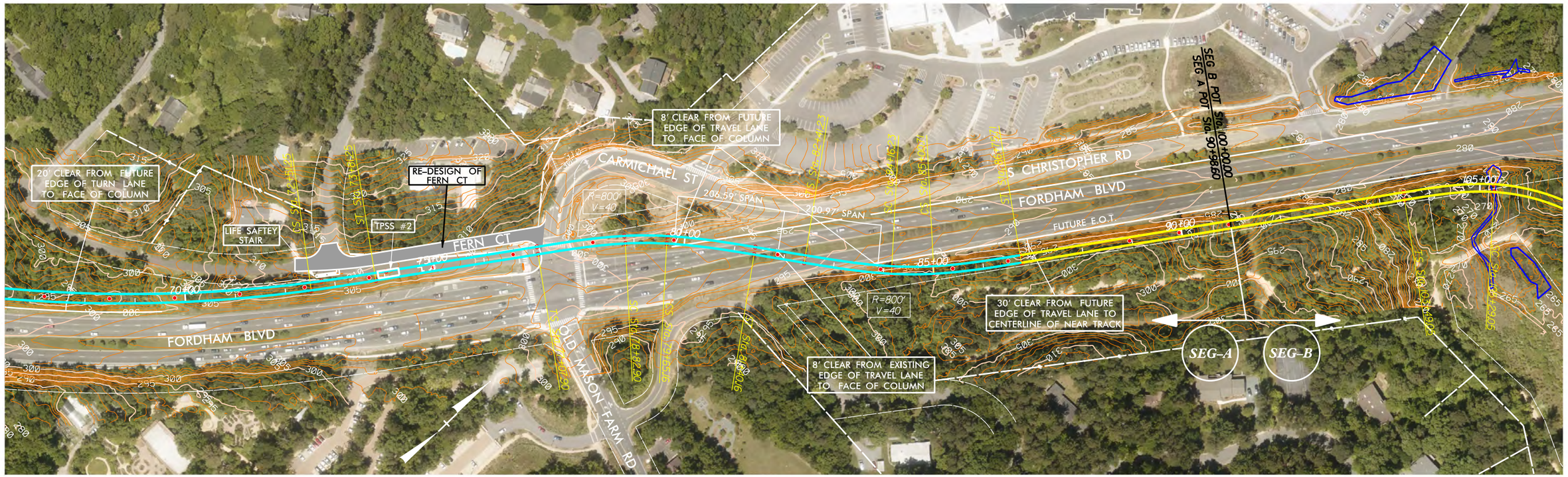
SEGMENT A

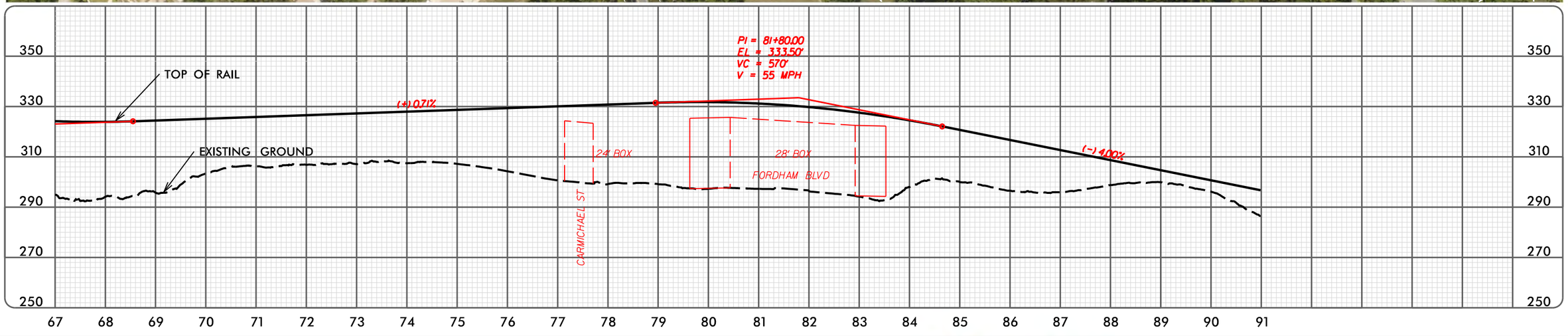
PLAN & PROFILE

SHEET: A – 03

11/6/2014

FORDHAM BOULEVARD





11/26/2014

GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-117

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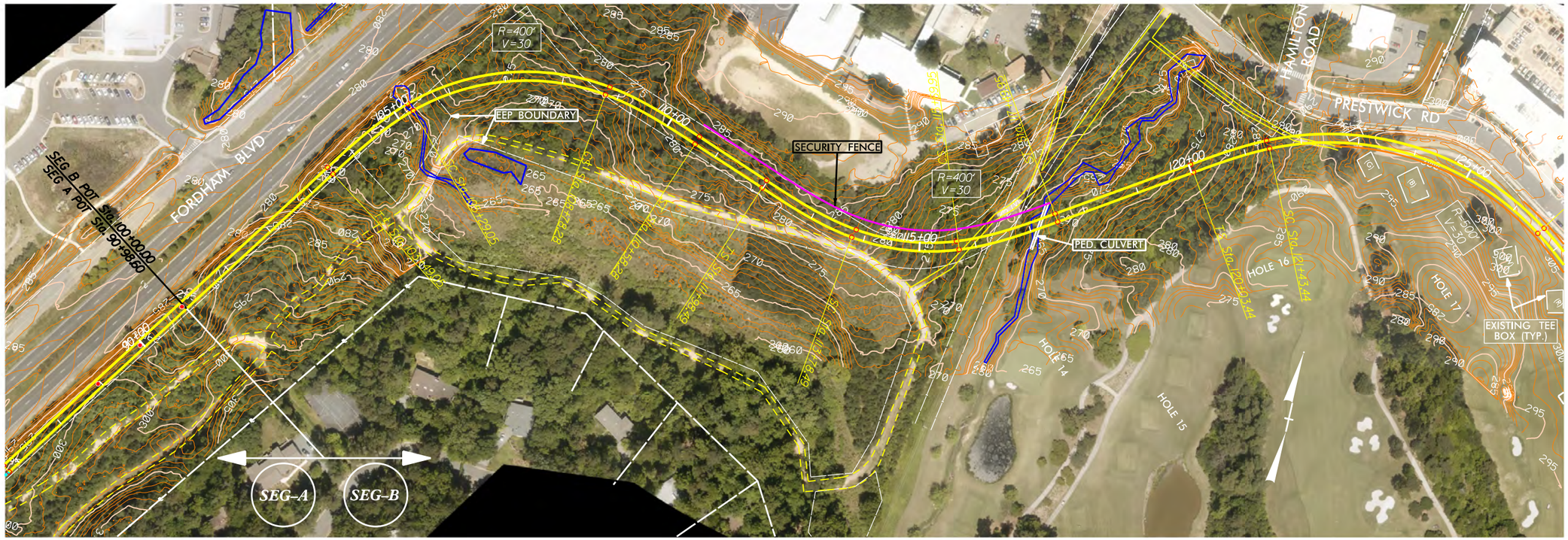
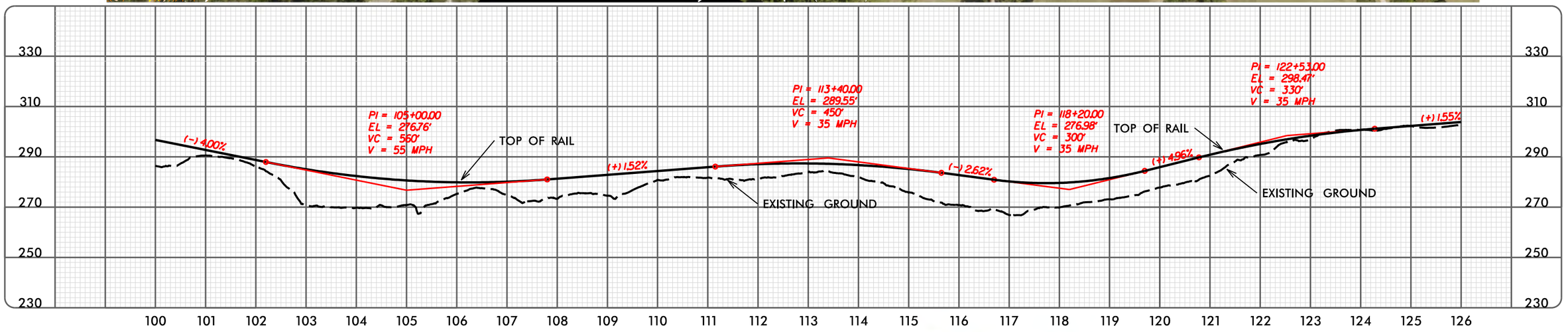
PLAN AND PROFILE

SEGMENT A

	PLAN & PROFILE	SHEET: A – 04

HAMILTON ROAD STATION





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-118

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LEGEND

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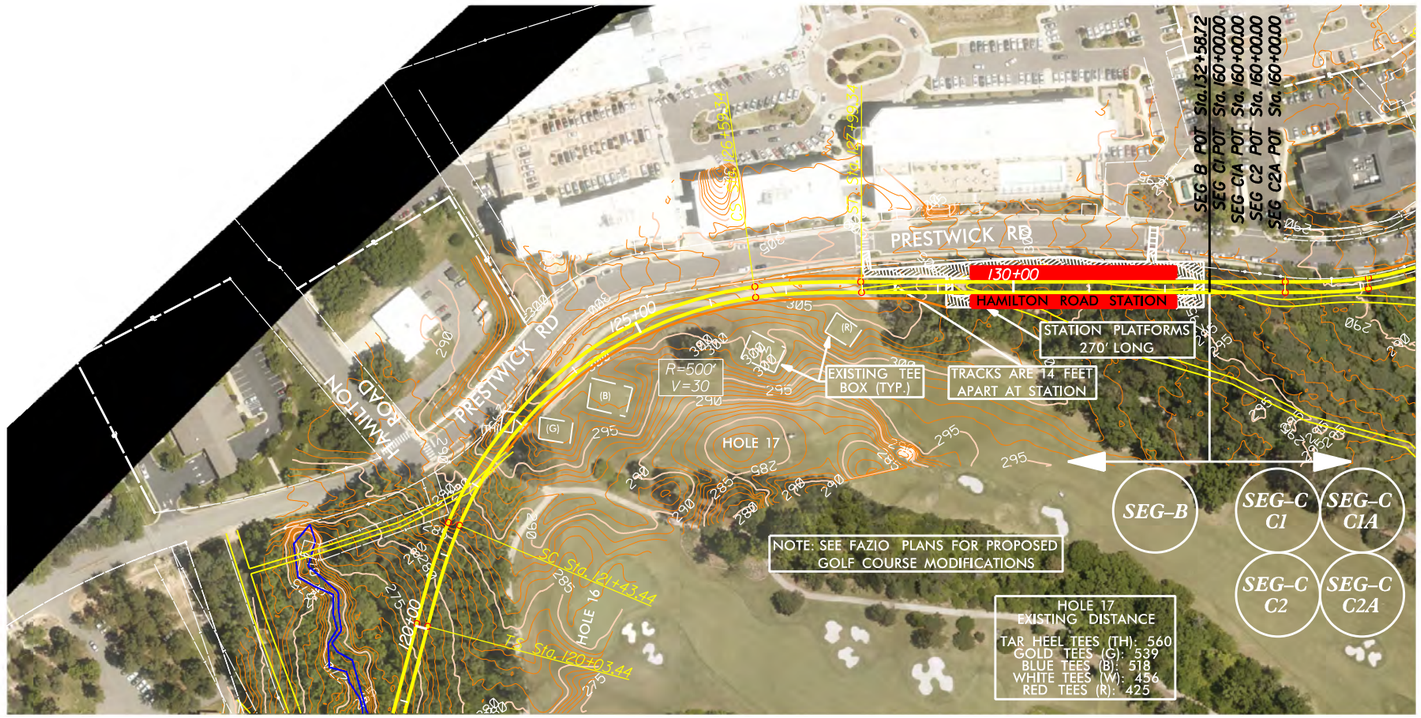
PLAN AND PROFILE

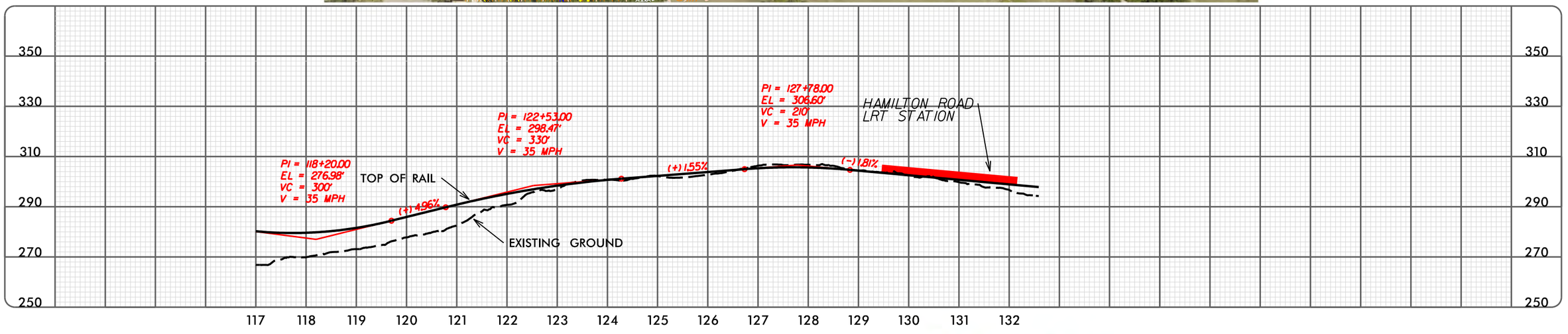
SEGMENT B

	PLAN & PROFILE	SHEET: B – 01

11/6/2014

HAMILTON ROAD STATION





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-119

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LEGEND

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PLAN AND PROFILE

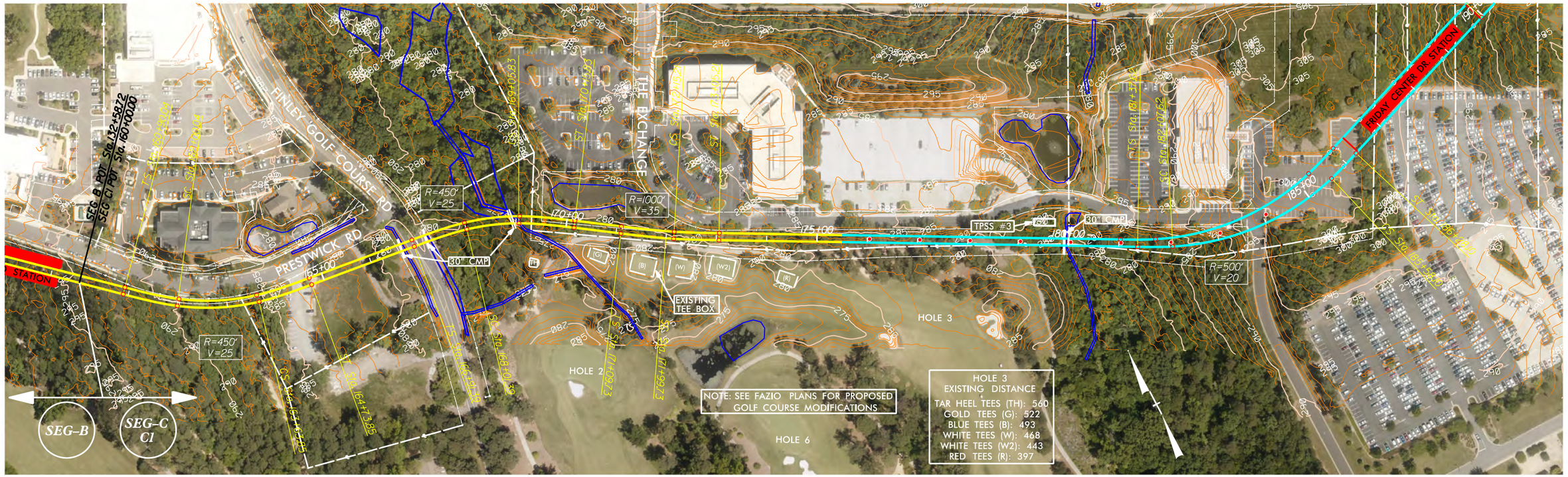
SEGMENT B

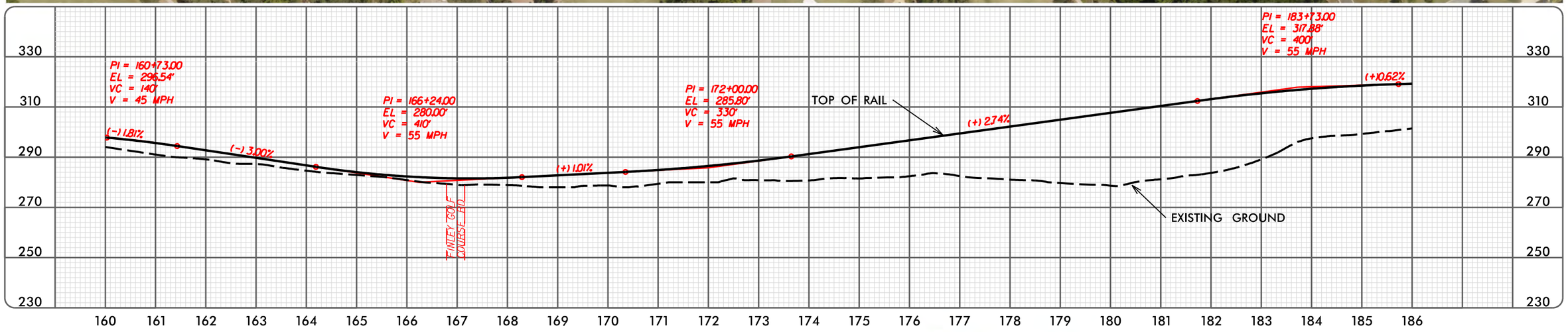
PLAN & PROFILE

SHEET: B – 02

11/6/2014

FINLEY GOLF COURSE TO FRIDAY CENTER – C1 ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-120

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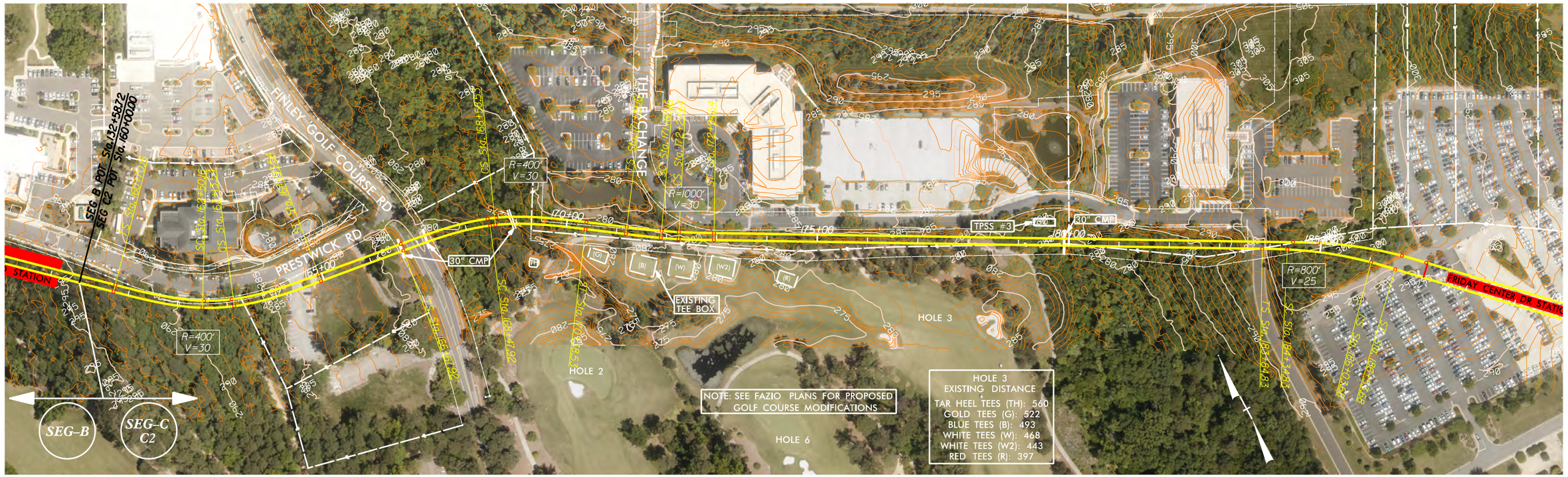
PLAN AND PROFILE

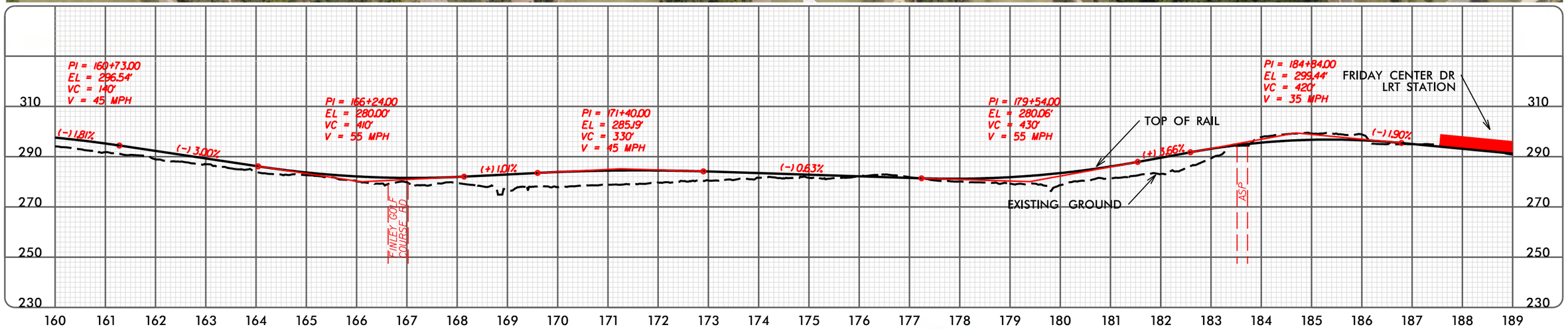
SEGMENT C

	PLAN & PROFILE	SHEET: C1 – 01

11/10/2014

FRIDAY CENTER STATION – C2 ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-121

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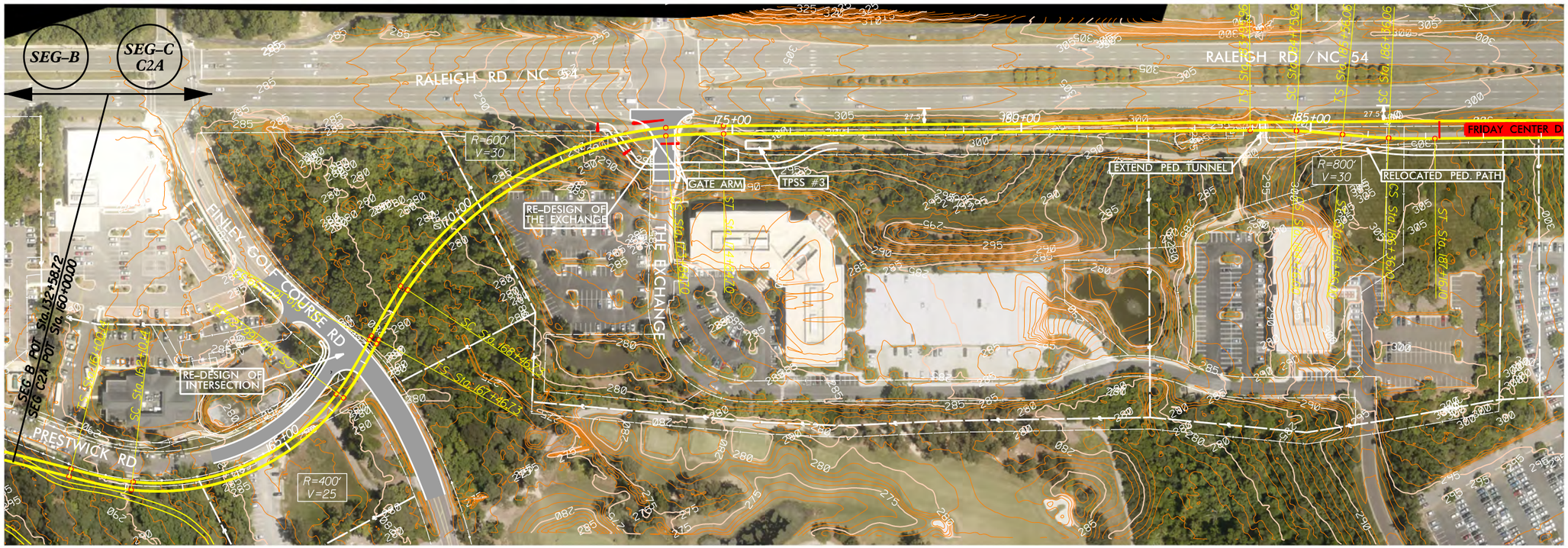
PLAN AND PROFILE

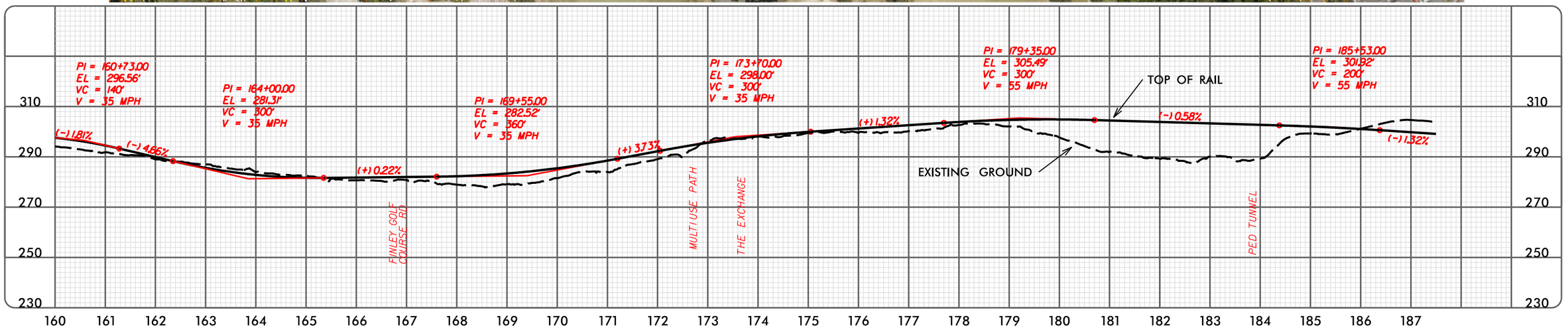
SEGMENT C

	PLAN & PROFILE	SHEET: C2 – 01

11/10/2014

FRIDAY CENTER STATION – C2A ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-122

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PLAN AND PROFILE

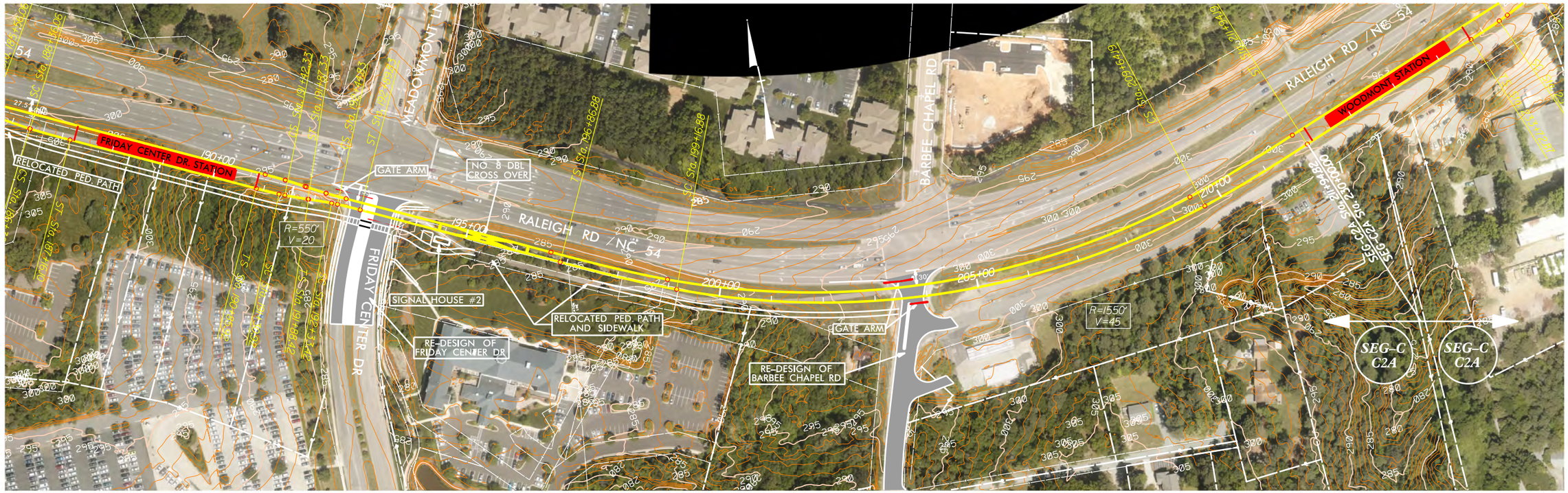
SEGMENT C

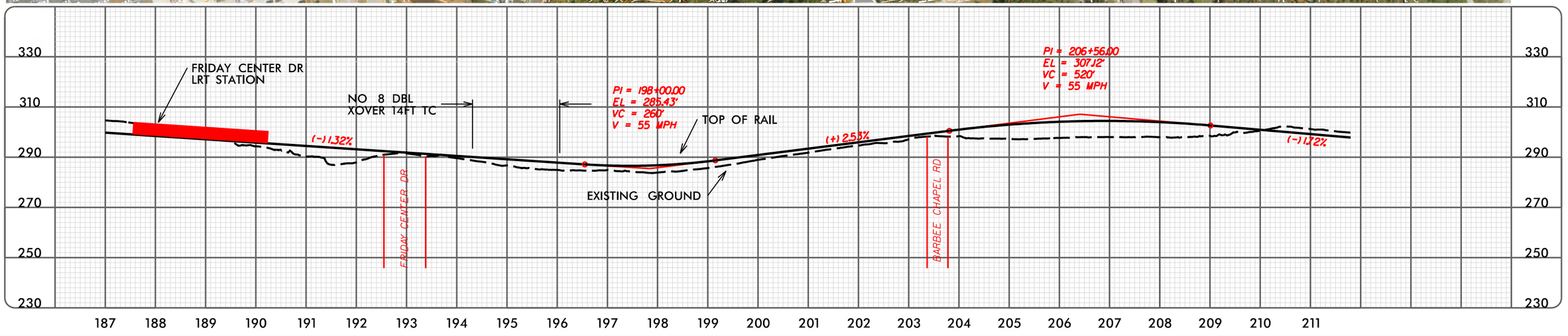
PLAN & PROFILE

SHEET: C2A – 01

11/10/2014

FRIDAY CENTER STATION – C2A ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-123

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PLAN AND PROFILE

SEGMENT C

PLAN & PROFILE

SHEET: C2A – 02

11/10/2014

triangletransit
take it. easy.

CIN 150080

January 28, 2015

VIA U.S. MAIL & EMAIL

Mr. Michael L. Hosey
Operations Division - Lakes Branch
B. Everett Jordan Dam and Lake
Post Office Box 144
Moncure, North Carolina 27559
Email: Michael.L.Hosey.II@usace.army.mil

Re: Durham-Orange Light Rail Transit (D-O LRT) Project
Request for Formal Section 4(f) Coordination

Dear Mr. Hosey:

As you know, the proposed Durham-Orange Light Rail Transit (D-O LRT) Project was accepted into Project Development by the Federal Transit Administration (FTA) in February 2014. As part of the Project Development phase, pursuant to the National Environmental Policy Act (NEPA), the FTA, with support from Triangle Transit, is preparing a Draft Environmental Impact Statement (DEIS). The DEIS is expected to be completed in late summer 2015. It will include a full description of the affected human and natural environments of the alternatives considered and an analysis of the impacts of each alternative.

The DEIS will also contain an analysis pursuant to Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (Section 4(f)). (Section 4(f) is codified in 49 U.S.C. § 303 and 23 U.S.C. § 138.) Section 4(f) requires FTA to consider significant publicly owned public park and recreation lands, wildlife and waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places during transit project development. When approving a project that uses a Section 4(f) property, FTA must either: (i) determine that the project's impacts to the property are *de minimis* (i.e., the project will not adversely affect the activities, features, or attributes of the property), or (ii) undertake a specific evaluation to assure that sufficient planning has been done to avoid and/or minimize harm to the 4(f) property at issue.

Regulations require coordination with the official(s) with jurisdiction over publicly owned parks, recreation areas, and wildlife and waterfowl refuges identified during the NEPA process. Preliminary coordination has already occurred between the US Army Corps of Engineers (USACE), Wilmington District and Triangle Transit regarding the use of USACE land and water resources for a portion of the D-O LRT Project. (See Triangle Transit's Initial Request for Use of Land and Water Resources (August 2014) and USACE's Response to the Initial Request

(January 2015).) Title to the lands identified below – which may be impacted by the Light Rail Alternatives – rests with USACE.

- **USACE Jordan Lake Game Lands** – D-O LRT Alternatives C1, C2, and C2A cross USACE property and the Little Creek Floodplain. The government property impacted by the C1, C2, and C2A Alternatives is leased to the State of North Carolina and is managed by the North Carolina Wildlife Resources Commission (NCWRC) as part of its Game Lands program. The C1 Alternative would create a new right-of-way across USACE property. Alternatives C2 and C2A would use the existing NC Highway 54 and the George King Roadway easements used by the North Carolina Department of Transportation (NCDOT). The C1A Alternative would utilize a new corridor on private property that avoids direct impacts to USACE property; however, the government does hold a flowage easement on this private property.

For your reference, please find enclosed: (i) a map which depicts the proposed D-O LRT Project's proximity to USACE property, and (ii) the pertinent *Basis for Engineering Design* drawings (November 2014).

Members of the D-O LRT Project team would like to schedule a meeting with you as soon as possible to discuss the potential for impacts to the activities, features, and attributes of this Section 4(f) resource. At this meeting, proposed D-O LRT Project plans will be available for your review and staff will be present to answer questions. This Section 4(f) coordination and your continued support in developing the DEIS will empower the FTA to conclude its Section 4(f) responsibilities by May 1, 2015.

Prior to the meeting, questions concerning the Section 4(f) coordination process can be directed to the following member of the D-O LRT Project team:

Tammy Bouchelle, Assistant General Counsel
Triangle Transit
4600 Emperor Blvd, Suite 100, Durham, NC 27703
P.O. Box 13787, RTP, NC 27709
Phone: 919.485.7562
Fax: 919.485.7441
E-mail: tbouchelle@triangletransit.org

We appreciate your assistance in this vital step of the planning process.

Sincerely,

Greg Northcutt
Director of Capital Development
Triangle Transit

Enclosures:

USACE – Section 4(f) Vicinity Map
USACE – Section 4(f) *Basis for Engineering Design* drawings (November 2014)

cc: Travis Wilson, NCWRC (via email)
Chris Dawes, NCWRC (via email)
Keith Melton, FTA Region IV (via email)
Stan Mitchell, FTA Region IV (via email)
Carrie Walker, FTA Region IV (via email)
David King, Triangle Transit (via email)
David Charters, Triangle Transit (via email)
Tammy Bouchelle, Triangle Transit (via email)
Meghan Makoid, Triangle Transit (via email)
Gavin Poindexter, AECOM (via email)

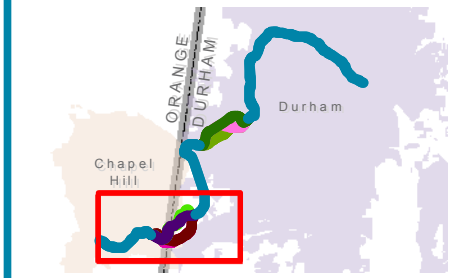
Parklands - US Army Corps of Engineers

DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT

G-127 0 1,000 2,000 Feet

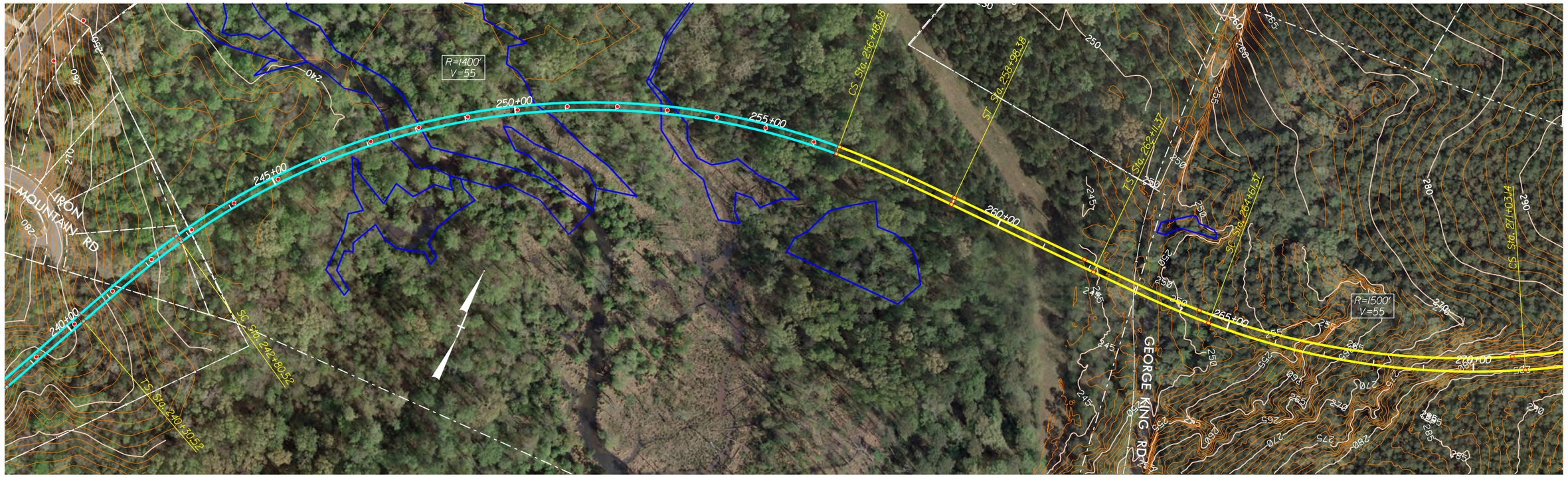
Draft October 2014

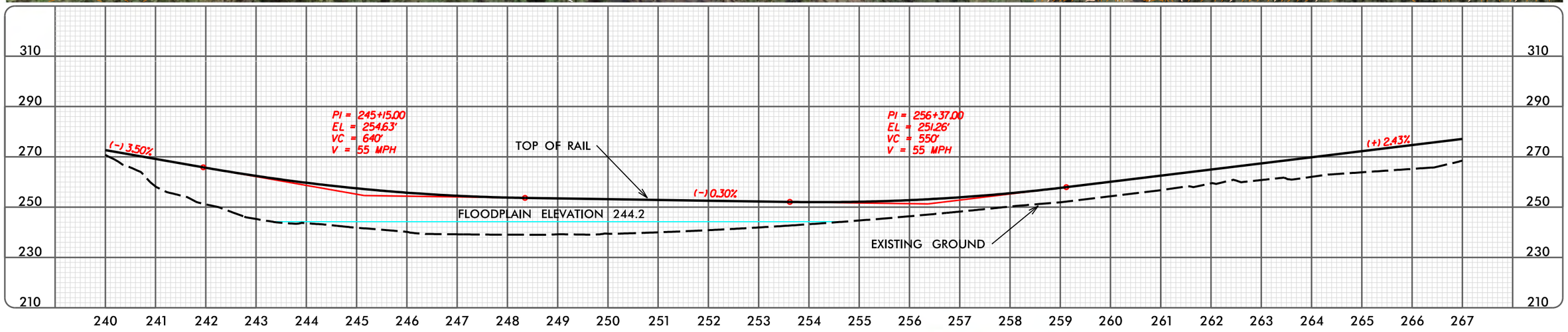
Source: ESRI, NCDOT, CGIA, URS



- LRT Station
- LRT Station Option
- Proposed Light Rail Alignment
- C1 Alignment Option
- C1A Alignment Alternative
- C2A Alignment Alternative
- C2 Alignment Alternative
- New Hope Creek - Alternative 1
- New Hope Creek - Alternative 2
- New Hope Creek - LPA Alternative
- County Boundary
- Existing Trail
- Planned Trail
- Parkland
- USACE Property

IRON MOUNTAIN RD TO GEORGE KING RD – C1 ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-128

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PLAN AND PROFILE

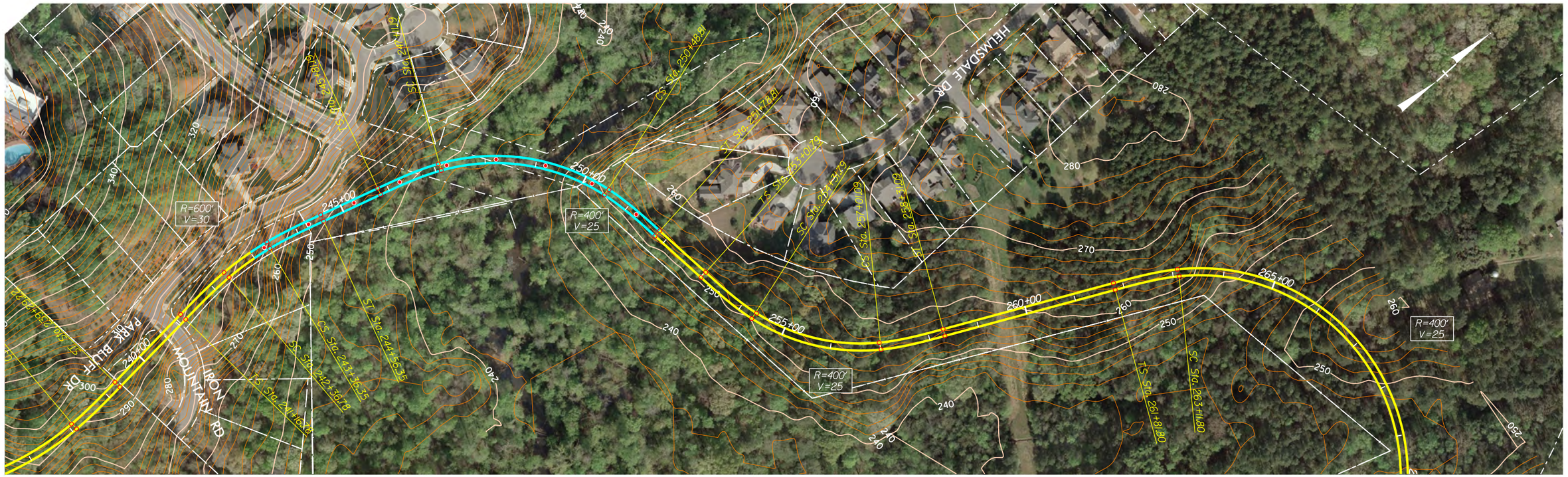
SEGMENT C

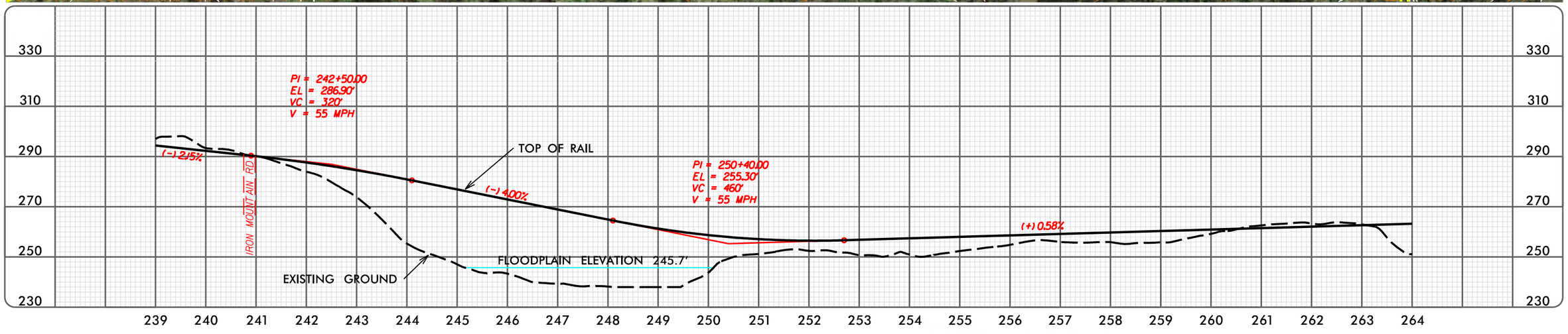
PLAN & PROFILE

SHEET: C1 – 04

11/10/2014

OPTION AROUND ACOE LAND – CIA ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-129

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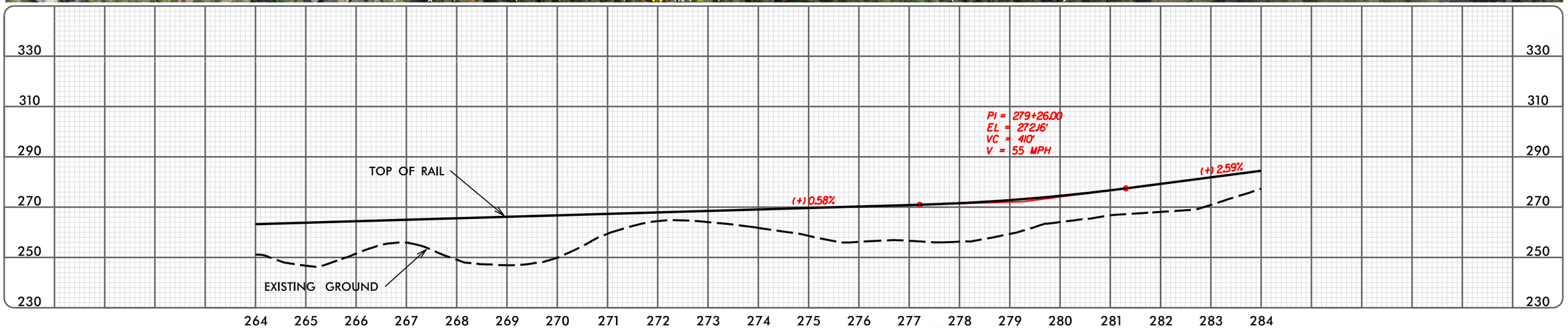
PLAN AND PROFILE

SEGMENT C

	PLAN & PROFILE	SHEET: CIA – 04

11/10/2014

OPTION AROUND ACOE LAND – C1A ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-130

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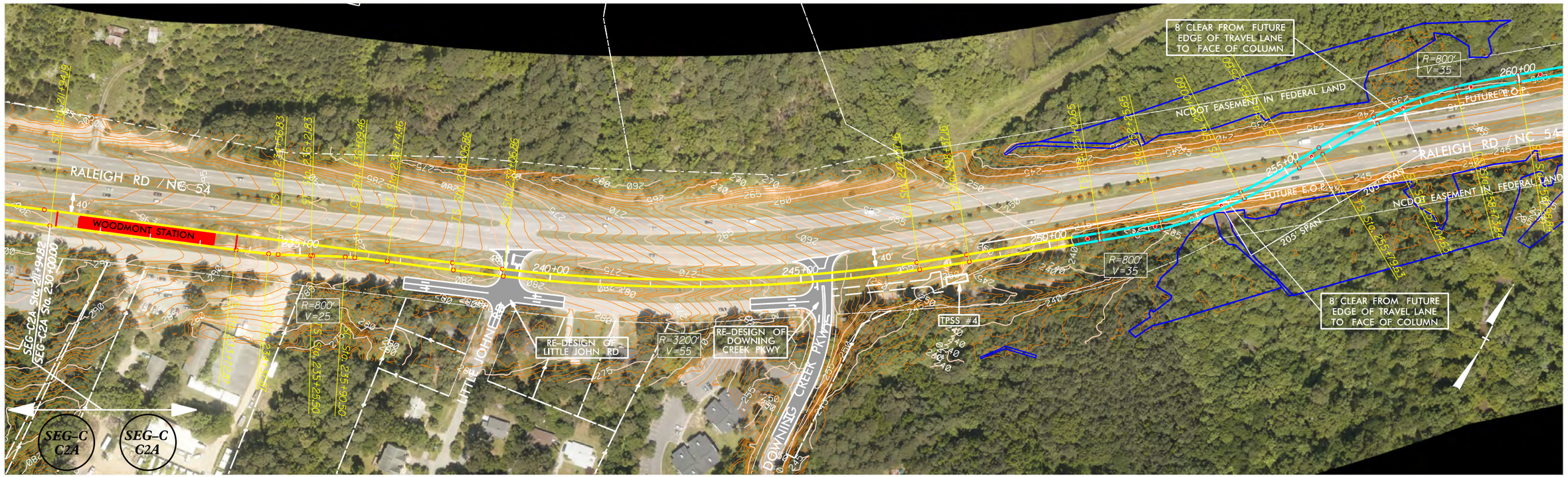
PLAN AND PROFILE

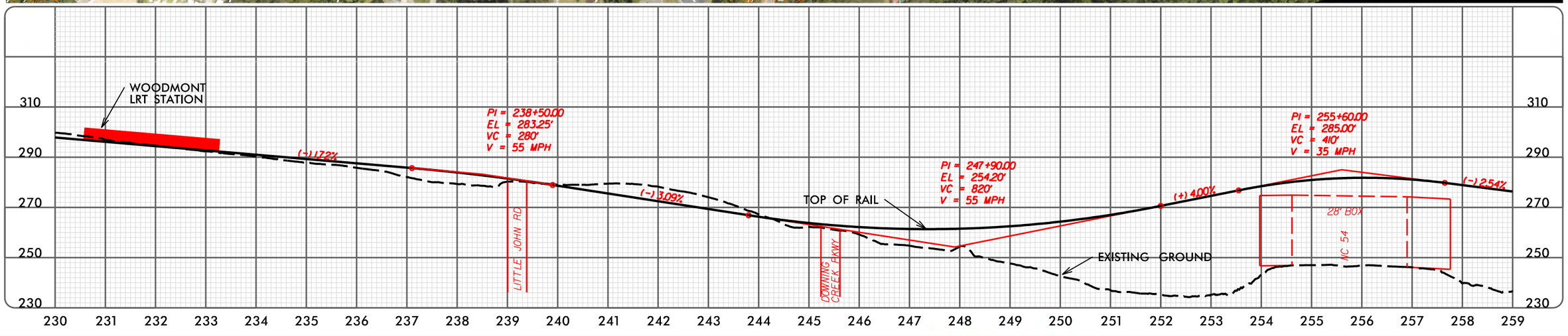
SEGMENT C

	PLAN & PROFILE	SHEET: C1A – 05

11/10/2014

WOODMONT STATION ALONG NC 54 – C2A ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-131

CONCEPT PLANS ONLY
DO NOT USE FOR CONSTRUCTION

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

LEGEND

- AT-GRADE
- ELEVATED
- WETLANDS
- STATION

OurTransit FUTURE

Prepared in the Office of

URS
URS Corporation – North Carolina
1600 Perimeter Park Drive, Suite 400
Morrisville, North Carolina 27560
Phone (919)461-1100 Fax (919)461-1415
NC Lic.# C-2243

CH ENGINEERING
3220 GLEN ROYAL RD. RALEIGH, NC 27617
TELE 919.788.0224 FAX 919.788.0232
NC LICENSE #P-0189

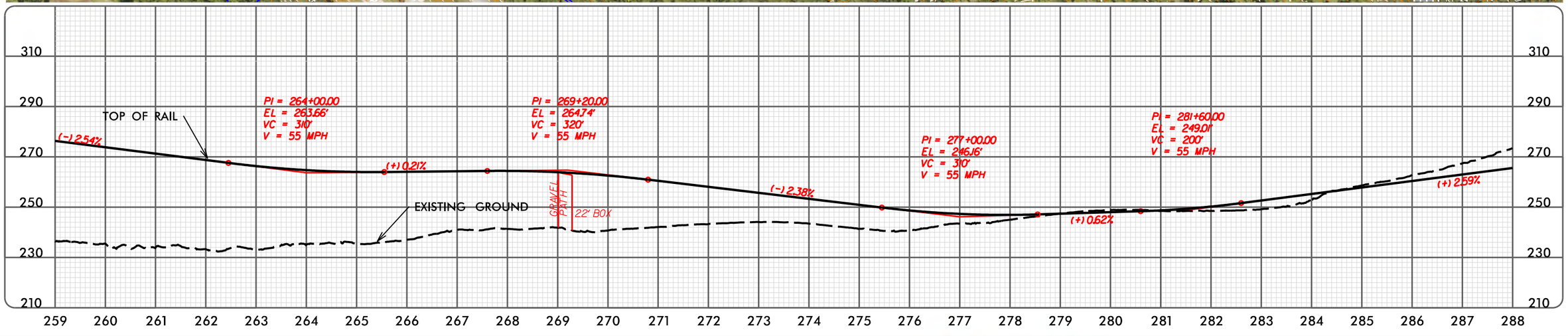
PLAN AND PROFILE

SEGMENT C

	PLAN & PROFILE	SHEET: C2A – 03

11/17/2014

GEORGE KING ROAD – C2A ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

G-132

CONCEPT PLANS ONLY
DO NOT USE FOR CONSTRUCTION

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LEGEND

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NC LICENSE #P-0189

PLAN AND PROFILE

SEGMENT C

PLAN & PROFILE

SHEET: C2A – 04

11/11/2014

triangletransit
take it. easy.

CIN 150081

January 29, 2015

VIA U.S. MAIL & EMAIL

Mr. Wendell Davis
Manager, Durham County
200 East Main Street
2nd Floor, Old Courthouse
Durham, North Carolina 27701
Email: county_manager@dconc.gov

Re: Durham-Orange Light Rail Transit (D-O LRT) Project
Request for Formal Section 4(f) Coordination

Dear Mr. Davis:

As you know, the proposed Durham-Orange Light Rail Transit (D-O LRT) Project was accepted into Project Development by the Federal Transit Administration (FTA) in February 2014. As part of the Project Development phase, pursuant to the National Environmental Policy Act (NEPA), the FTA, with support from Triangle Transit, is preparing a Draft Environmental Impact Statement (DEIS). The DEIS is expected to be completed in late summer 2015. It will include a full description of the affected human and natural environments of the alternatives considered and an analysis of the impacts of each alternative.

The DEIS will also contain an analysis pursuant to Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (Section 4(f)). (Section 4(f) is codified in 49 U.S.C. § 303 and 23 U.S.C. § 138.) Section 4(f) requires FTA to consider significant publicly owned public park and recreation lands, wildlife and waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places during transit project development. When approving a project that uses a Section 4(f) property, FTA must either: (i) determine that the project's impacts to the property are *de minimis* (i.e., the project will not adversely affect the activities, features, or attributes of the property), or (ii) undertake a specific evaluation to assure that sufficient planning has been done to avoid and/or minimize harm to the 4(f) property at issue.

Regulations require coordination with the official(s) with jurisdiction over publicly owned parks, recreation areas, and wildlife and waterfowl refuges identified during the NEPA process. Preliminary coordination has already occurred between Durham County (County) and Triangle Transit regarding the potential use of the County's property for a portion of the D-O LRT Project. This property is described below.

- **New Hope Preserve Trail -** The New Hope Preserve Trail is a two mile loop trail north of Old Chapel Hill Road Park, which is owned and maintained by the County. Approximated 135 linear feet of this trail would be crossed by the NHC LPA Alternative. The proposed NHC LPA Alternative would span the New Hope Preserve Trail and floodplain with a prestressed concrete bridge; an easement would be needed in order to cross over the New Hope Preserve Trail. Access to the New Hope Preserve Trail would not be permanently interrupted, although potential visual impacts to the trail would result, as natural areas would be replaced by views of the proposed D-O LRT Project.

- **Planned Little Creek Connector Trail** – The C1A Alternative crosses the planned Little Creek Connector Trail.

For your reference, please find enclosed: (i) a Trail Easement dated May 12, 2004 (Deed Book 4386, Pages 494-499); (ii) a plat showing the Trail Easement (Plat Book 161, Pages 280-281); (iii) a map which depicts the proposed D-O LRT Project's proximity to the New Hope Preserve Trail; (iv) the pertinent *Basis for Engineering Design* drawings (November 2014) for the New Hope Preserve Trail; (v) a map which depicts the proposed D-O LRT Project's proximity to the planned Little Creek Connector Trail and (vi) the pertinent *Basis for Engineering Design* drawings (November 2014) for the planned Little Creek Connector Trail.

Members of the D-O LRT Project team would like to schedule a meeting with you as soon as possible to discuss the potential for impacts to the activities, features, and attributes of these lands that may qualify the New Hope Preserve Trail and the planned Little Creek Connector Trail to be classified as Section 4(f) resources. At this meeting, proposed D-O LRT Project plans will be available for your review and staff will be present to answer questions. This Section 4(f) coordination and your continued support in developing the DEIS will empower the FTA to conclude its Section 4(f) responsibilities by May 1, 2015.

Prior to the meeting, questions concerning the Section 4(f) coordination process can be directed to the following member of the D-O LRT Project team:

Tammy Bouchelle, Assistant General Counsel
Triangle Transit
4600 Emperor Blvd, Suite 100, Durham, NC 27703
P.O. Box 13787, RTP, NC 27709
Phone: 919.485.7562
Fax: 919.485.7441
E-mail: tbouchelle@triangletransit.org

We appreciate your assistance in this vital step of the planning process.

Sincerely,

Greg Northcutt
Director of Capital Development
Triangle Transit

Enclosures:

Enclosure A – Trail Easement dated May 12, 2004 (Deed Book 4386, Pages 494-499)
Enclosure B – Plat showing the Trail Easement (Plat Book 161, Pages 280-281)
Enclosure C – Map depicting the proposed D-O LRT Project's proximity to the New Hope Preserve Trail
Enclosure D – Pertinent *Basis for Engineering Design* drawings (November 2014) for the New Hope Preserve Trail
Enclosure E – Map depicting the proposed D-O LRT Project's proximity to the planned Little Creek Connector Trail
Enclosure F – Pertinent *Basis for Engineering Design* drawings (November 2014) for the planned Little Creek Connector Trail.

cc: Jane Korest, Division Manager, Open Space & Real Estate Division (via email)
Brendan Moore, Land Manager, Open Space & Real Estate Division (via email)
Keith Melton, FTA Region IV (via email)
Stan Mitchell, FTA Region IV (via email)
Carrie Walker, FTA Region IV (via email)
David King, Triangle Transit (via email)
David Charters, Triangle Transit (via email)
Tammy Bouchelle, Triangle Transit (via email)
Meghan Makoid, Triangle Transit (via email)
Gavin Poindexter, AECOM (via email)

ENCLOSURE A

Trail Easement dated May 12, 2004 (Deed Book 4386, Pages 494-499)

Prepared by: Lowell L. Siler
Deputy County Att
Return to: Lowell L. Siler
P. O. Box 3508
Durham, NC 27702

STATE OF NORTH CAROLINA **TAX PARCEL____**

DURHAM COUNTY **BOOK___PAGE___**

TRAIL EASEMENT

This Deed of Easement, made this 12th day of March, 2002, by and between the Boulevard Properties Limited Partnership, hereinafter referred to as the Grantor, and the County of Durham, a political subdivision of the State of North Carolina, hereinafter referred to as the Grantee:

The designation Grantor and Grantee as used herein shall include said parties, their heirs. Successors and assigns, and shall include singular, plural, masculine, feminine or neuter pronouns as required by context.

RECITALS

The Grantor is the owner in fee simple of certain real property, hereinafter described in **Exhibit A**, situated in Durham Outer Township, Durham County, North Carolina;

The Grantor has agreed to donate to the Grantee a fifty (50) foot-wide easement and trail right-of-way (the "Trail") as described in Exhibit B and on which Grantee may construct a (4) four foot wide pedestrian trail for pedestrian ingress and egress over, and through and for the protection of the property described in Exhibit A

The Grantor and Grantee recognize the values of the property in its present state, and have, by the conveyance of a Trail easement to the Grantee, the common purpose of preserving the natural values and character of the property, and preventing the use or development of the property in any manner which would conflict with the maintenance of the property in its scenic and natural condition and the Grantor is willing to make the Trail available to the public for recreational purposes;

NOW THEREFORE; in consideration of the donation and other good and valuable consideration, the receipt of which is hereby acknowledged, and in future consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, the Grantor herby grants and conveys to the Grantee and its successors and assigns in perpetuity a Trail Easement set forth, in and over the lands of the Grantor described in **Exhibit B**;

(A). **Property Uses.** Any activity on, or use of the Trail property inconsistent with the purposes of this Trail easement is prohibited. The property shall be maintained in its natural, scenic and open condition and restricted from any development that would significantly impair or interfere with the conservation values of the property. Without limiting the generality of the foregoing, the following is a listing of activities and uses which are expressly prohibited. Grantor and Grantee have determined that activities that do not impair the conservation values of the property will be allowed. as set forth in sections B and C and are expressly the right of only the Grantor and Grantee. Therefore, except as denoted, no one may;

(1) Create, plant, or construct (in, on, over, or through the Trail) any sign, paving material, gravel, structure, fill, embankment, plant or flora of any size, encroachment of any nature, obstruction of any nature, or improvement of any nature, or permit anyone to do any of the foregoing acts; or

(2) Remove, transplant, tear, cut, spray, fertilize, prune, brace, perform surgery on, attach any rope, wire, nail, sign, poster, or other device to, or otherwise disturb any of the plants, flora, or animals on the Trail, or permit anyone to do any of the foregoing acts, provided, however, either party shall have the right to remove or treat unsightly and/or damaged trees and other vegetation if located within the easement area but clearly visible from any other portion of the Grantor's surrounding property with notification and approval of the Grantee; or

(3) Dig into the surface of, or remove any of the soil or natural materials from, the Trail, or permit anyone to do any of the foregoing acts; or

(4) Place any foreign material, thing, or device (including but not limited to brush, leaves, vehicles, containers, paving, gravel, lumber, stone, brick, sand, concrete, trash, debris, plastic, stone, fuel, or chemicals) temporarily or permanently on the Trail, or permit anyone to do any of the foregoing acts; or

(5) Possess or discharge any firearm or other weapon and or hunt, kill, trap, or molest any wild animals on the Trail, or permit anyone to do any of the foregoing acts. and without limiting any other provision hereof, Grantee shall be responsible for policing and monitoring the enforcement of this provision;

(B) Grantee Rights. To accomplish the purpose of this Trail easement, the following rights and responsibilities are granted to the Grantee by the terms of this easement.

(1) Provide the general public free access to and use of the Trail, subject to the laws and ordinances of the Grantee, and for the sole purposes limited to the following: walking, jogging, nature study, biking, picnicking, the riding of non-motorized vehicles, and for the general enjoyment of the natural resources and scenic beauty of the Trail;

(2) Maintain the Trail and any associated Trail amenities and provide for the maintenance and security of the Trail and provide any associated amenities, such as signs, boardwalks, bridges and any other Trail improvements that will allow for public enjoyment and understanding of the natural features of the Trail provided those improvements do not significantly impair or interfere with the conservation values of the Trail.

(3) Post any necessary rule, safety and security signs and notices on the Trail reasonably necessary to put the public on notice of such restrictions and the Grantee shall be further responsible for policing and supervising the activities of the general public with respect to such prohibitions, rules, and restrictions.

(4) Notify the Grantor of any changes to the Trail, approved improvements or other modifications which would have the potential to change or alter the nature of the Trail or conditions in or on or around the Trail.

(5). Have 24 hour access to the Trail by foot and/or motor vehicle to carry out the terms of this easement including, security, emergency response, maintenance, and educational programs.

(6) Manage and control or eradicate exotic non-native species or invasive species or plants and animals that threaten the conservation values of the Trail property.

(C) Grantor's Rights. Grantor retains the following additional rights:

(1). Existing uses. The right to undertake or continue any activity or use of the property not prohibited by this Trail easement. Prior to making any change in use of the property, Grantor shall notify Grantee in writing to allow Grantee a reasonable opportunity to determine whether such change would violate the terms of this Trail easement.

(2). Transfer. The right to sell, give, mortgage, lease or otherwise convey the property subject to the terms of this Trail easement. The Grantor shall notify the Grantee in writing at least thirty (30) days prior to the transfer of the property, and the document of conveyance shall expressly refer to this Trail easement agreement.

(3). Not withstanding anything herein to the contrary, the parties acknowledge and agree that nothing in this conveyance of this Trail easement to the Grantee shall in any manner inhibit or restrict the Grantor's right to convey, through fee or easement, a corridor across the Grantor's property for construction of a regional transit way, including, without limitations, any associated bicycle and

pedestrian facilities. Grantor shall be entitled to change the alignment or location of the Trail and the easement granted herein to an alternative location reasonably selected by the Grantor in the event that such a transit corridor is selected and developed across the Grantor's property.

(4). All improvements allowed by this Trail easement by the Grantee will be subject to the review and approval by the Grantor. Grantor also has the right to enter upon the Trail for the quiet and peaceable enjoyment of the Trail and to inspect and review the management and improvements of the Trail as permitted by this easement by the Grantee.

(D) **Responsibilities of Grantor Not Affected.** Other than as specified herein, this Trail easement is not intended to impose any legal or other responsibility of the Grantor, or in any way to affect any existing obligations of the Grantor as the legal owner of the property. Notwithstanding any of the foregoing, while Grantor agrees to take no action inconsistent with its agreement herein, it shall be the Grantee's responsibility to monitor and police the use of the Easement by Grantee, its invitees and the general public.

(E). **Amendment of Easement.** This easement may be amended only with the written consent of Grantor and Grantee. Any such amendment shall be consistent with the purposes of this Trail easement. The Grantor and Grantee have no right or power to agree to any amendment that would affect the enforceability of this Trail easement.

(F). **Termination of Easement.** If it is determined that conditions on or surrounding the Trail have changed so much that it is impossible to fulfill the terms of this easement set forth above this agreement can be terminated at the joint mutual consent of the Grantor and Grantee.

(G). **Notices.** Any notices required by this Trail easement shall be in writing and shall be delivered or sent by first class mail, to Grantor and Grantee, respectively.

The persons, firms, or corporations named in the certificate of owner that appears on any map that refers to this easement, do covenant with the Grantee that they are seized of said property , and have the right to convey the same, that title to said property is marketable and free and clear of all encumbrances that may materially interfere with the rights and privileges of the Grantee in this Easement, except for the City and County assessments and ad valorem property taxes that are not past due and matters of public record, and they will warrant and defend the quiet and peaceable possession, use and enjoyment of, and the title to, said Easement against the lawful claims of all other persons whomsoever.

This the 1st day of March, 2002

THE BOULEVARD PROPERTIES LIMITED PARTNERSHIP,
a North Carolina limited partnership (SEAL)

BY: THUNDERBIRD BOOKSHOPS, INC.,
a California corporation, general partner

BY: _____
John D. Waldroup
President

STATE OF CALIFORNIA

COUNTY OF MONTEREY

I, Cathy M. Bonanno, Notary Public for said County and State, certify that John David Waldroup personally came before me this day and acknowledged that he is President of THUNDERBIRD BOOKSHOPS, INC., a California corporation, general partner of The Boulevard Properties Limited Partnership, a North Carolina limited partnership and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its President.

WITNESS my hand and official seal, this 12th day of March, 2002

Cathy M. Bonanno
Notary Public

(Official Seal)
My commission expires: March 12, 2005.

CATHY M. BONANNO
COMM. # 1296871
NOTARY PUBLIC-CALIFORNIA
MONTEREY COUNTY
COMM. EXP. MARCH 12, 2005

ATTEST:

Garry E. Umstead
Garry E. Umstead, Clerk

COUNTY OF DURHAM

Michael M. Ruffin
Mike Ruffin, County Manager

To The Board of County Commissioners

State of North Carolina
County of Durham

Acknowledgement By
County of Durham

I, as notary public in and for the aforesaid county and state, certify that Garry E. Umstead personally appeared before me this day, and acknowledged that he is Clerk to the board of County Commissioners of the County of Durham, a municipal corporation, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its corporate name by the Durham County Manager, sealed with its corporate seal, and attested by himself as its said Clerk to The Board of County commissioners.

This the 22 day of January 2007.

My commission expires: 3-18, 2007

Notary Public

Notary Public Durham County, N.C.

Stanley Peele

The foregoing certificate of the following notary public is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown in the Register of Deeds stamp on this instrument.

Willie Covington, Register of Deeds
For Durham County, North Carolina

By: _____

EXHIBIT B

Survey Description
New Hope Trail, County Nature Trail Easement
Boulevard Properties Portion.

All that certain parcel of land lying, situate and being in Durham County, North Carolina and being a 50 foot nature trail easement, the centerline of which is described as follows:

Beginning at a point located in the property line of North Creek Apartments and Boulevard Properties said point being located S 58 41'52" W, 64.84 feet from the northeast corner of North Creek Apartments as shown in Plat Book 136, Page 53 of the Durham County Registry; Thence with the centerline of said 50 foot nature trail easement, Trail 1, through the lands of Boulevard Properties the following courses and distances: S 84°44'39" E, 158.63 feet to a point, S 74°48'02" E, 81.38' to a point; N 65°00'37" E, 123.74 feet to a point; N 83°42'17" E, 89.09 feet to a point; S 71°54'51" E, 132.90' to a point; S 61°30'45" E, 165.57 feet to a point; S 39°25'16"E, 78.14 feet to a point; S 20°09'30" W, 57.09 feet to a point; S 38°33'12" E, 72.32 feet to a point; S 38°33'12" E, 162.61 feet to a point; S 04°49'00" W, 88.00 feet to a point; S 32°27'25" E, 72.82 feet to a point; S 58°30'10" E, 263.96 feet to a point; S 36°23'10" E, 149.43 feet to a point; S 61°54'38" E, 39.34 feet to a point, said point being the Point of Beginning for Trail 2; Thence continuing along the centerline of Trail 1, S 30°48'53" E, 191.16 feet to a point; S 04°50'29" W, 124.66 feet to a point; S 43°31'43" W, 53.88 feet to a point; S 70°32'29" W, 54.12 feet to a point; S 13°50'22" E, 182.80 feet to a point; S 10°48'05" W, 175.49 feet to a point in the line of The City of Durham, Parks and Recreation, said point being located S 63°18'30" W, 64.53 feet from and existing iron pipe and being the end of Trail 1:
Beginning at the point in the centerline of Trail 1, being said point of beginning for Trail to as previously referenced and running thence with the centerline of Trail 2 the following courses and distances: N 18°03'18" E, 95.97 feet to a point; N 09°05'28" W to a point; N 36°13'05" E, 109.16 feet to a point; S 73°40'21" E, 155.63 feet to a point; N 34°20'30" E, 197.98 feet to a point; N 01°09'22" W, 150.41 feet to a point; N 21°15'15" W, 109.94 feet to a point; N 44°14'32" W, 92.27 feet to a point; N 08°57'31" W, 113.43 feet to a point; N 47°01'18" E, 125.70 feet to a point; N 12°20'28" W, 113.92 feet to a point; N 42°02'47" W, 163.77 feet to a point; N 63°21'09" W, 80.53 feet to a point; N 25°18'37" E, 105.34 feet to a point; N 08°11'52" E, 134.32 feet to a point; N 60°33'45" W, 48.29 feet to a point; N 33°09'59" W, 70.01 feet to a point; and N 64°42'12" W, 84.04 feet to a point in the line of the County of Durham, said point being located S 52°58'15" W, 89.22 feet from an existing iron pipe on the bank of New Hope Creek and being the end of Trail 2.
These trail easements are recorded in Plat Book 161, Page 280 of the Durham County Registry.

WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording and/or cancellation.

****

Filed For Registration: 05/12/2004 09:00:57 AM

Book: RE 4386 Page: 494-499

Document No.: 2004024311

EASE 6 PGS $0.00

Recorder: SHARON DAVIS

****

State of North Carolina, County of Durham

The foregoing certificate of LAVERNE STANLEY PEELE , CATHY M. BONANNO Notaries are certified to be correct. This 12TH of May 2004

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: Sharon A Davis

Deputy/Assistant Register of Deeds

****

2004024311

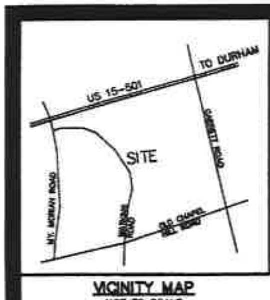
G-142

ENCLOSURE B

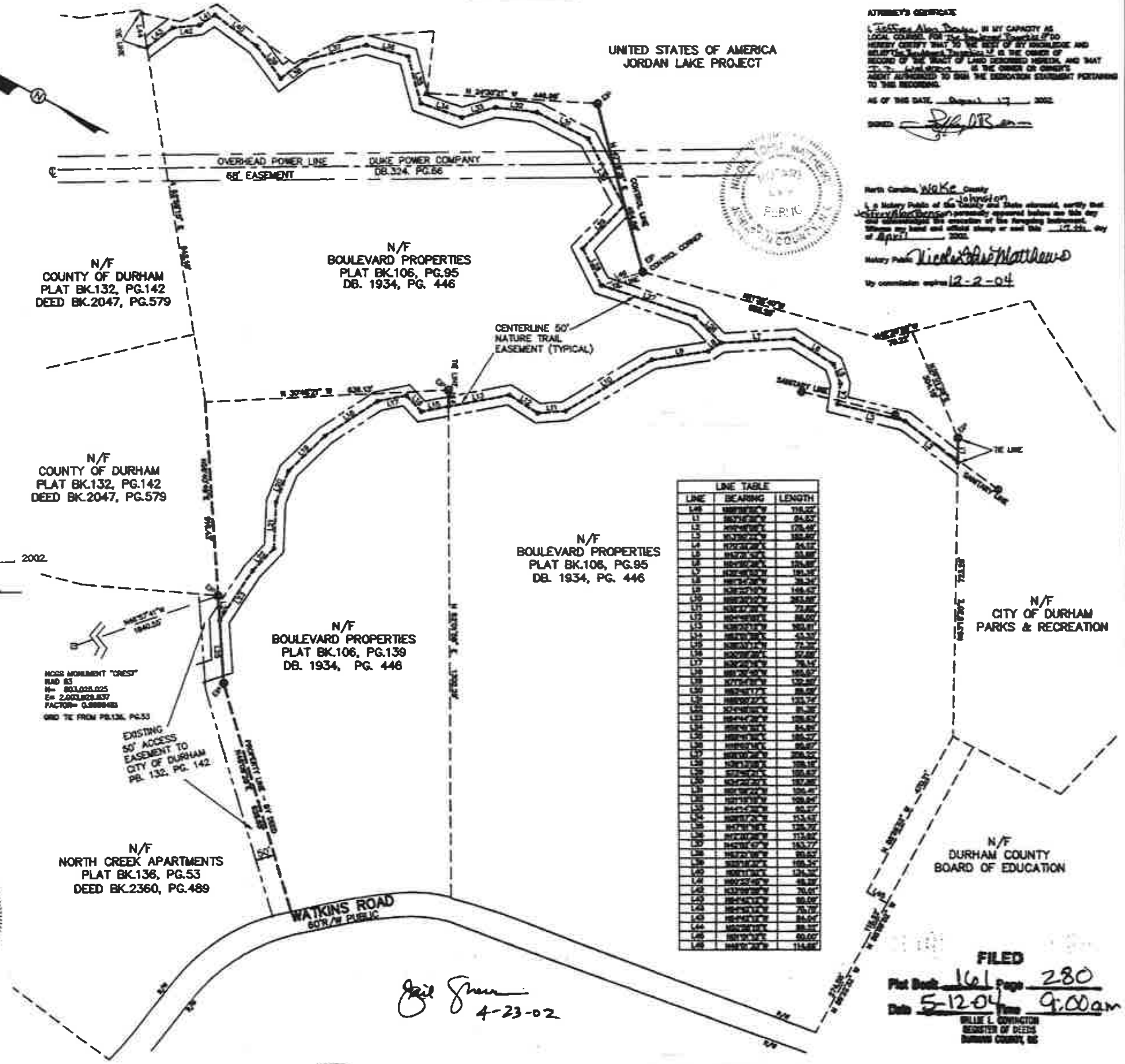
Plat showing the Trail Easement (Plat Book 161, Pages 280-281)

EXHIBIT

A



VICINITY MAP
NOT TO SCALE



LINE TABLE		
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L10	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

ATTORNEY'S CERTIFICATE

I, [illegible], IN MY CAPACITY AS [illegible] HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF [illegible] IS THE OWNER OF RECORD OF THE TRACT OF LAND DESCRIBED HEREIN, AND THAT [illegible] IS THE OWNER OR OWNER'S AGENT AUTHORIZED TO SIGN THE DEDICATION STATEMENT PERTAINING TO THIS RECORDING.

AS OF THIS DATE, August 17, 2002.

SIGNED [signature]

North Carolina, Wake County

I, a Notary Public of the County and State aforesaid, certify that [illegible] personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 17th day of April, 2002.

Notary Public Vickie Lee Matthews

My commission expires 12-2-04

CERTIFICATE OF OWNER

THE UNDERSIGNED OWNER OF THE PROPERTY LYING WITHIN THIS PLAT OF SUBDIVISION HEREBY CERTIFIES THAT HE ORDERED THE WORK OF SURVEYING AND PLATTING TO BE DONE, AND THAT ALL PUBLIC STREETS, ALLEYS, EASEMENTS, AND OTHER OPEN SPACES SO DESIGNATED UPON SAID PLAT ARE HEREBY DEDICATED FOR SUCH USE AND THAT ALL PUBLIC AND PRIVATE EASEMENTS SHOWN UPON SAID PLAT ARE HEREBY GRANTED FOR THE USES AS STIPULATED.

BY: [signature] DATE: 4/16/02

BOULEVARD PROPERTIES
4201 UNIVERSITY PLACE, SUITE 401
DURHAM, NC 27707

North Carolina
Durham County

I, Kevin M. Bunkle, a Notary Public for said County and State, do hereby certify that J.P. [illegible] personally appeared before me this day and acknowledged the foregoing instrument.

Witness my hand and official seal this the 16th Day of April, 2002.

[signature]
Notary Public

My Commission expires: 8-28-06

KEVIN M. BUNKLE NOTARY PUBLIC PERSON COUNTY, NC

Surveyor's Certificate

I, WALTER O. KLECKLEY, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book [illegible], page [illegible]); that the boundaries not surveyed are clearly indicated as drawn from information found in Book [illegible], page [illegible]; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this [illegible] day of April, 2002.

Surveyor [signature]

Registration Number L 2893

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR SEAL L-2893 WALTER O. KLECKLEY

I hereby certify to one of the following:

___ A. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

___ B. That this survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

X C. Any one of the following:
1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
3. That the survey is a control survey.

___ D. That this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

___ E. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

[signature] Surveyor   4/09/02 Date

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

I, ________, REVIEW OFFICER OF DURHAM COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

[signature] 4-23-02

NOTES:
1. GRID INFORMATION TAKEN FROM PB. 136, PG. 142
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. REFER TO COMMUNITY-PANEL NUMBER 370085 0153 G DATED FEBRUARY 2, 1996 FOR FLOOD INFORMATION.
4. THIS PLAT CREATES THE 50' NATURE TRAIL EASEMENT TO BE DEDICATED TO THE County OF DURHAM. SEE DEED BOOK____, PAGE____.

SCALE IN FEET
200 100 0 200 400

LEGEND;
○ EIP=EXISTING IRON PIPE
• CP =COMPUTED POINT
⊡ CM= CONCRETE MONUMENT

SURVEYED AND MAPPED FOR:
DURHAM COUNTY
200 EAST MAIN STREET
DURHAM, NC 27701

FILED
Plat Book 161 Page 280
Date 5-12-04 Time 9:00am
WILLIE L. COVINGTON
REGISTER OF DEEDS
DURHAM COUNTY, NC

RECORDED: DURHAM COUNTY PLAT BOOK 161, PAGE 280.

PHILIP POST & ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
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Chapel Hill, NC 27514
(919)929-1173
493-2600 • 850-9882
822 North Elm Street
Greensboro, NC 27401
(919)273-7711

EASEMENT PLAT

NEW HOPE TRAIL
COUNTY EASEMENT
CITY OF DURHAM   DURHAM COUNTY, NC

SCALE 1" = 200'
DRAWN BY MKM
CHECKED BY WOK
DATE 3-13-2001
PROJECT NO. 79803A
DRAWING NO. B051BP01

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REVISIONS

SHEET 1
OF 1

Willie L. Covington
Register of Deeds
Durham County, North Carolina

PLAT

2004024310

FOR REGISTRATION REGISTER OF DEEDS
Willie L. Covington
DURHAM COUNTY, NC
2004 MAY 12 09:00:57 AM
BK:161 PG:280-281 FEE:$0.00

INSTRUMENT # 2004024310

GRANTOR(S): Easement Plat
OWNER(S): New Hope, Inc.
Subdivision:
Phase:

S:\SHARE\Forms2003\PlatBk_TrailerPg.doc

WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording and/or cancellation.

****

Filed For Registration: 05/12/2004 09:00:57 AM

Book: PLAT 161 Page: 280-281

Document No.: 2004024310

PLAT 2 PGS $0.00

Recorder: SHARON DAVIS

State of North Carolina, County of Durham

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: _____
Deputy/Assistant Register of Deeds

2004024310

G-146

ENCLOSURE C

Map depicting the proposed D-O LRT Project's proximity to the New Hope Preserve Trail

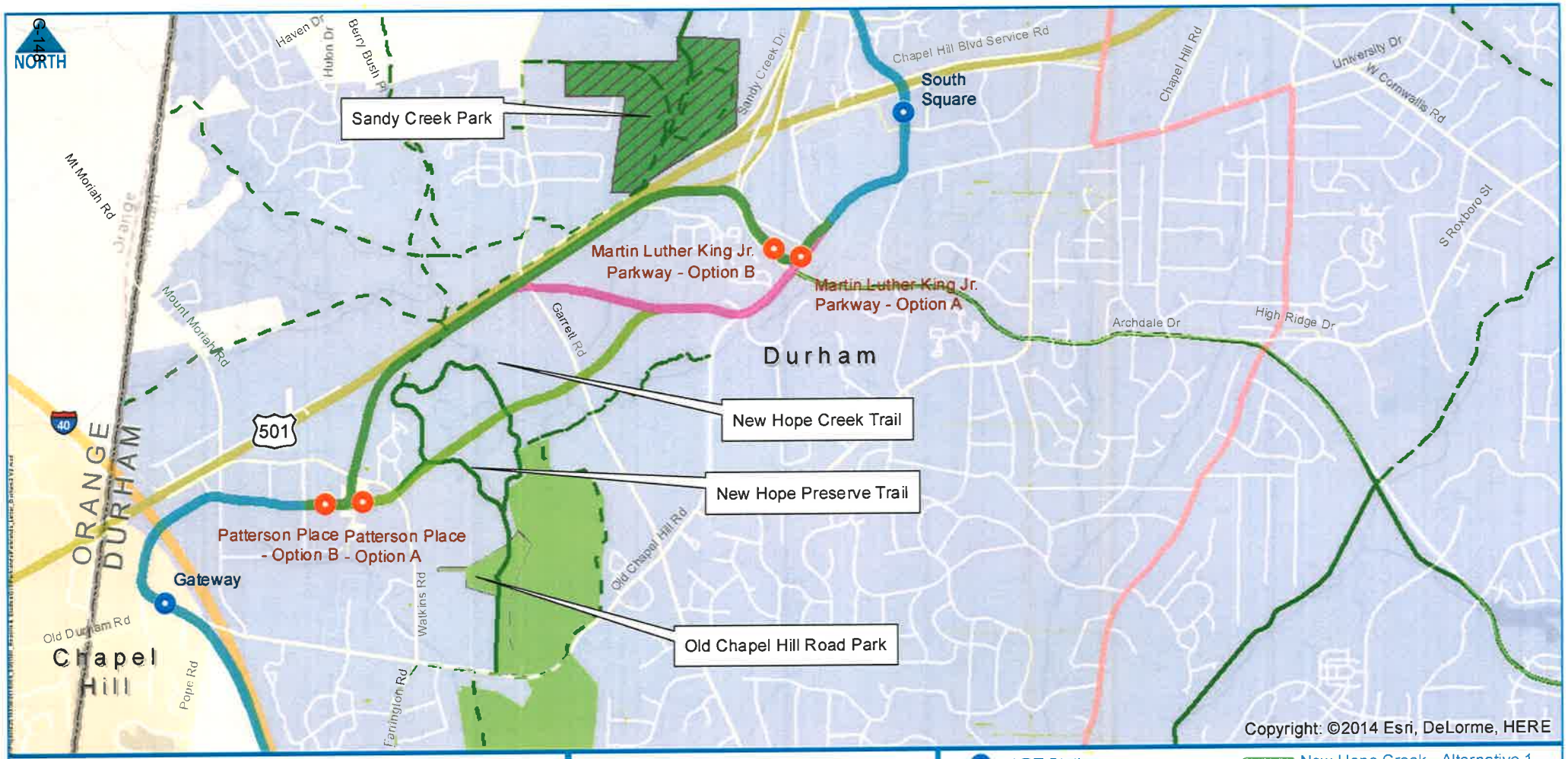


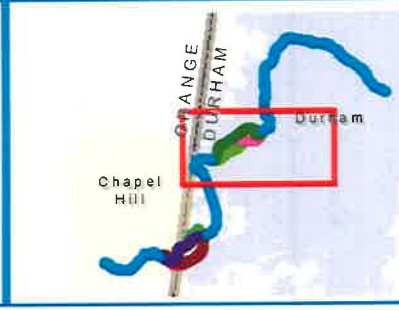
Figure 2: Parklands - Durham

DURHAM-ORANGE
LIGHT RAIL TRANSIT PROJECT

0 1,000 2,000 Feet

Source: ESRI, NCDOT, CGIA, URS

Draft October 2014



- LRT Station
- LRT Station Option
- Proposed Light Rail Alignment
- C1 Alignment Alternative
- C1A Alignment Alternative
- C2A Alignment Alternative
- C2 Alignment Alternative
- New Hope Creek - Alternative 1
- New Hope Creek - Alternative 2
- New Hope Creek - LPA Alternative
- County Boundary
- Existing Trail
- Planned Trail
- Parkland
- City of Durham Parks

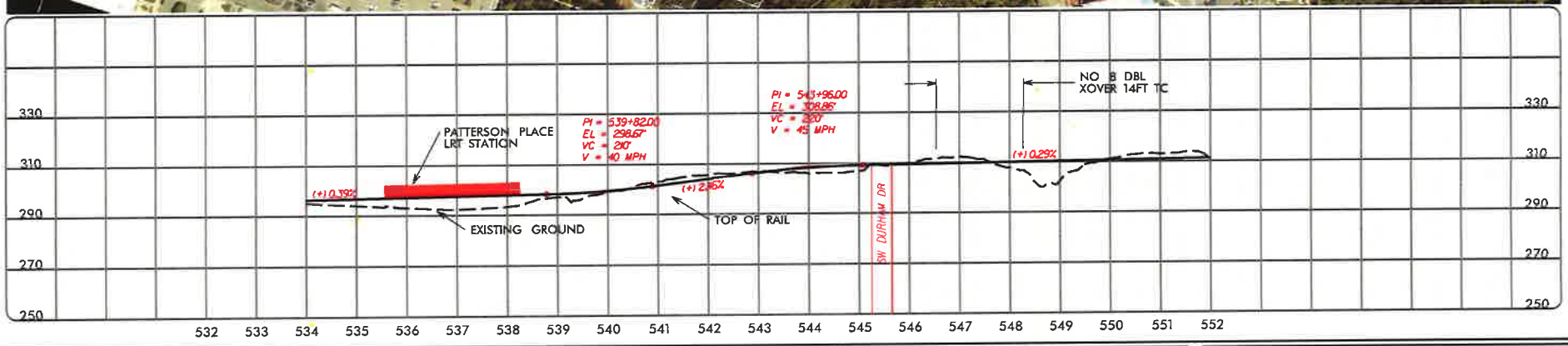
ENCLOSURE D

Pertinent *Basis for Engineering Design* drawings (November 2014) for the New Hope Preserve Trail

SEGMENT D – NEW HOPE CREEK 1 ALTERNATIVE

OurTransit FUTURE

PATTERSON PLACE STATION – NEW HOPE CREEK 1 ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

CONCEPT PLANS ONLY
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INCOMPLETE PLANS
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LEGEND

AT-GRADE
ELEVATED
WETLANDS
STATION

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PLAN AND PROFILE

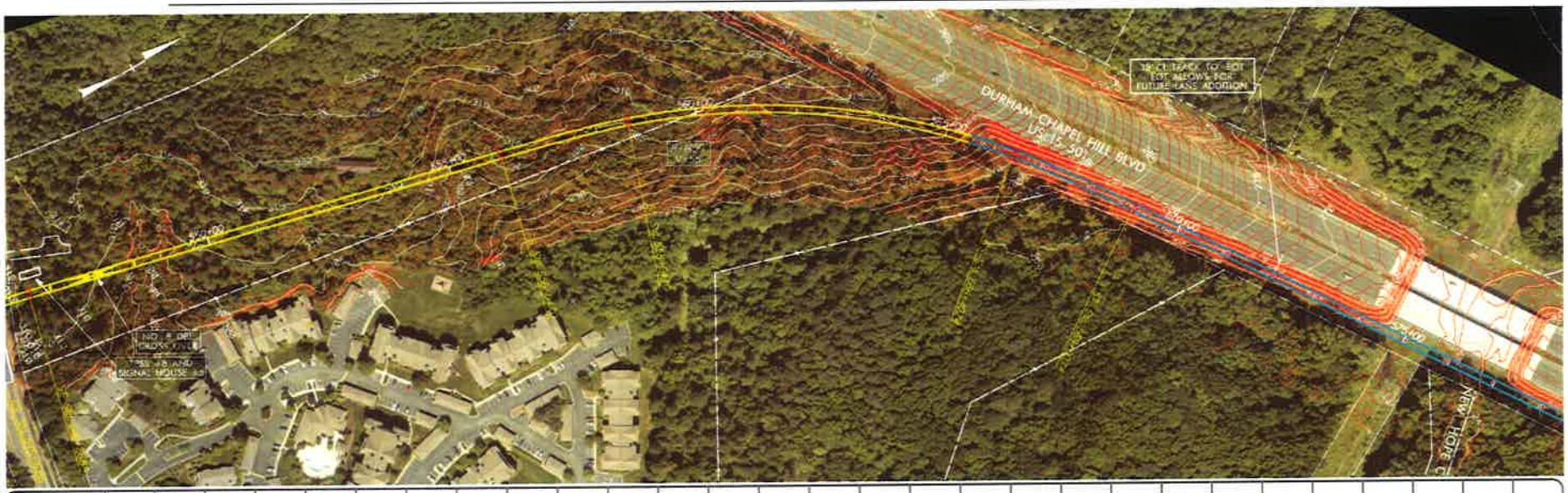
SEGMENT D

PLAN & PROFILE

SHEET: DI – 06

11/20/2014

ALONG 15-501 – NEW HOPE CREEK 1 ALTERNATIVE



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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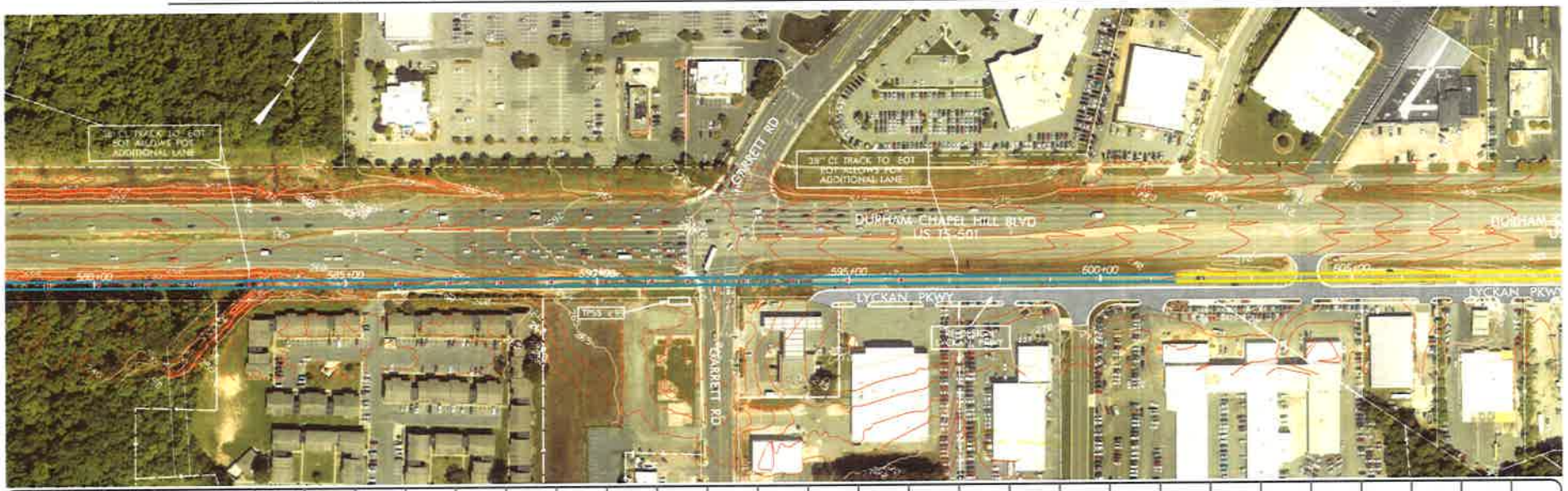
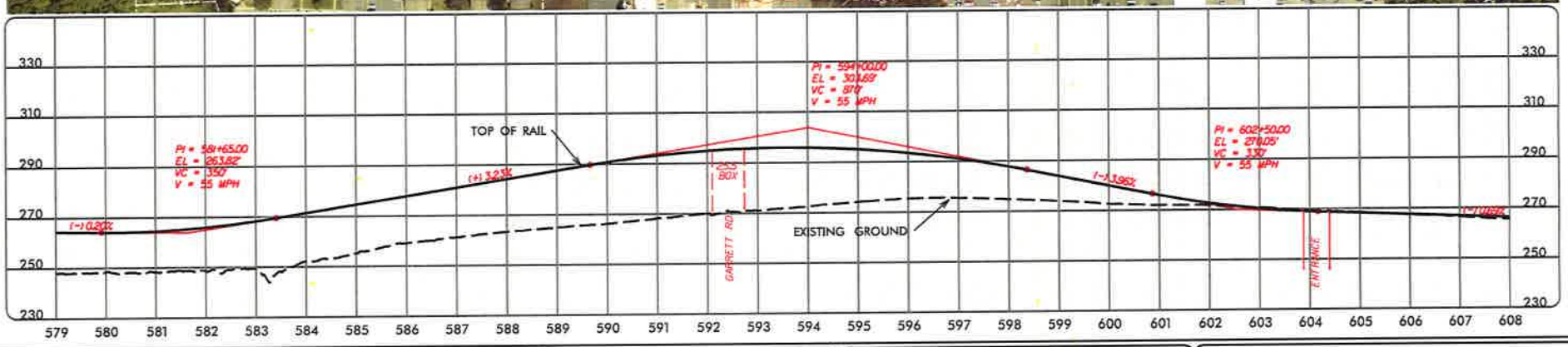
PLAN AND PROFILE

SEGMENT D

	PLAN & PROFILE	SHEET: D1 – 07

SHANNON PLAZA – NEW HOPE CREEK 1 ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

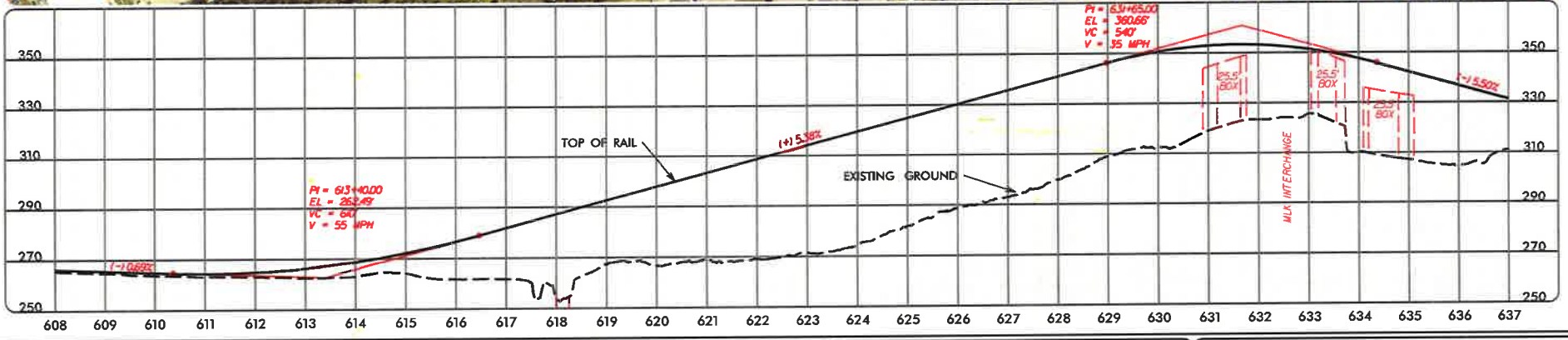
SEGMENT D

PLAN & PROFILE

SHEET: D1 – 08

11/10/2014

SHANNON PLAZA – NEW HOPE CREEK 1 ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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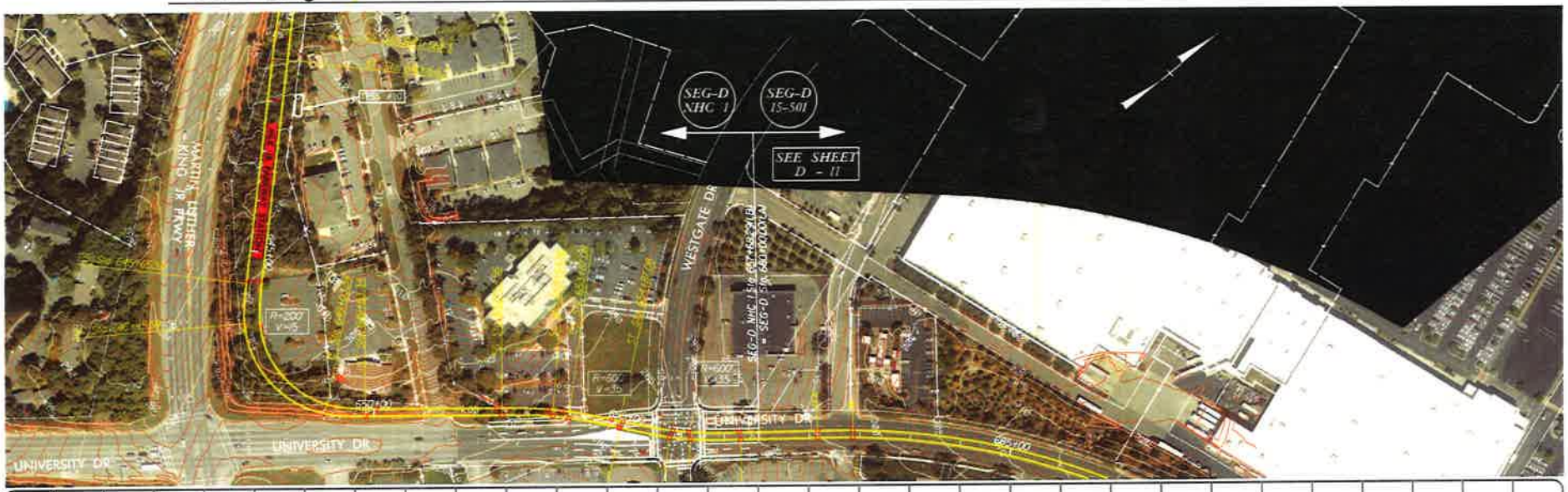
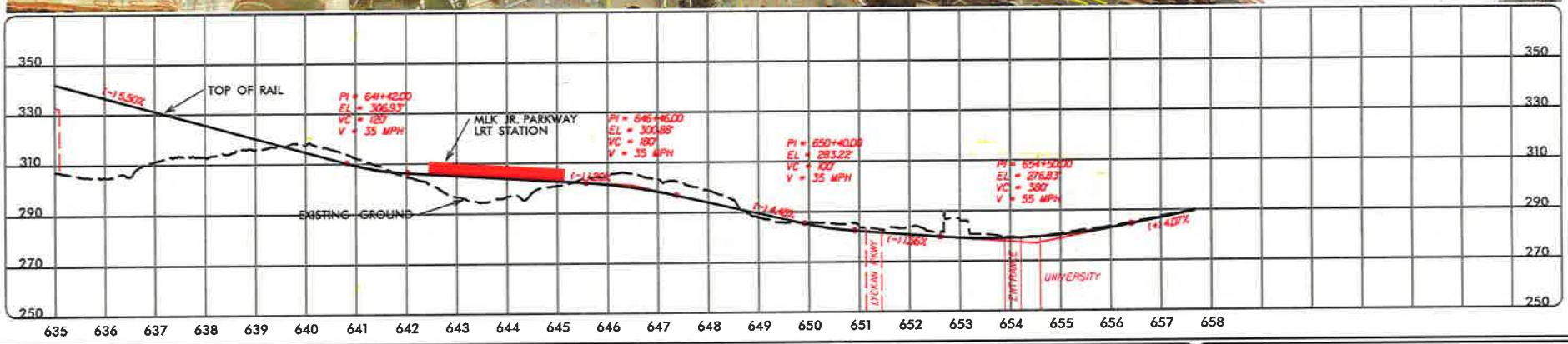
PLAN AND PROFILE

SEGMENT D

	PLAN & PROFILE	SHEET: DI – 09

MLK JR. PARKWAY STATION – NEW HOPE CREEK 1 ALTERATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

SEGMENT D

PLAN & PROFILE	SHEET: D1 – 10

11/10/2014

SEGMENT D – NEW HOPE CREEK 2 ALTERNATIVE

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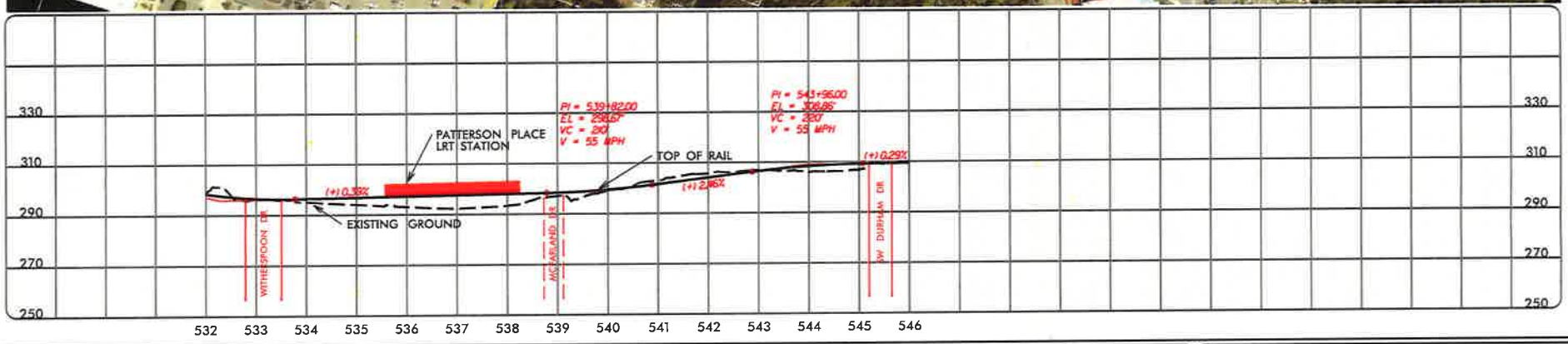
PATTERSON PLACE STATION – NEW HOPE CREEK 2 ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

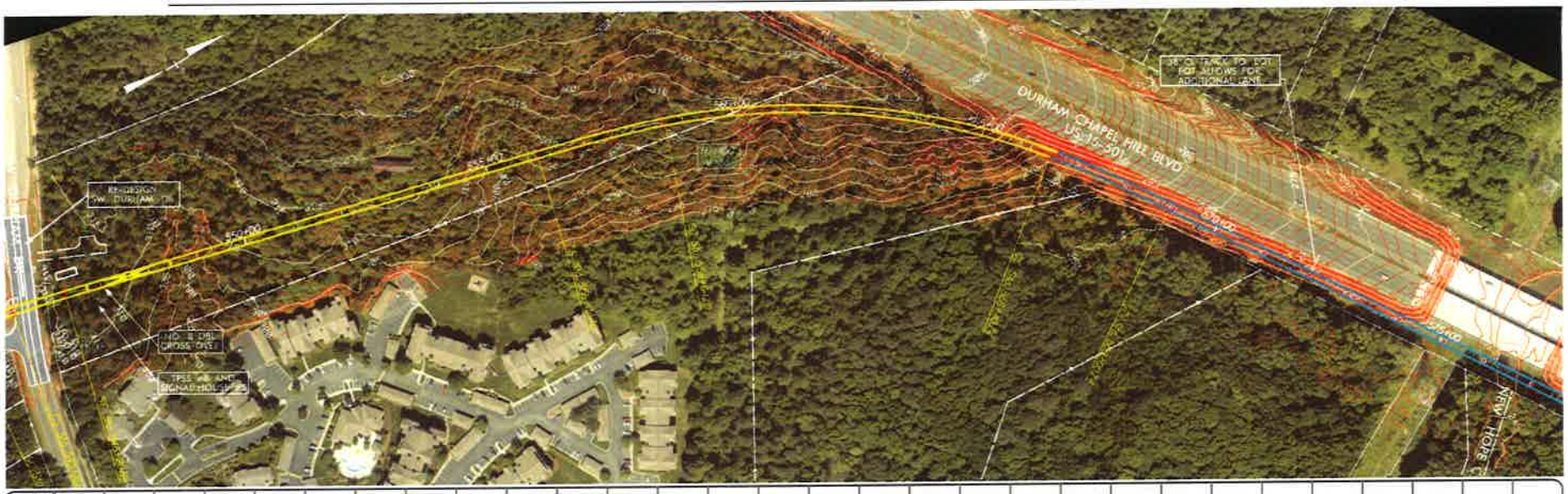
SEGMENT D

PLAN & PROFILE

SHEET: D2 – 06

11/10/2014

ALONG 15-501 – NEW HOPE CREEK 2 ALTERNATIVE



GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

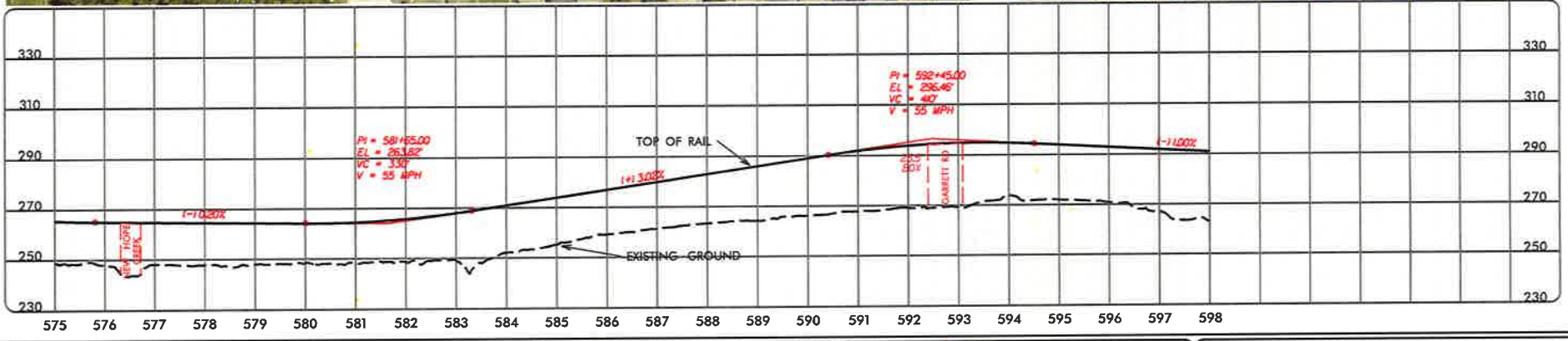
SEGMENT D

PLAN & PROFILE

SHEET: D2 – 07

11/02/2014

ALONG 15-501 – NEW HOPE CREEK 2 ALTERNATIVE



GRAPHIC SCALES

PLAN 100 0 100 200

PROFILE (HORIZONTAL) 100 0 100 200

PROFILE (VERTICAL) 20 10 0 20 40

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PLAN AND PROFILE

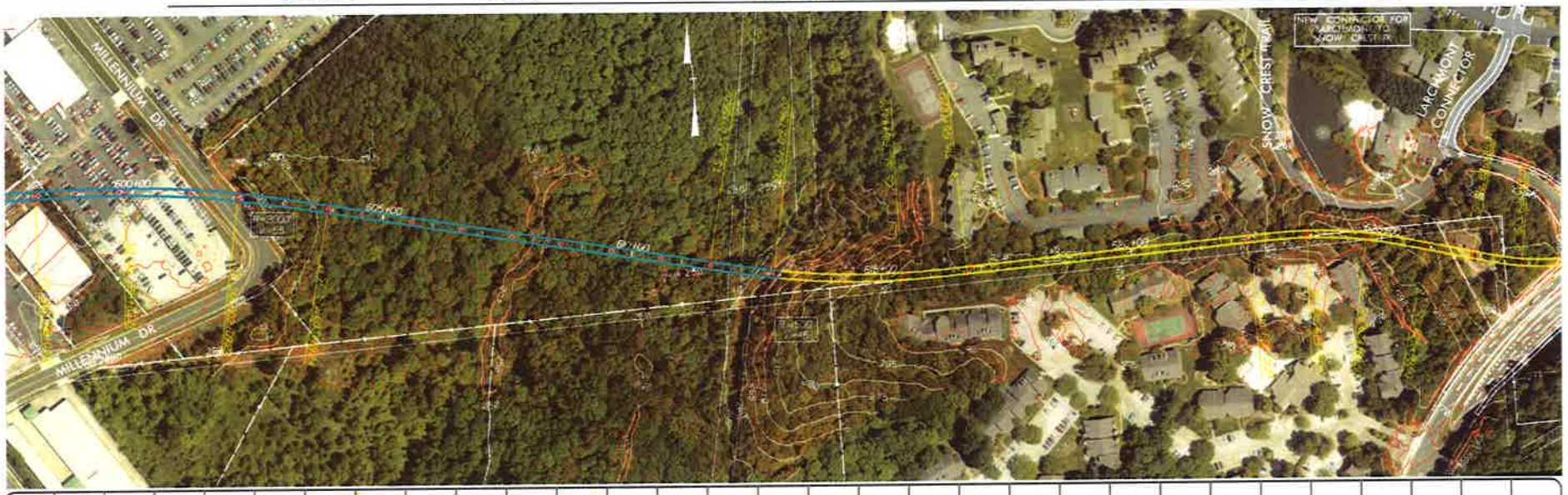
SEGMENT D

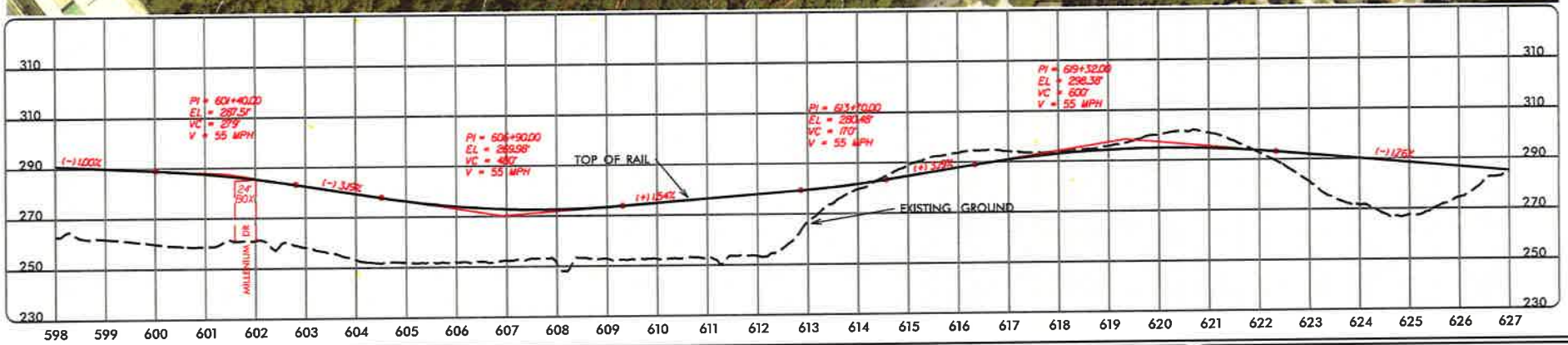
PLAN & PROFILE	SHEET: D2 – 08

11/12/2010

G-160

SHANNON PLAZA – NEW HOPE CREEK 2 ALTERNATIVE





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

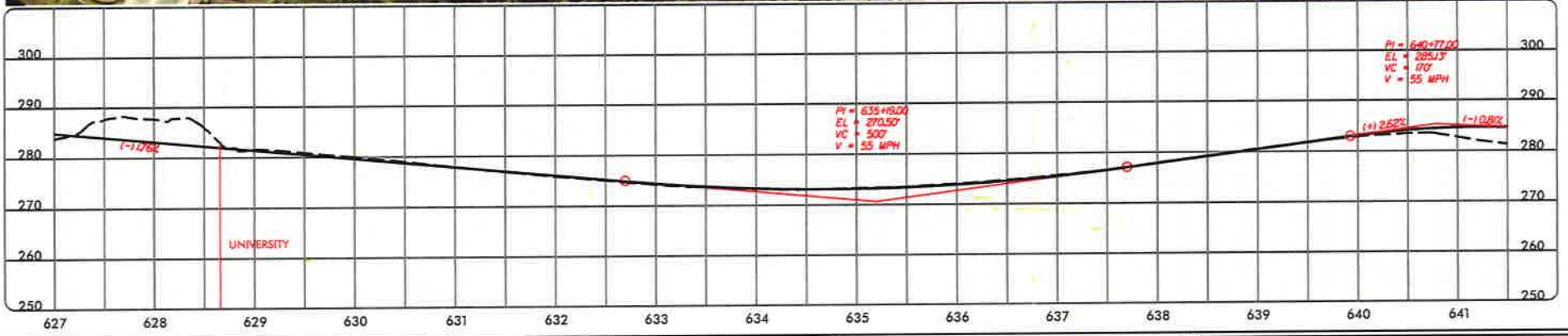
SEGMENT D

	PLAN & PROFILE	SHEET: D2 – 09

11/10/2014

G-161

UNIVERSITY DRIVE – NEW HOPE CREEK 2 ALTERNATIVE



GRAPHIC SCALES

PLAN: 50 0 50 100

PROFILE (HORIZONTAL): 50 0 50 100

PROFILE (VERTICAL): 10 5 0 10 20

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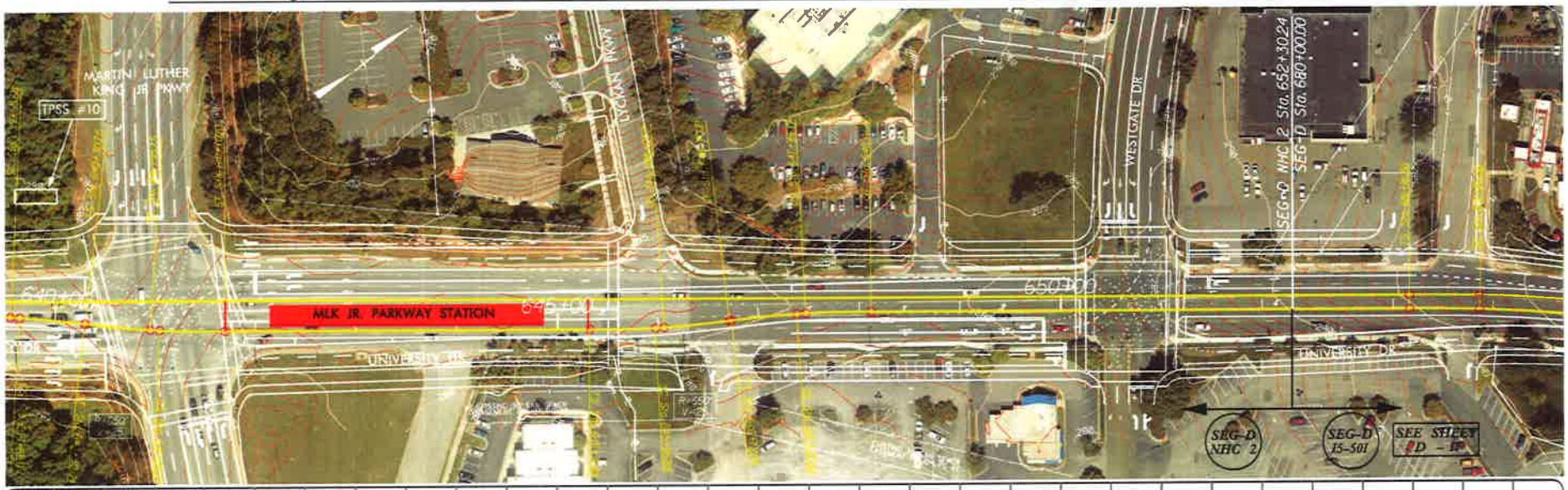
PLAN AND PROFILE

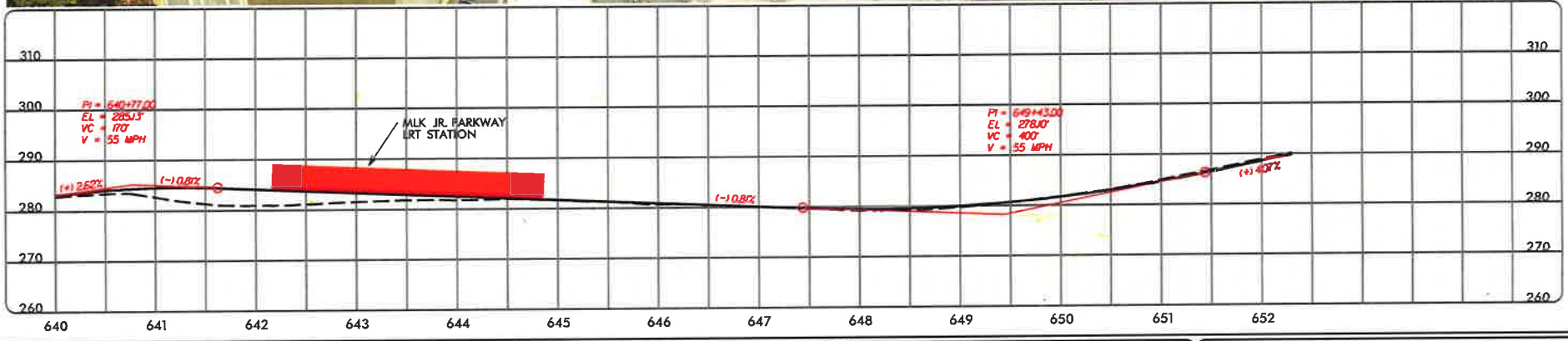
SEGMENT D

PLAN & PROFILE	SHEET: D2 – 10

11/2/2011

MLK JR. PARKWAY STATION – NEW HOPE CREEK 2 ALTERNATIVE





GRAPHIC SCALES

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PROFILE (HORIZONTAL): 50 0 50 100

PROFILE (VERTICAL): 10 5 0 10 20

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PLAN AND PROFILE

SEGMENT D

PLAN & PROFILE	SHEET: D2 – II

11/02/2014

ENCLOSURE E

Map depicting the proposed D-O LRT Project's proximity to the planned Little Creek Connector Trail

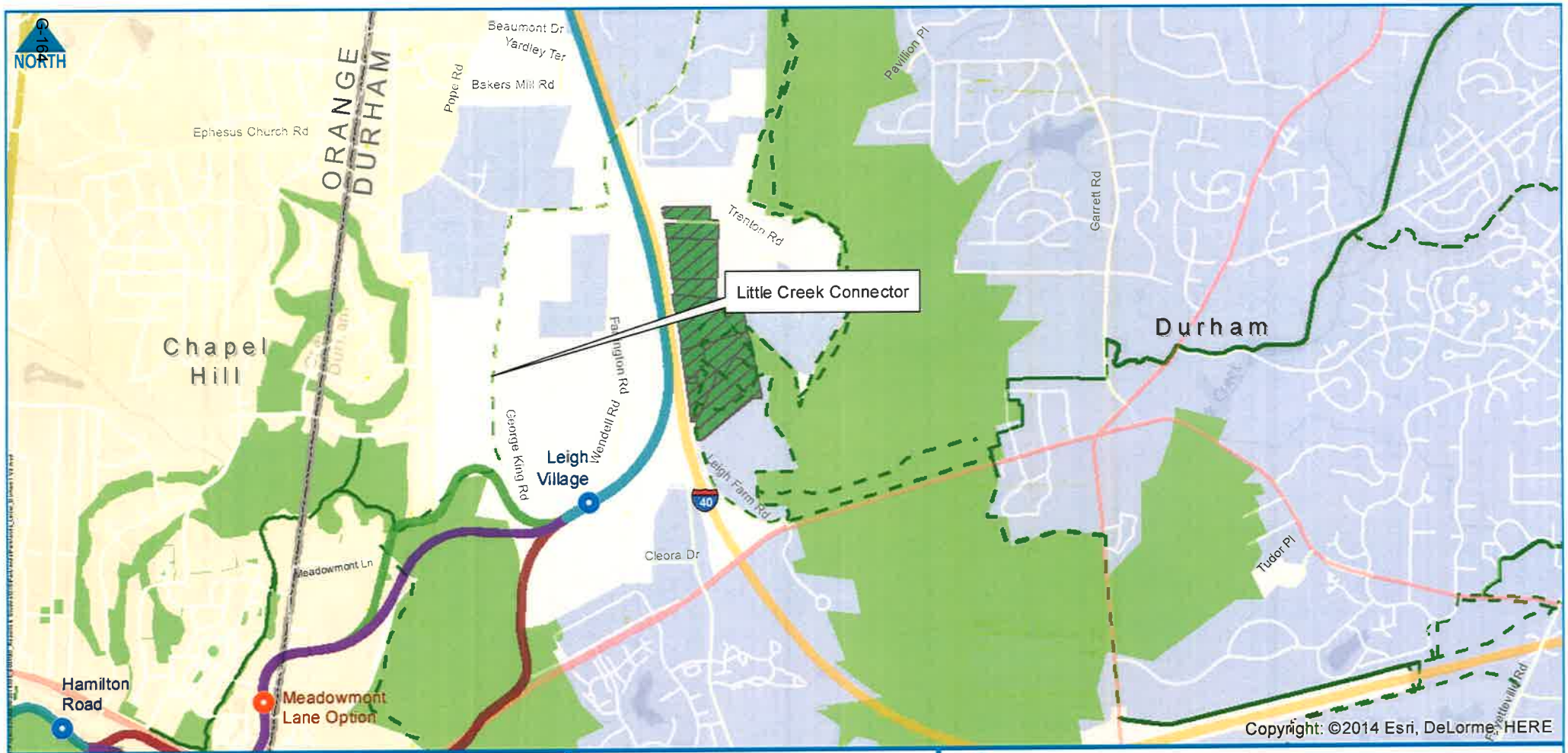


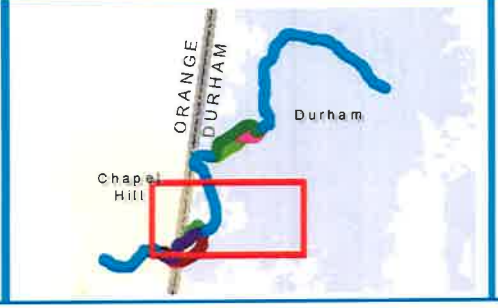
Figure 1: Parklands - Durham

DURHAM-ORANGE
LIGHT RAIL TRANSIT PROJECT

0 1,000 2,000 Feet

Source: ESRI, NCDOT, CGIA, URS

Draft October 2014



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- LRT Station Option
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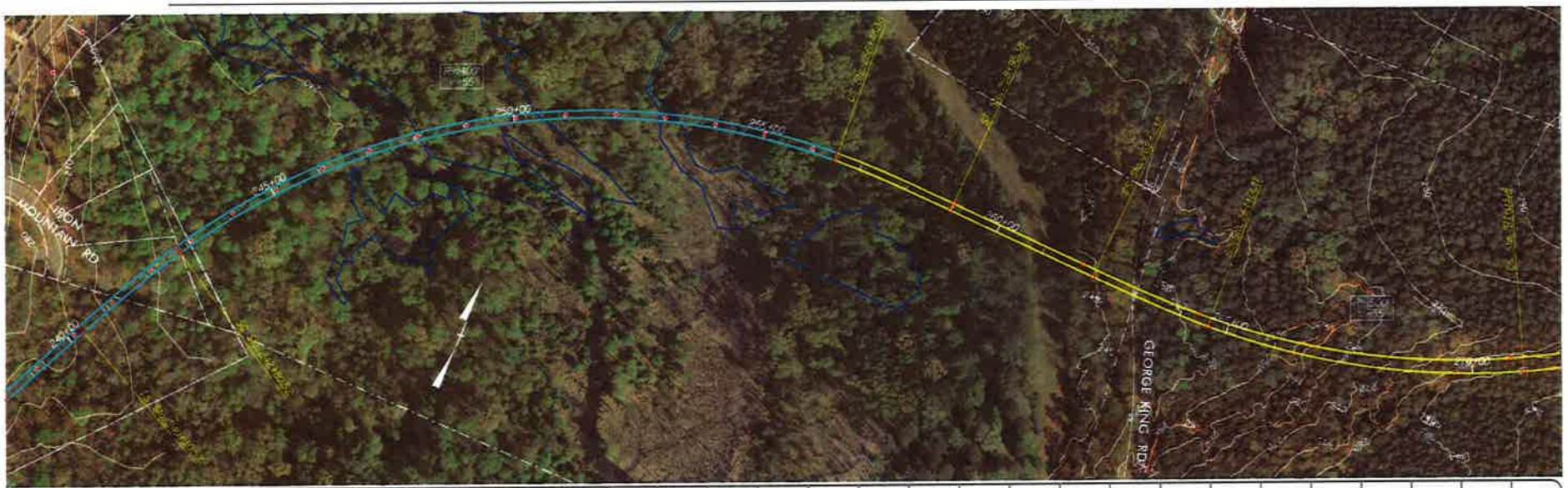
- New Hope Creek - Alternative 1
- New Hope Creek - Alternative 2
- New Hope Creek - LPA Alternative
- County Boundary
- Existing Trail
- Planned Trail
- Parkland
- City of Durham Parks

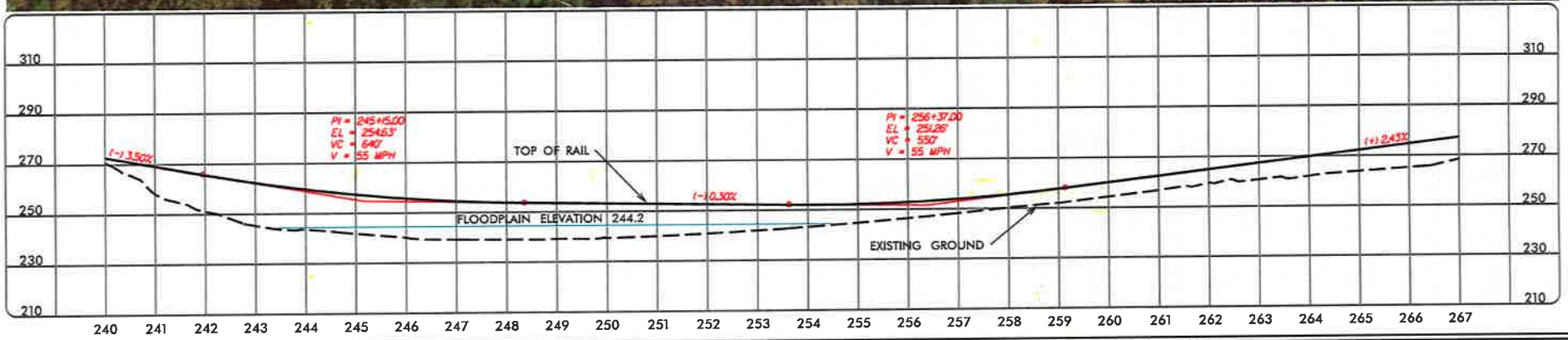
ENCLOSURE F

Pertinent *Basis for Engineering Design* drawings (November 2014) for the planned Little Creek Connector Trail

G-166

IRON MOUNTAIN RD TO GEORGE KING RD – C1 ALTERNATIVE





GRAPHIC SCALES

100 0 100 200
PLAN

100 0 100 200
PROFILE (HORIZONTAL)

20 10 0 20 40
PROFILE (VERTICAL)

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LEGEND

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- ELEVATED
- WETLANDS
- STATION

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PLAN AND PROFILE

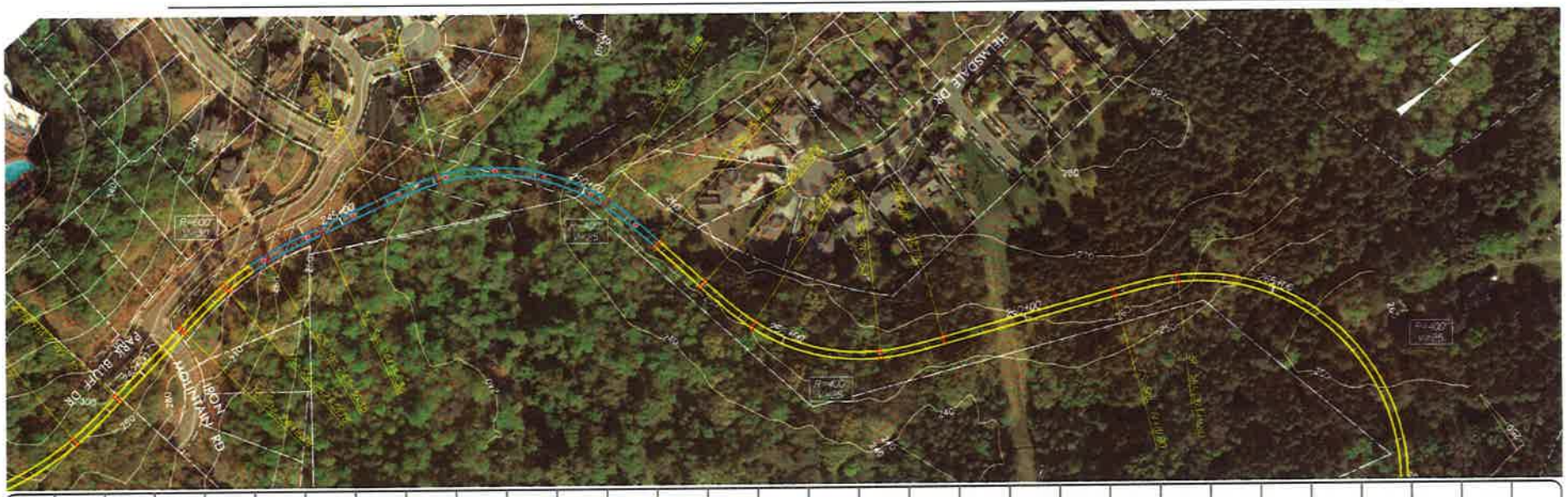
SEGMENT C

PLAN & PROFILE

SHEET: C1 – 04

11/10/2014

OPTION AROUND ACOE LAND – CIA ALTERNATIVE



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

CONCEPT PLANS ONLY
DO NOT USE FOR CONSTRUCTION

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LEGEND

- AT-GRADE
- ELEVATED
- WETLANDS
- STATION

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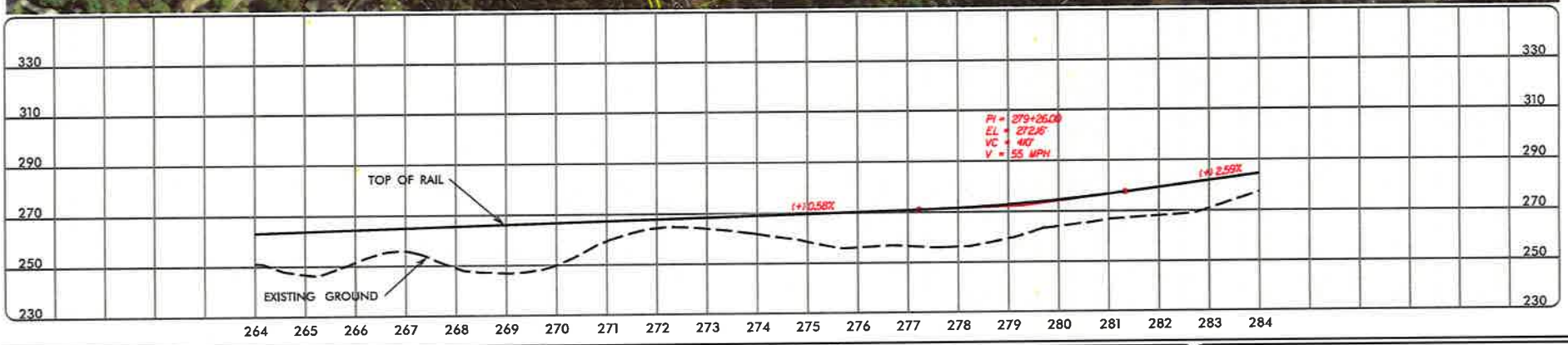
PLAN AND PROFILE

SEGMENT C

	PLAN & PROFILE	SHEET: CIA – 04

11/10/2014

OPTION AROUND ACOE LAND – C1A ALTERNATIVE



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

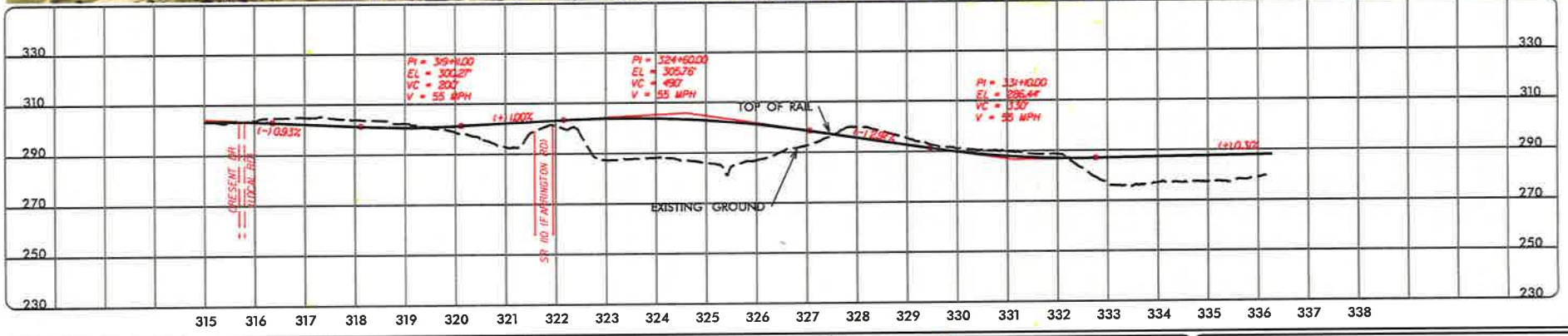
SEGMENT C

PLAN & PROFILE

SHEET: C1A – 05

11/20/2014

INTERSTATE 40 – C2A ALTERNATIVE



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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PLAN AND PROFILE

SEGMENT C

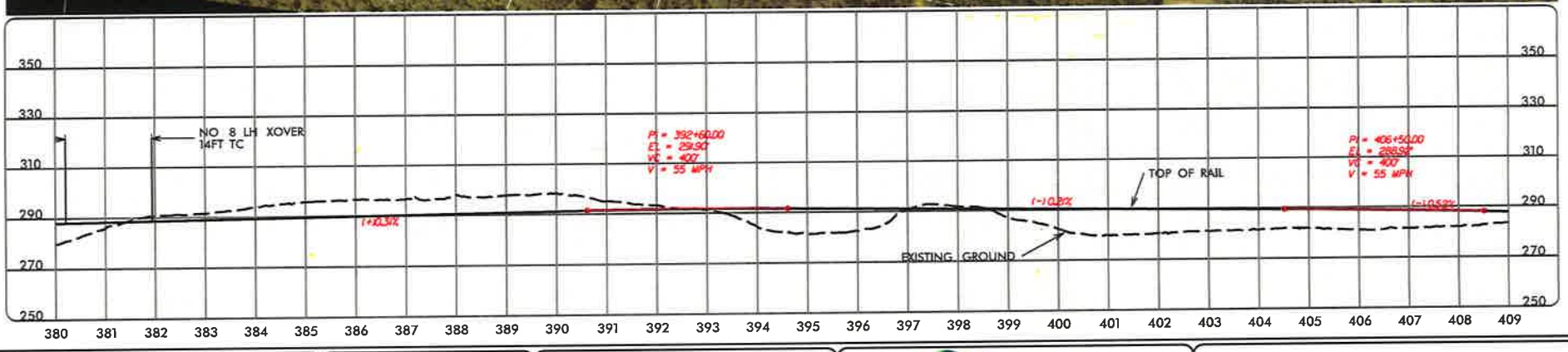
PLAN & PROFILE

SHEET: C2A – 06

11/02/2014

G-170

INTERSTATE 40



GRAPHIC SCALES

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PLAN AND PROFILE

SEGMENT D

PLAN & PROFILE

SHEET: D – 01

11/10/2014

Dave Charters
Date 3/3/15

NORTH CAROLINA RAILROAD COMPANY

CIN 150144

March 2, 2015

VIA HAND DELIVERY

Mr. David D. King
General Manager
Triangle Transit Authority
P.O. Box 13787
Research Triangle Park, NC 27709

Re: Proposed Durham – Orange Light Rail Project
Proposed alignment in and adjacent to NCRR Main Line and Corridor
Segment F Plan and Profile Drawings
Durham, NC

Dear Mr. King,

North Carolina Railroad Company (NCRR) appreciates having been able to work constructively with Triangle Transit (TTA) to help develop a preliminary plan for the proposed Durham-Orange light rail project for the portion of the project located in or adjacent to the NCRR Corridor between 9th Street/ Erwin Road and Alston in Durham. We are pleased to be able to collaborate with Triangle Transit on this project which is planned to promote the economic development of the Durham / Orange County area including the City of Durham and provide transit options to the citizens of the Triangle.

As you are aware, any proposal that has the potential to impact the NCRR Corridor is of vital interest to the railroad since this rail corridor is an important freight and passenger link across the state of North Carolina. The NCRR corridor is a heavy main line freight railroad. The line is also an Amtrak intercity passenger railroad route. This corridor is also being studied as a possible future commuter railroad route for the greater Triangle area. The NCRR corridor is on the Department of Defense's Strategic Rail Corridor Network (STRACNET), which requires that the ability for the railroad to handle oversized high and/or wide freight shipments for military (three military installations east of Durham are served via the NCRR) and industrial customers must not be compromised.

To assist Triangle Transit with the development of a preferred light rail alignment through downtown Durham, NCRR has worked with our consultants at our expense to prepare a conceptual track alignment for existing and future heavy railroad tracks. This four track alignment is intended to protect a footprint both for existing freight and passenger rail services, access to rail-served industry along the corridor, and for potential increased freight and passenger service along with potential commuter rail services. NCRR also prepared and provided to TTA a document entitled "NCRR Engineering Safety Guidelines and Requirements for Potential Triangle Transit Proposed Durham-Orange Light Rail Transit (D-O LRT)

2809 Highwoods Blvd., Suite 100, Raleigh, North Carolina 27604-1000
919 - 954 - 7601 **phone** / 919 - 954 - 7099 **fax**

Occupancy Along and/or Within the NCRR Corridor in Durham, NC," which serves as a basis for light rail in or adjacent to the NCRR Corridor.

During the last several months alternatives have been evaluated with the preferred alignment being generally within or south of Pettigrew Street. The result is a Durham-Orange light rail alignment shown on "Triangle Transit's Segment F" plan and profile drawings dated January 26, 2015 (the "Transit System Plans") which NCRR understands is proposed by TTA to be used to proceed with TTA's Project Development and Environmental Review process. NCRR is in agreement that, based upon the Transit System Plans, NCRR management is prepared to recommend to the NCRR Board of Directors that these plans can provide the basis for an agreement between TTA and NCRR for use of the NCRR corridor for the purpose of the construction and operation of a transit system as shown on these drawings. As you are aware, the specific terms of the agreement, including compensation and cost reimbursement to NCRR, have not yet been negotiated, but we are optimistic that acceptable definitive agreement can now be negotiated based upon the Transit System Plans.

NCRR has a long term exclusive Trackage Rights Agreement with Norfolk Southern (NS) for economic development, freight rail service, and maintenance on the NCRR line across the state which contains certain requirements for any parallel transit operations that are allowed in addition to any applicable federal or state requirements. As such, NCRR has coordinated with NS for their review of the January 26, 2015 drawings. NS responded to NCRR via email on February 11, 2015 that they also are agreeable the alignment proposed in the Transit System Plans with one caveat:

> "The drawings show not only the TTA proposal, but show that TTA proposal in relationship to a four track heavy rail mainline and associated facilities, including a center-island heavy rail passenger facility. The approvals that NS provides are limited to the TTA proposal. The valuable purpose that laying out the rest of the heavy rail mainline and associated facilities is to ensure that nothing in the current TTA proposal encroaches upon or precludes the eventual build-out of the heavy rail mainline and associated facilities. However, that heavy rail mainline and associated facilities build-out have not been proposed, financed or agreed-to, and nothing in this is meant to convey any current intent to build these mainlines and associated facilities. At the time that any new facilities are proposed for the heavy rail mainline, NS will look to be fully engaged in the review and approval of the proposal, including any design and construction if approved.".

NCRR looks forward to continuing our collaboration with TTA on this project that is expected to contribute greatly to the economic development and vitality of the greater Triangle area. We thank you for helping lead the collaborative effort by all of the parties to provide the basis of an agreement, and we look forward to working with you to move forward.

Sincerely,

Scott M. Saylor
President

2809 Highwoods Blvd., Suite 100, Raleigh, North Carolina 27604-1000
919 - 954 - 7601 **phone** / 919 - 954 - 7099 **fax**

Attachment: Triangle Transit Segment F Plan and Profile Drawings, January 26, 2015

cc: Mr. Franklin Rouse, Chairman, NCRR
Mr. Duane Long, Board of Directors, NCRR
Mr. James Kessler, P.E., Vice President of Engineering
Ms. Deborah Ross, Triangle Transit
Mr. Fred Day, Triangle Transit
Mr. John Edwards, Norfolk Southern Railway Company

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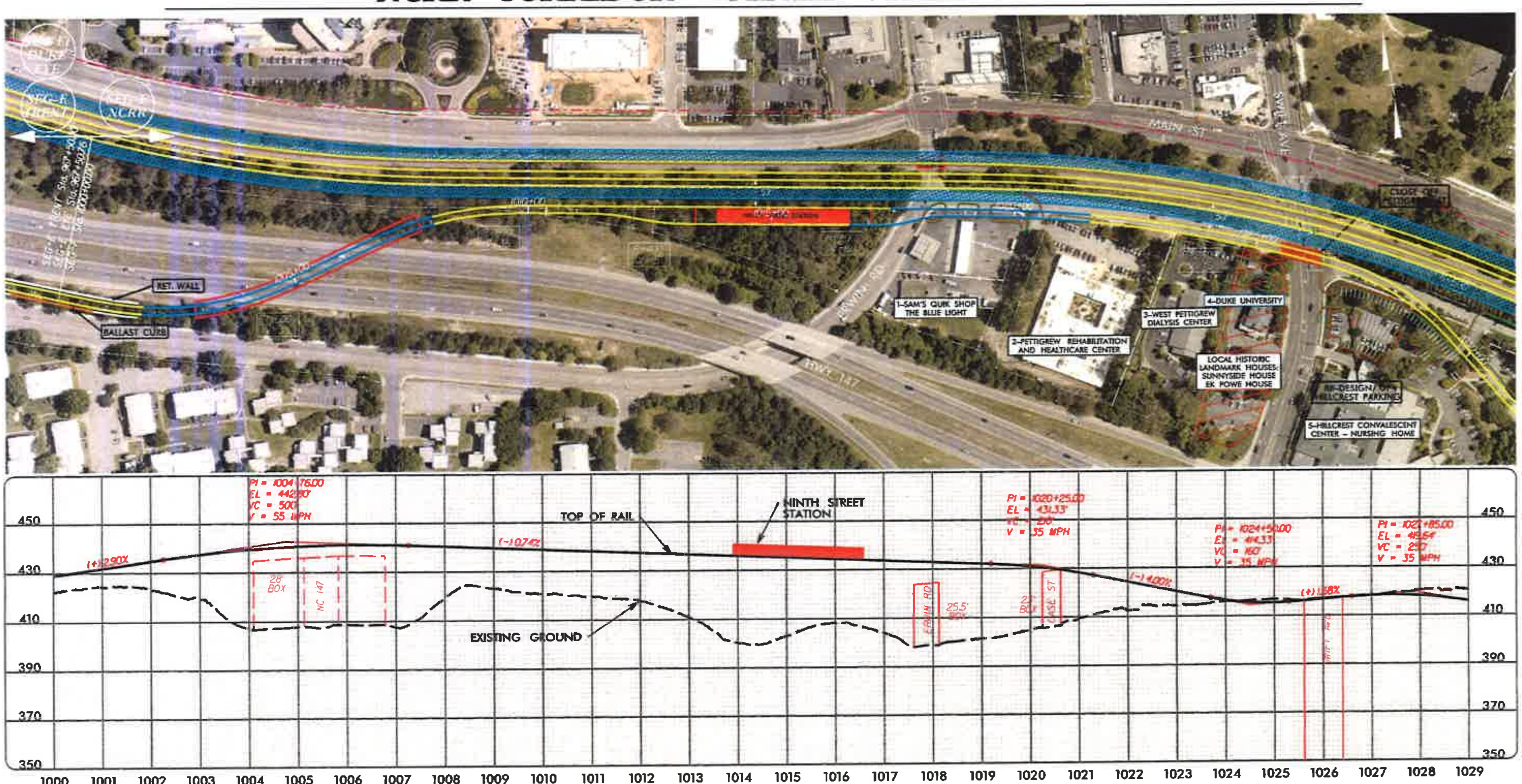
NCRR CORRIDOR - NINTH STREET STATION



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

CONCEPT PLANS ONLY — DO NOT USE FOR CONSTRUCTION

INCOMPLETE PLANS — DO NOT USE FOR R/W ACQUISITION

LEGEND

- AT-GRADE
- ELEVATED
- EXIST NCRR
- WETLANDS
- STATION

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PLAN AND PROFILE

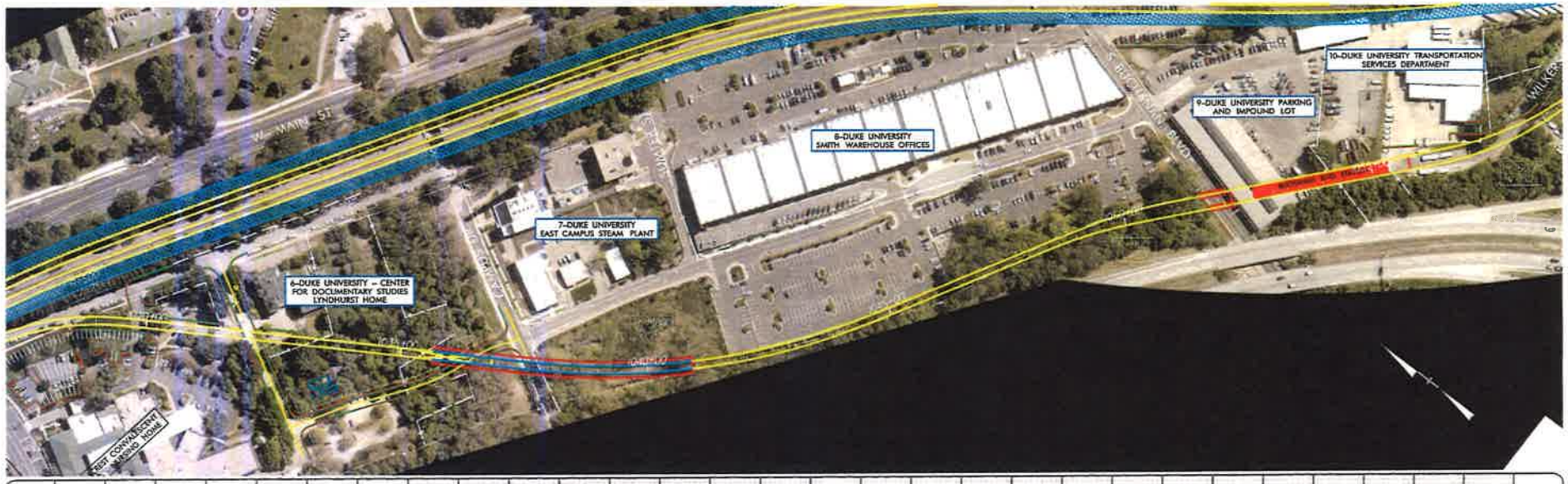
SEGMENT F

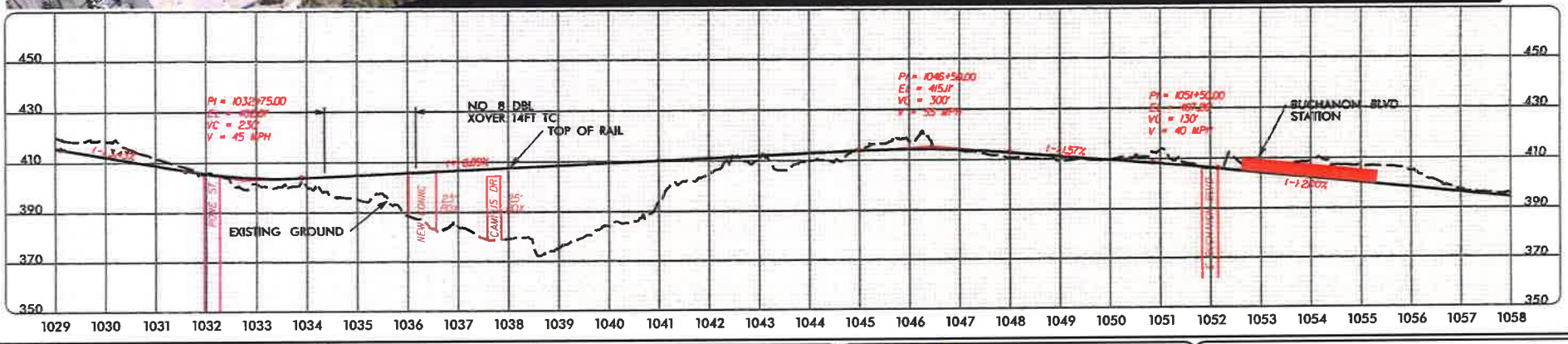
PLAN & PROFILE

SHEET: F – 01

1/26/2015

BUCHANAN BLVD STATION





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- STATION

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PLAN AND PROFILE

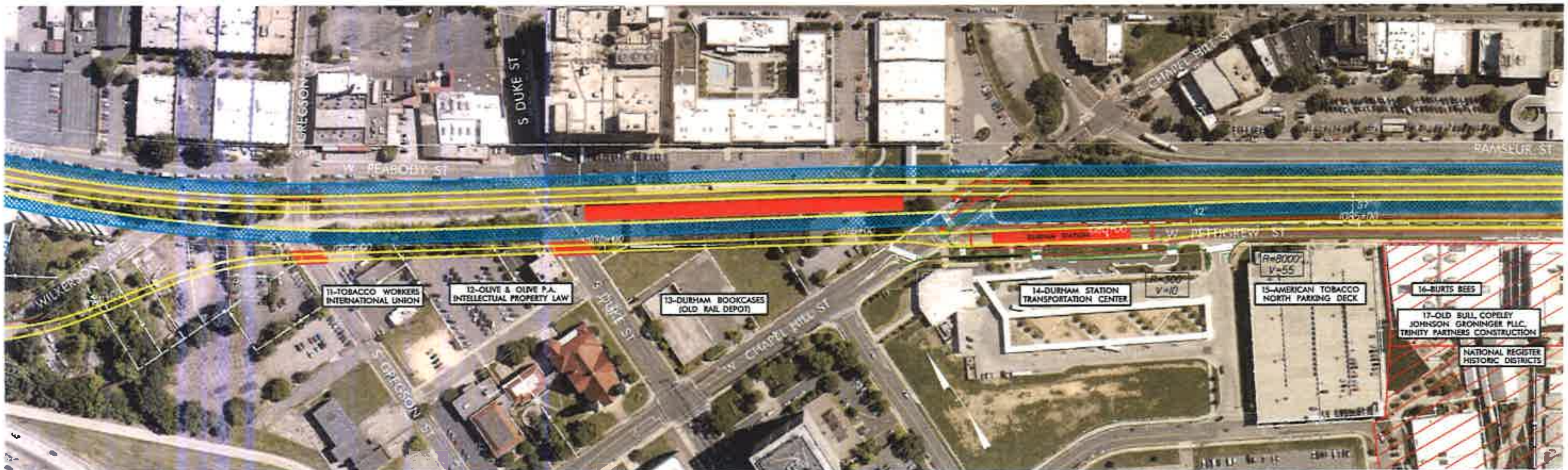
SEGMENT F

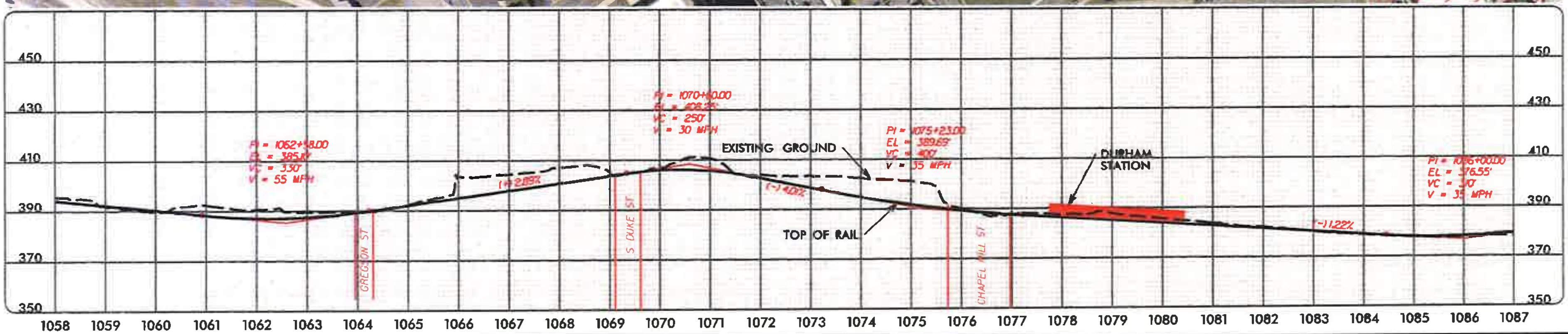
PLAN & PROFILE

SHEET: F – 02

1262015

NCRR CORRIDOR – DURHAM STATION





GRAPHIC SCALES

PLAN: 100 0 100 200

PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

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LEGEND

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PLAN AND PROFILE

SEGMENT F

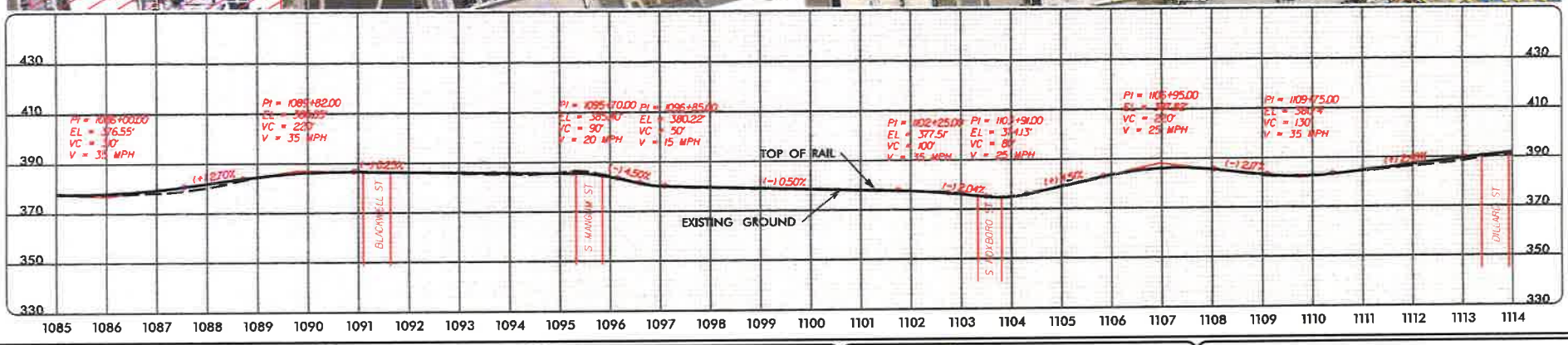
PLAN & PROFILE

SHEET: F - 03

1/26/2015

G-177

NCRR CORRIDOR – ALONG PETTIGREW STREET



GRAPHIC SCALES

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PROFILE (HORIZONTAL): 100 0 100 200

PROFILE (VERTICAL): 20 10 0 20 40

CONCEPT PLANS ONLY
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LEGEND

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PLAN AND PROFILE

SEGMENT F

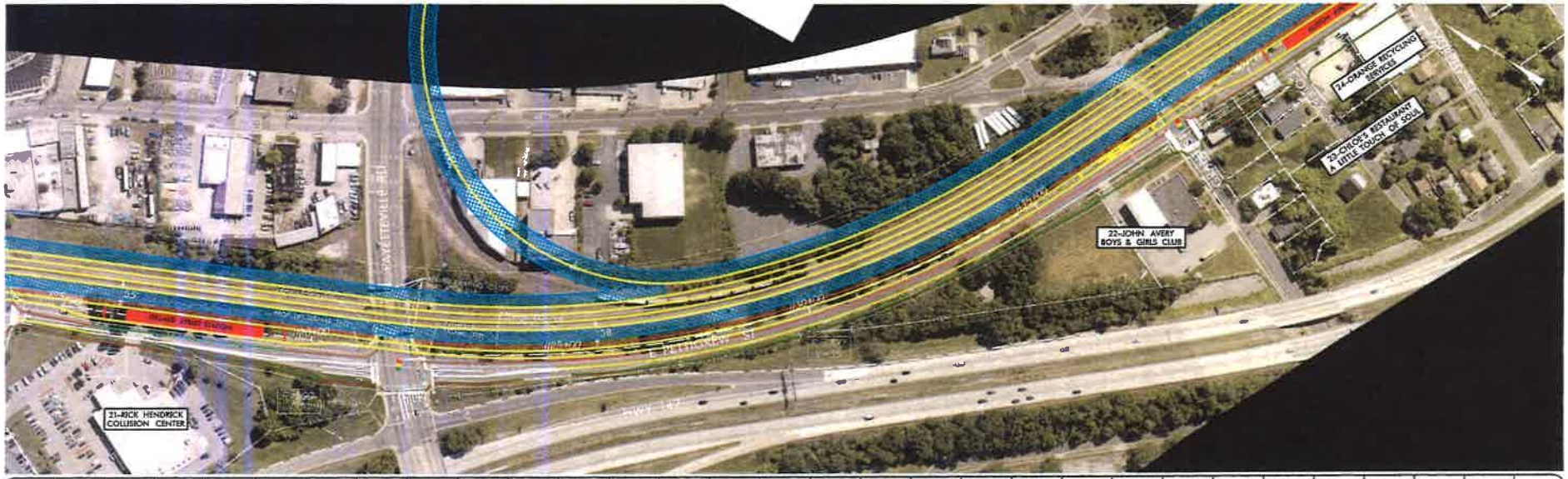
PLAN & PROFILE

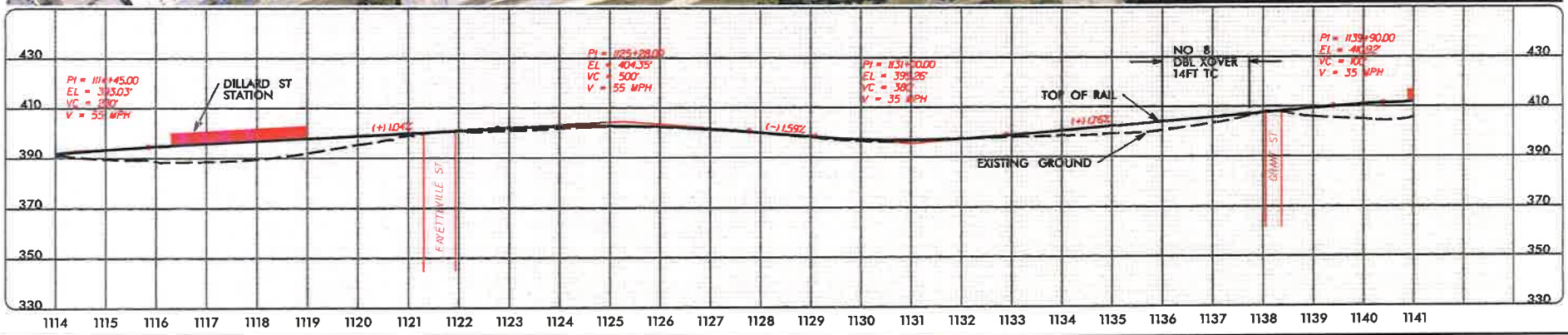
SHEET: F – 04

U062015

G-178

NCRR CORRIDOR – DILLARD STREET STATION





GRAPHIC SCALES

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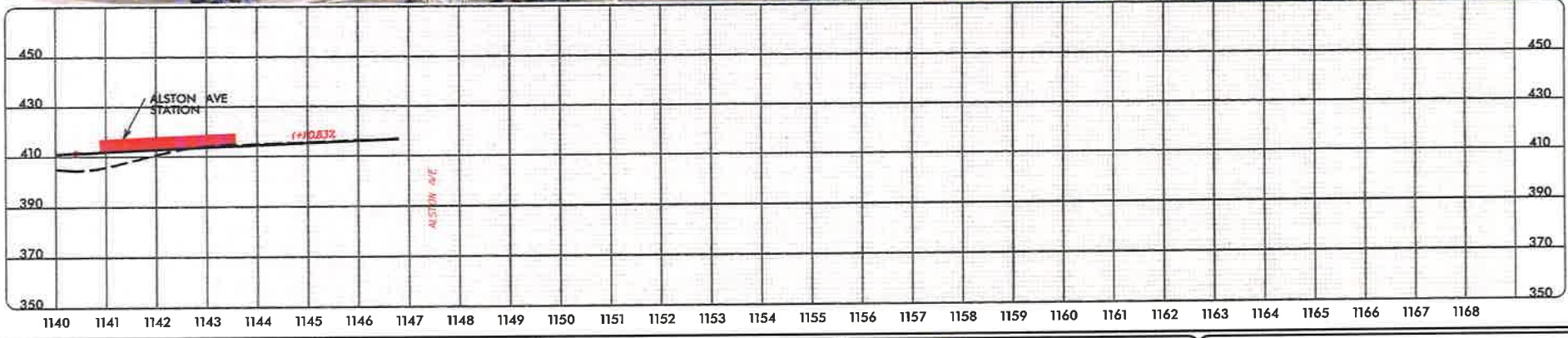
PLAN AND PROFILE

SEGMENT F

PLAN & PROFILE	SHEET: F – 05

1/16/2015

NCRR CORRIDOR – ALSTON AVENUE STATION



GRAPHIC SCALES

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PLAN

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PROFILE (VERTICAL)

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PLAN AND PROFILE

SEGMENT F

	PLAN & PROFILE	SHEET: F – 06

DURHAM
1869
CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
City-County Planning Department
101 CITY HALL PLAZA | DURHAM, NC 27701
919.560.4137 | F 919.560.4641

www.durhamnc.gov

DURHAM COUNTY

March 13, 2015

Mr. Greg Northcutt
Director of Capital Development
Triangle Transit
P.O. Box 13787
Research Triangle Park, NC 27709

Dear Mr. Northcutt,

Thank you for the opportunity to review and comment on materials presented at the Durham-Orange Light Rail Transit (D-O LRT) Technical Advisory Committee on March 3, 2015. We appreciate the on-going dialog between Triangle Transit and the Durham City-County Planning Department surrounding the location of the Rail Operations and Maintenance Facility. As you are well aware, each of the five proposed sites poses difficulties. The initial results of the Draft Environmental Impact Statement are a useful basis for comparing the impact of the D-O LRT, as well as assessing risk with pursuing one alternative over another. The regulatory process, which can include many public hearings and legislative decisions, introduces additional risk. This memo is intended to formally advise Triangle Transit of those processes.

<u>Leigh Village</u>

- The Durham Comprehensive Plan designates this site for Office and Low-Density Residential (4 DU/Ac. or Less) development on the Future Land Use Map. In order to build the ROMF at this location, an amendment to the Future Land Use Map of the Durham Comprehensive Plan (Plan Amendment) to designate this site as Industrial would be required. Plan Amendments are legislative decisions rendered by either the Board of County Commissioners or the City Council at public hearings. The Planning Department issues recommendations to the elected boards based on four criteria outlined in Section 3.4.7 of the Unified Development Ordinance. Based on an initial interpretation of those criteria, Planning Staff would likely be unable to support the Plan Amendment. We find an Industrial use to be incompatible with the existing land use pattern and/or designated future land uses.
- This site is within Durham County's jurisdiction. In order to receive City of Durham services, including water and sewer, Triangle Transit would need to petition the City Council to annex the properties.

- In order to construct the ROMF at this location, the site would need to be rezoned from RS-20 (Residential Suburban-20) to IL (Industrial Light). While not required, rezoning with a development plan that shows graphic and text commitments that are above and beyond the standards contained in Durham's Unified Development Ordinance (UDO), is recommended. Rezoning is a legislative decision rendered by either the Board of County Commissioners or the City Council at public hearings.
- A minimum buffer width of 50 feet is required along the Farrington Road frontage if the width of Farrington Road is less than 60 feet.
- It appears there may be stream crossing parcel 0709-03-32-5392. If it is determined to be a perennial stream, a buffer of 100 feet would be required. An intermittent stream would require a buffer of 50 feet. This would significantly alter the proposed footprint of the ROMF.
- A Major Special Use Permit would be required for sections of track crossing through the Major Transportation Corridor Overlay District.

<u>Farrington Road</u>

- The Durham Comprehensive Plan designates this site for Commercial and Office development on the Future Land Use Map. In order to build the ROMF at this location, a Plan Amendment to Industrial would be required. Plan Amendments are legislative decisions rendered by either the Board of County Commissioners or the City Council at public hearings. The Planning Department issues recommendations to the elected boards based on four criteria outlined in Section 3.4.7 of the Unified Development Ordinance. Based on an initial interpretation of those criteria, Planning Staff would be unable to support the Plan Amendment. We find an Industrial use to be incompatible with the existing land use pattern and/or designated future land uses.
- This site is within Durham County's jurisdiction. In order to receive City of Durham services, including water and sewer, Triangle Transit would need to petition the City Council to annex the properties.
- In order to construct the ROMF at this location, the site would need to be rezoned from RS-20 (Residential Suburban-20) to IL (Industrial Light). While not required, rezoning with a development plan that shows graphic and text commitments that are above and beyond UDO standards, is recommended.
    - A minimum buffer width of 50 feet is required along the Farrington Road frontage if the width of Farrington Road is less than 60 feet.
    - It appears there may be stream crossing parcel 0709-03-32-5392. If it is determined to be a perennial stream, a buffer of 100 feet would be required. An intermittent stream would require a buffer of 50 feet. This would significantly alter the proposed footprint of the ROMF.
- A Major Special Use Permit to allow the activity or to reduce the buffer width would be required for sections of track crossing through the Major Transportation Corridor (MTC) Overlay District. It also appears that sections of

track and road in the northern portion of the site would impact the 100 foot MTC buffer. Criteria of Approval for Major Special Use Permits are outlined in Section 3.9.8 of the Unified Development Ordinance.

Patterson Place

- The Durham Comprehensive Plan designates this site for Commercial on the Future Land Use Map. In order to build the ROMF at this location, a Plan Amendment to Industrial would be required. Plan Amendments are legislative decisions rendered by the City Council at public hearings. The Planning Department issues recommendations to the elected boards based on four criteria outlined in Section 3.4.7 of the Unified Development Ordinance. Based on an initial interpretation of those criteria, Planning Staff would be unable to support the Plan Amendment.
- This site is within the boundaries of a Suburban Transit Area shown on the Future Land Use Map, and is within the study area for an ongoing project to re-evaluate and establish new boundaries for the Compact Neighborhood Tier that promotes transit-oriented development. This site's proximity to the proposed Patterson Place station would eliminate a potential transit-oriented development opportunity.
- In order to construct the ROMF at this location, the site would need to be rezoned from RS-20 (Residential Suburban-20) to IL (Industrial Light). While not required, rezoning with a development plan that shows graphic and text commitments that are above and beyond UDO standards, is recommended.
    - An application (Z1400030) to rezone this property for Commercial General with a Development Plan (CG-D) was submitted to the Planning Department in October 2014. As of this date, it is still pending.
- Siting the ROMF at this location would interfere with a planned limited access interchange for US 15-501, and would eliminate the potential for avoiding the New Hope Creek Bottomlands (NHC 1 and NHC 2).

Cornwallis Road

- The Durham Comprehensive Plan designates this site for Industrial development on the Future Land Use Map; therefore, a Plan Amendment would not be necessary.
- In order to construct the ROMF at this location, the site would need to be rezoned from CG (Commercial General) to IL (Industrial Light). While not required, rezoning with a development plan that shows graphic and text commitments that are above and beyond UDO standards, is recommended.
    - A minimum buffer width of 50 feet is required along the rear property line and parcel 0811-06-20-6051.

Alston Avenue

- The Durham Comprehensive Plan designates this site for Industrial development on the Future Land Use Map; therefore, a Plan Amendment would not be necessary.
- The site is zoned IL (Industrial Light). A rezoning is not required.

Feel free to contact me if you have any questions or would like to further discuss these matters. Thank you again for the opportunity to comment.

Sincerely,

Steven L. Medlin, AICP
City-County Planning Director

Cc:
Keith Chadwell, Deputy City Manager
Lee Worsley, Deputy County Manager
Sara Young, Assistant Planning Director
Patrick Young, Assistant Planning Director
Aaron Cain, Planning Supervisor
Scott Whiteman, Planning Supervisor
Hannah Jacobson, Planner

March 15th, 2015

Mr. Milton Cortes
Assistant State Soil Scientist
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Reference: Durham-Orange Light Rail Transit Project

Subject: Modification of Light Rail Alignment

Dear Mr. Cortes:

The Durham-Orange Light Rail Transit Project has undergone an alignment shift through downtown Durham. As such, we wanted to provide you with an update and determine whether this shift still falls "within the highly populated metropolitan area committed to urban development" and thus would not affect nor convert farmland, as described in your previous letter.

> "Soils inventory on your project location shows highly populated metropolitan areas or committed to urban development. The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. Documents submitted and a copy of this letter will be saved for any further consultation. You are exempt from filling the CPA-106 neither the AD1006 at this time. Use this letter as proof of exemption."

Please find attached: the NRCS original letter of exemption, the revised Durham-Orange Light Rail Project description, and several detailed maps depicting the original alignment and the revised alignment.

Please let us know if you require revised CPA 106 Forms or AD 1006 Forms, or if this shift is unlikely to affect the previous determination. Please, also, let us know if you require any additional information or have any questions regarding the description or maps.

Sincerely,

Paul Himberger
Environmental Planner
paul.himberger@aecom.com

cc: URS File

URS Corporation North Carolina
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919-461-1422
Fax: 919 461 1415

Revised Project Description

Durham-Orange Light Rail Transit Project

March 2015

1. Introduction

Through the Alternatives Analysis (AA) process, which included extensive public outreach, a Locally Preferred Alternative (LPA) was selected to address the purpose and need of the Durham-Orange (D-O) Corridor. The proposed project is a 17.1 mile light rail transit (LRT) line with 17 proposed stations that will greatly expand transit service in Durham and Orange counties. The project extends on a double track alignment from the University of North Carolina (UNC [UNC Hospitals Station]) to east Durham (Alston Avenue Station). The LRT alignment connects a range of educational, medical, employment, and other important activity centers, including UNC; UNC Hospitals; the Friday Center; Duke University; Durham Veteran Affairs (VA) and Duke Medical Centers; downtown and east Durham; North Carolina Central University (NCCU); and Durham Technical Community College (DTCC). Multimodal connections at the light rail stations will seamlessly connect transit passengers.

1.1 Proposed Revised Project Description

The proposed D-O LRT alignment generally follows North Carolina (NC) 54, Interstate 40 (I-40), United States (US) 15-501, and the North Carolina Railroad (NCRR) Corridor in downtown Durham and east Durham. The alignment begins at the UNC Hospitals, parallels Fordham Boulevard, proceeds eastward adjacent to NC 54, travels north along I-40, parallels US 15-501 before it turns east towards Duke University and runs within Erwin Road, and then runs adjacent to the NCRR Corridor that parallels NC 147 through downtown Durham before reaching its eastern terminus near Alston Avenue. A total of 17 stations are planned. Station features include a public address system; variable message signs; closed-circuit television cameras; ticket vending and validation machines; canopies with seating and wind screens; lighting and signage; and wayfinding and informational kiosks. Approximately 5000 parking spaces along the D-O LRT alignment will be provided. In addition, a rail operations maintenance facility (ROMF) will be constructed to accommodate the D-O LRT fleet. The planned D-O LRT fleet size is 17 cars (including spares).

Bus routes will be modified to feed into the light rail stations, and headways will be adjusted to provide more frequent service and minimize transfer waiting times. These services will also connect light rail passengers with other area transportation hubs, including six existing and one planned park-and-ride lot in Orange County, and two existing and three new park-and-ride lots in Durham County. These hubs will serve as direct links to light rail stations. Convenient intercity, local and regional bus service, and passenger rail connections will be afforded at major transfer centers, such as the existing Durham Amtrak Station and the Durham Station in downtown Durham.

Triangle Transit through ongoing discussions with the City of Durham, NCRR, and other parties, has developed a refined alignment in downtown Durham along Pettigrew Street. The previous LPA with the light rail alignment between Pettigrew Street and the railroad track needed refinement since it would not accommodate NCRR's identified future intercity passenger, commuter, and freight rail needs within that portion of the NCRR corridor.

In order to address these future needs, existing constraints, railroad requirements, and other feedback that Triangle Transit has received regarding the Light Rail Alternatives, Triangle Transit is coordinating with the City of Durham, NCRR, and other parties to prepare an acceptable refined light rail transit alignment from NC 147 to Alston Avenue.

The DEIS reflects the refined light rail transit alignment for review and public comment. The refined light rail transit alignment proposes to place the Light Rail Alternatives within the NCRR right-of-way a

minimum of 40 feet from the nearest existing or future intercity passenger, commuter, or freight railroad track. The railroads require at least 40 feet of separation between a light rail track and the nearest existing and/or potential future railroad track.

1.2 Proposed Project Alternatives

Consistent with the *Scoping Report*, September, 2012, the Draft Environmental Impact Statement (DEIS) will examine the potential environmental impacts of the proposed D-O LRT alternative, as well as a small number of alignment, station, and ROMF siting options, including the following:

- Crossing of Little Creek between the Friday Center and the proposed Leigh Village Development (i.e., Alternatives C1, C1A, C2, C2A and associated station locations)
- Crossing of New Hope Creek (NHC) and Sandy Creek between Patterson Place and South Square (i.e., NHC Options 1 and 2 and associated station locations)
- Station options at Duke/Durham VA Medical Centers
- Five proposed locations for the ROMF

In addition to the Light Rail Alternative, the DEIS will consider a No-Build Alternative comprised of the existing and programmed transportation network improvements without the planned rail improvements and associated bus network modifications.

Modified Alignment

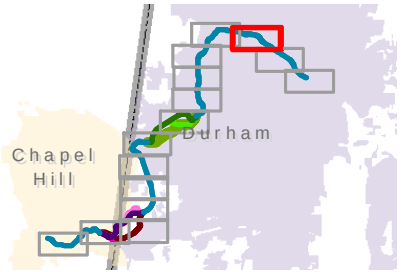
DURHAM-ORANGE
LIGHT RAIL TRANSIT PROJECT

OurTransit FUTURE

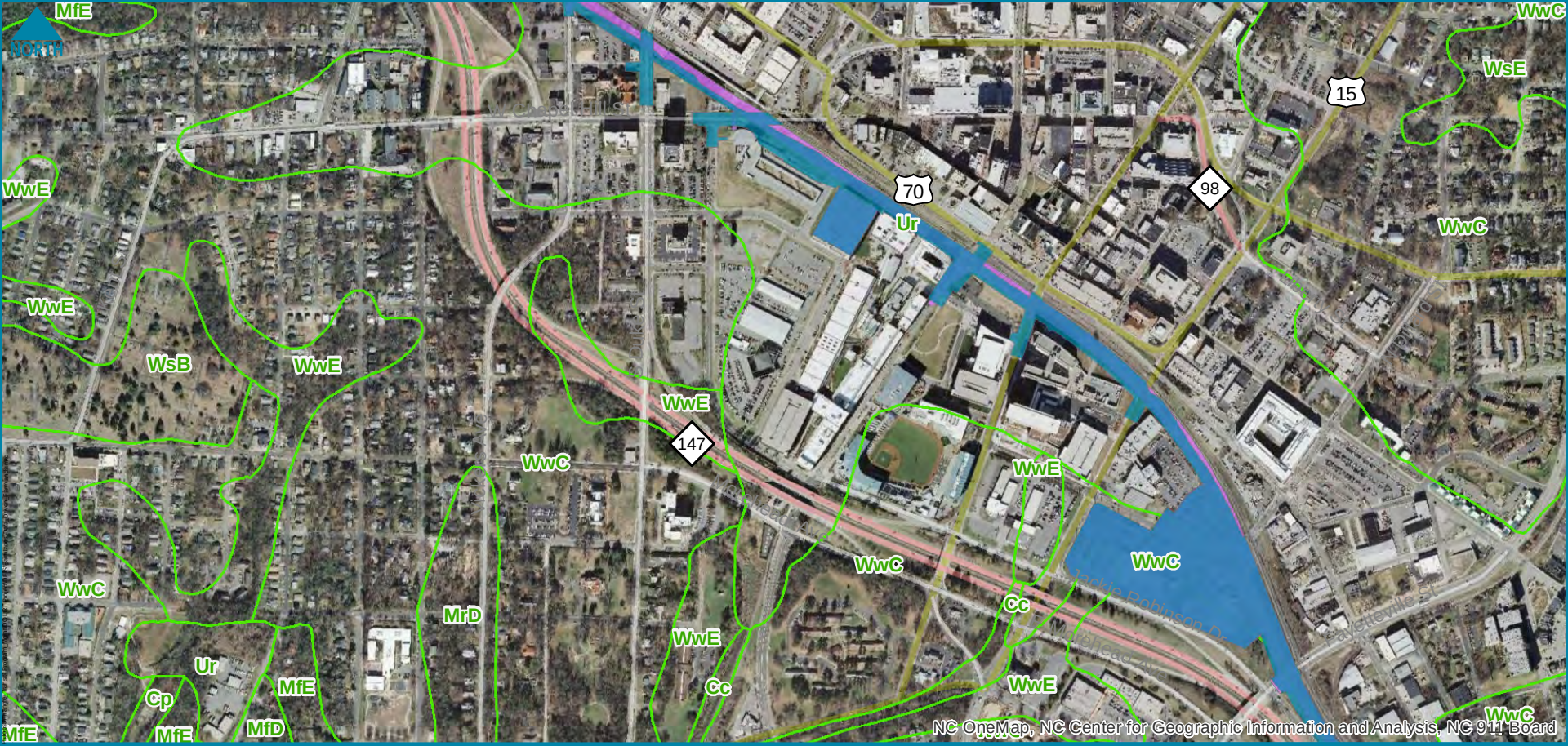
0 500 1,000 Feet

Draft
March 2015

Source: ESRI, NCDOT, CGIA, URS



- Revised Alignment
- Original Alignment
- Farmlands
- County Boundary
- Rail Operations and Maintenance Facility Alternative



Modified Alignment

DURHAM-ORANGE
LIGHT RAIL TRANSIT PROJECT

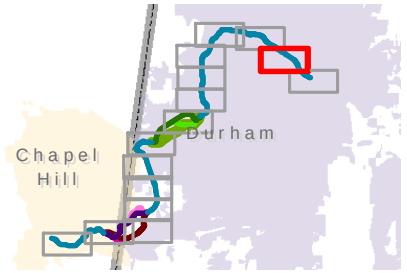
OurTransit FUTURE

G-189

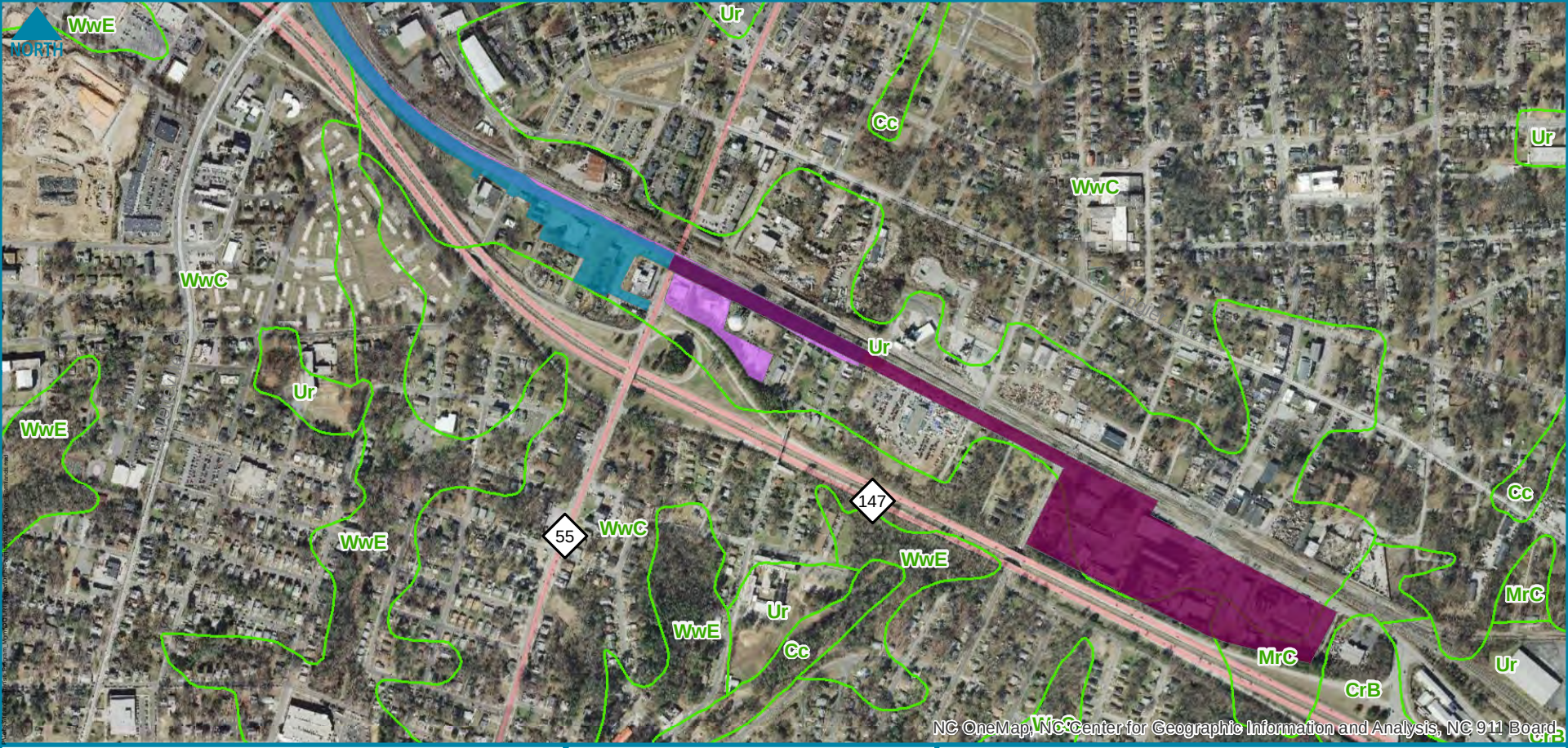
0 500 1,000 Feet

Draft
March 2015

Source: ESRI, NCDOT, CGIA, URS



- Revised Alignment
- Original Alignment
- Farmlands
- County Boundary
- Rail Operations and Maintenance Facility Alternative



Modified Alignment

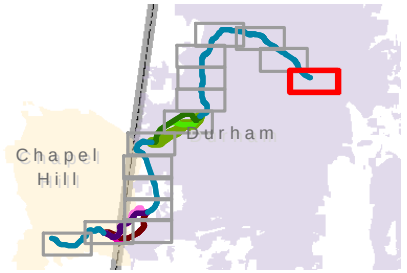
DURHAM-ORANGE
LIGHT RAIL TRANSIT PROJECT

G-190

0 500 1,000 Feet

Draft
March 2015

Source: ESRI, NCDOT, CGIA, URS



- Revised Alignment
- Original Alignment
- Farmlands
- County Boundary
- Rail Operations and Maintenance Facility Alternative

USDA
United States Department of Agriculture
Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Milton Cortés, Assistant State Soil Scientist
Telephone No.: (919) 873-2171
Fax No.: (919) 873-2157
E-mail: milton.cortes@nc.usda.gov

March 24, 2015

Paul Himberger
Environmental Planner
URS Corporation – North Carolina
1600 Perimeter Park Drive
Morrisville, NC 27560

Dear Mr. Himberger;

The following information is in response to your request asking for information on Durham-Orange Light Rail Transit Project-Modified as of March 15, 2015, URS Corporation, NC.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide of local importance.

“Farmland" does not include land already in or committed to urban development or water storage. Farmland ``already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as ``urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a ``tint overprint" on the USGS topographical maps, or as ``urban-built-up" on the USDA Important Farmland Maps. See over for more information.

Soils inventory on your project proposed modified alignments locations shows highly populated metropolitan areas or committed to urban development. The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. Documents submitted the proposed modified alignments and a copy of this letter will be saved for any further consultation. You are exempt from filling the AD1006 or the CPA-106 at this time. Use this letter as proof of exemption.

If you have any questions, do not hesitate to contact me.

Sincerely,

Milton Cortes

Milton Cortes
Assistant State Soil Scientist

Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

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

REGION IV
Alabama, Florida, Georgia,
Kentucky, Mississippi,
North Carolina, Puerto
Rico, South Carolina,
Tennessee, Virgin Islands

230 Peachtree St.
N.W., Suite 1400
Atlanta, GA 30303
404-865-5600

Renee Gledhill-Earley
Environmental Review Coordinator
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

Re: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0378
Submission of Architectural History Survey for the Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina: Durham – Orange Light Rail Transit Project

Dear Ms. Gledhill-Earley:

This letter continues the Section 106 process for the proposed Durham-Orange Light Rail Transit (D-O LRT) project (an "Undertaking," pursuant to 36 CFR 800.4(a)(1) and 800.16(d)).

The attached documentation is the result of the *Architectural History Survey for the Durham-Orange Light Rail Project* that was undertaken in compliance with Section 106 of the National Historic Preservation Act of 1966. This survey was undertaken to identify historic resources listed in or eligible for listing in the National Register for Historic Places that may be affected by the proposed D-O LRT Project. The survey includes all resources within the defined Area of Potential Effects (APE) transmitted to you on November 6, 2014. This survey report and appendices were prepared by Marvin Brown of URS Corporation/AECOM, Triangle Transit's project consultant.

Triangle Transit and the FTA are in the process of preparing a Draft Environmental Impact Statement (DEIS). FTA is requesting your concurrence with our eligibility determinations for properties within the APE within 30 days.

Please call Stan Mitchell with FTA Region IV at (404) 865-5643 or via email at stanley.a.mitchell@dot.gov or Carrie Walker at FTA Region IV at (404) 865-5645 or via email at julia.walker@dot.gov, of my staff if you have any questions about the attached documents.

Re: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, ER 12-0378
Submission of Architectural History Survey for the Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina: Durham – Orange Light Rail Transit Project

FTA and Triangle Transit look forward to continued consultation with SHPO to address its concerns related to impacts on historic properties as part of the NEPA process.

Sincerely,

For Yvette G. Taylor, Ph.D.
Regional Administrator

Enclosures:

- *March 2015 – Architectural History Survey for the Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina: Durham – Orange Light Rail Transit Project*
- *March 2015 – Appendix A - Architectural History Survey for the Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina: Durham – Orange Light Rail Transit Project*
- *March 2015 – Appendix B – Resume of Principal Investigator for Architectural History Survey for the Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina: Durham – Orange Light Rail Transit Project*

cc: David King, General Manager, Triangle Transit
Stan Mitchell, Environmental Protection Specialist, FTA Region 4
Carrie Walker, Environmental Protection Specialist, FTA Region 4

From: "Stolka, Kurt" <kstolka@psafety.unc.edu>
Date: May 15, 2015 at 4:49:51 PM EDT
To: Patrick McDonough <pmcdonough@gotriangle.org>
Subject: Preferred Little Creek Alignment

Patrick,

I apologize for the non-committal answer I gave this morning. I want to clarify that UNC supports the C2A Alternative.

In addition to the time savings and lower additional costs, it will not alter Finley Golf Course as much as C2 and allows us to greater flexibility when we redevelop the Friday Center in the future.

Have a great weekend,

Kurt

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
P.O. Box 144
MONCURE, NORTH CAROLINA 27559

May 20, 2015

David Charters, PE
Manager of Design and Engineering
Triangle Transit
Post Office Box 13787
Research Triangle Park, North Carolina 27709

Dear Mr. Charters:

I am writing to follow up on our March 11, 2015 meeting with members of the Triangle Transit Authority (TTA) staff and consultants. During the meeting we discussed possible impacts of the proposed Durham-Orange Light Rail Transit (D-O LRT) Project to government property under the stewardship of the US Army Corps of Engineers at B Everett Jordan Lake (USACE) and the coordination required by Section 4(f) of the USDOT Act, 49 U.S.C. § 303 and 23 U.S.C. § 138 (Section 4(f)). As requested, we are providing the following comments relative to Section 4(f).

We understand that the proposed D-O LRT Project would be constructed with local, state, and federal funding, and that an Environmental Impact Statement (EIS) is currently being developed for the Federal Transit Administration (FTA). As part of the EIS, we recognize that the impacts of the proposed D-O LRT Project are evaluated pursuant to Section 4(f), which affords certain protections to publicly owned parks, recreational areas, wildlife and waterfowl refuges, or any publicly or privately owned historical site listed or eligible for listing on the National Register of Historic Places. Before approving a transit project that uses Section 4(f) property, we understand that the FTA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) properties and that the project includes all possible planning to minimize harm. Further we understand that an exemption exists in cases where the impacts are determined to be *de minimis* – generally minor in nature. A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). A *de minimis* impact determination does not require analysis of feasible and prudent avoidance alternatives, but it does require agency

coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement.

Property owned by the federal government and under the stewardship of the USACE would be impacted by the proposed D-O LRT Project. The August 2014 Initial Request for Use of Land and Water Resources submitted by TTA identified four alternative D-O LRT alignment crossings for Little Creek. Alternatives C1, C2, and C2A cross federal government fee owned property. Alternative C1A crosses private property on which the USACE holds a flowage easement. The federal government fee owned property impacted by alternatives C1 and C2/C2A is leased to the State of North Carolina and managed by the NC Wildlife Resources Commission (NCWRC) as part of its Game Lands program. The area is designated as permanent wildlife lands and serves as mitigation for adverse impacts from the construction of B. Everett Jordan Lake. Further, the Little Creek Bottomlands and Slopes is a State Natural Heritage Area (SNHA) located on both federal government and privately owned properties. The Little Creek Bottomlands and Slopes would be impacted by each of the Little Creek alternatives.

It appears that the impacts to federal government property and resources from alternative C1 would be substantially greater than alternative C1A (which avoids government fee owned property) and alternatives C2/C2A (which utilize existing road rights-of-way crossing federal government property). Based on the information TTA provided, the anticipated use of government property and resources would include one of the following alternatives:

> **Alternative C1** – Alternative C1 would create a new right-of-way crossing forested areas on NCWRC Game Lands including the Upper Little Creek Waterfowl Impoundment. The implementation of this alternative would require a permanent easement of approximately 3.1 acres on federal government fee owned property, thereby adversely impacting natural resources and the public's use of these Game Lands. After the D-O LRT is implemented, there would be changes to the visual character of the area and potential increases in noise as a result of the operation of the light rail. As a result, it is our opinion that alternative C1 would have an adverse effect on the activities, features, and attributes that qualify this resource for protection under Section 4(f). We do not object to alternative C1 going forward for the Draft EIS analysis. However, as indicated in my January 7, 2015, letter, "a request to use government property for C1 would not be authorized, given the availability of less damaging alternatives."

Alternative C1A – Alternative C1A would not cross federal government fee owned property. However, alternative C1A would adversely impact natural resources, including forest within the SNHA and wetlands under the jurisdiction of the USACE Regulatory Division. Further, Alternative C1A crosses a government owned flowage easement on private property. While this flowage easement is not a Section 4(f) resource, it allows the government to impound flood water onto the property. As proposed, the amount of fill and interference with water flow within the government's flowage easement would be minimized by elevating the light rail transit line. Any parts of structure and equipment located below 245 feet mean sea level (ft msl) would need to be flood proofed. Any loss of water storage volume would need to be replaced. If impacts to the government's flowage easement interests are avoided and/or mitigated, a request for consent to encroach within the flowage easement could be authorized.

Alternatives C2/C2A - Alternatives C2/C2A utilize existing rights-of-way crossing government property, with the exception of a small area at the intersection of North Carolina Highway 54 (NC 54) and George King Road. Alternatives C2/C2A would require a permanent easement through USACE property of approximately 1.9 acres. Approximately 1.7 acres of the required permanent easement area is within existing North Carolina Department of Transportation (NCDOT) Rights of Way. These alternatives would result in a new visual element and increased noise in the proximity of NC 54, however impact to use of the property in the existing rights of way is not anticipated. As proposed, if either C2 or C2A is selected, the D-O LRT route would avoid wetlands on government property and the light rail line would be elevated to minimize impacts to water storage. It appears that co-location with existing rights-of-way would avoid and minimize impacts to resources on federal government fee owned property and may result in fewer overall adverse impacts to natural resources than alternatives C1 or C1A.

If either the C2 alternative or the C2A alternative is selected as a component of the D-O LRT NEPA Preferred Alternative, mitigation for unavoidable adverse impacts to resources on government property would be required. Adverse impacts requiring mitigation/compensation would occur to public access, marketable timber, and water storage volume. We have coordinated with the NCWRC to identify potential mitigation/compensation for adverse impacts to public access and marketable timber in their managed area. The following potential mitigation measures have been identified based on information provided to date. These measures may be revised based on

subsequent submittals, and a mitigation agreement would be signed prior to issuance of an easement.

1. Replace reservoir water storage volume lost due to fill below elevation 245 ft msl by excavation of an equal amount of new storage volume at the same elevation as the lost storage volume

2. Compensate the NCWRC for loss of marketable timber. Timber value would be determined by a registered government forester and payment for timber would be collected at the time the easement is issued.

3. Coordinate with the USACE and NCWRC regarding location of fencing on government property necessary for safety and security of the D-O LRT.

4. Complete the following mitigation measures, to the satisfaction of the NCWRC:

    a. Relocate the access road to the existing impoundment parking area #1, place gravel on the parking lot, provide and install a new gate and informational signs (as shown on attached TTA engineering plans).

    b. Construct a gravel access road (16 feet wide) from parking area #1 to parking area #2 along the D-O LRT alignment, improve parking area #2 by installing gravel, provide and install a new gate and informational signs (as shown on attached TTA engineering plans).

    c. Construct a public access parking area #3 on the south side of NC 54, provide and install a double gate and informational signs (as shown on attached TTA engineering plans).

    d. Replace the existing Waterfowl Impoundment sign and install a new Game Lands access directional sign for parking area #3, along NC 54.

Based on our preliminary review, and after taking into account proposed avoidance, minimization, mitigation, and enhancement measures, it appears that alternatives C2/C2A may result in no adverse effect to the activities, features, or attributes that qualify the federal government fee owned property areas at Jordan Lake as described in this letter for protection under Section 4(f). After the USACE and the public have been afforded an opportunity to review and comment on the forthcoming Draft Section 4(f) Evaluation, we look forward to continued coordination with the FTA.

Please continue to coordinate with the USACE regarding the proposed D-O LRT Project and any activities in waters and wetlands within the jurisdiction of the USACE under Section 404 of the Clean Water Act, regardless of the alternative selected. We appreciate your efforts to avoid and minimize adverse impacts to public lands at Jordan Lake. If you have questions regarding this matter, please contact me.

Sincerely,

Carol M. Banaitis, R.F.
Piedmont Operations Project Manager

Attachments

CF: (w/o attachments)
Chris Dawes, NCWRC
Keith Melton, FTA Region IV
Stan Mitchell, FTA Region IV
Carrie Walker, FTA Region IV
Tammy Bouchelle, Triangle Transit
Meghan Makoid, Triangle Transit
Gavin Poindexter, AECOM

NORTH CAROLINA
RAILROAD
COMPANY

Scott M. Saylor
President

May 20, 2015

Ms. Deborah Ross
General Counsel
Go Triangle
P.O. Box 13787
Research Triangle Park, NC 27709

Re: Rail Operations & Maintenance Facility (ROMF) Site

Dear Ms. Ross,

With regards to the Durham-Orange Light Rail potential Rail Operations & Maintenance Facility (ROMF) sites, the North Carolina Railroad Company would like to express its concerns about any proposed site utilizing the Brenntag Mid-South, Inc (2000 E. Pettigrew St, Durham) property.

Brenntag Mid-South, Inc owns and operates a distribution, blending, and repackaging facility on approximately 10 acres at this location and a corresponding facility at 2418 E. Pettigrew Street. Brenntag is a rail-served industry that currently employs over 100 individuals from the greater Durham area in full time positions. In addition, Brenntag serves over 600 other employers in the region.

The North Carolina Railroad Company is very supportive of Brenntag as a member of the Durham business community and strongly discourages this site as a ROMF location for the Durham-Orange Light Rail or for any passenger facilities that could interfere with Brenntag's operation. There would be challenges finding an adequate location for Brenntag in this area with suitable rail and highway infrastructure. Relocating Brenntag's facilities would have a negative impact on the surrounding community and the local economy.

We encourage you to consider an alternative location. We appreciate your consideration of these concerns. Thank you for your continued cooperation on this project.

Sincerely,

Scott M. Saylor

cc: Jim Kessler, P.E., NCRR
Richard Wiley, NCRR
Ken Jones, Brenntag Mid-South, Inc
Mike Rourke, Brenntag Mid-South, Inc
Joe Funkhouser, Brenntag Mid-South, Inc
Shawn Wiram, Brenntag North America
John White, Durham Chamber of Commerce

2809 Highwoods Blvd., Suite 100, Raleigh, North Carolina 27604-1000
919 - 954 - 7601 **phone** / 919 - 954 - 7099 **fax**

THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

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CAMPUS BOX 1000
CHAPEL HILL, NC 27599-1000

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FAX: 919-962-0647
www.unc.edu/financeadmin

May 22, 2015

David Charters, PE
Manager of Design and Engineering
Triangle Transit
P.O. Box 13787
Research Triangle Park, NC 27709

Re: Durham-Orange Light Rail Transit Project
Section 4(f) Consultation

Dear Mr. Charters:

The University of North Carolina at Chapel Hill (UNC) is aware that the Federal Transit Administration (FTA), Triangle Transit, and their partners are proposing a 17-mile light rail line, the Durham-Orange Light Rail Transit (D-O LRT) Project, between UNC Hospitals in Chapel Hill and East Durham near Alston Avenue. We understand that the proposed D-O LRT Project would be constructed with local, state, and federal funding, and that an Environmental Impact Statement (EIS) is in development. As part of the D-O LRT Project, coordination has been ongoing between UNC and Triangle Transit. In response to a letter from Triangle Transit dated January 28, 2015, members of the D-O LRT Project Team and representatives from various UNC departments met on February 16, 2015, to specifically discuss impacts of the proposed D-O LRT Project on UNC's property in light of Section 4(f) of the USDOT Act, 49 U.S.C. § 303 and 23 U.S.C. § 138 (Section 4(f)).

As part of the environmental review process, we understand that the impacts of the proposed D-O LRT Project are evaluated pursuant to Section 4(f), which affords certain protections to publicly owned parks, recreational areas, wildlife and waterfowl refuges, and any publicly or privately owned historical site listed or eligible for listing on the National Register of Historic Places. Before approving a transit project that uses Section 4(f) property, the FTA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) property and that the project includes all possible planning to minimize harm. An exemption exists in cases where the impacts are *de minimis* – generally minor in nature. A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). A *de minimis* impact

determination does not require analysis of feasible and prudent avoidance alternatives, but it does require agency coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement.

Property owned by UNC that meets the Section 4(f) criteria will be impacted by the proposed D-O LRT Project. Based on the information Triangle Transit provided to UNC, the anticipated uses of parklands owned by UNC and the anticipated mitigation to be provided by Triangle Transit include the following:

- **UNC Open Space** – The common segment of the Light Rail Alternative (LRA) is expected to cross property identified as UNC Open Space. Implementation of the proposed D-O LRT Project would require the acquisition of approximately 2.9 acres of UNC Open Space. This land is located on the south or east side of US 15-501/NC 54 and is adjacent to Finley Golf Course. A common segment of the LRA would primarily cross undeveloped wooded land. However, there are gravel paths in the vicinity of the LRA which are used for cross country events and informal UNC and public recreational activities. The proposed LRA includes the construction of a grade-separated crossing for the gravel path to accommodate continued connectivity for users.

  If the proposed D-O LRT Project is implemented, there would be some changes to the visual character of the Open Space and some potential increase in noise. However, based on our initial evaluation of these potential impacts, information provided to us to date by Triangle Transit, and the proximity of the D-O LRT to US 15-501/NC 54, we do not anticipate that the operation of the light rail would adversely affect the use of UNC Open Space and the associated gravel paths.

  Refinements in the D-O LRT design should be made and appropriate mitigation should be developed to minimize potential impacts to the paths and Open Space. Additionally, Triangle Transit should provide UNC with at least 48 hours advance notice before undertaking any activities that may temporarily close or restrict the use of the gravel paths. Triangle Transit should coordinate closely with UNC to communicate any such closures to UNC Open Space and the associated gravel path users.

- **Finley Golf Course** – Finley Golf Course, which is owned and operated by UNC, is open to the public. The proposed D-O LRT Project is expected to cross Finley Golf Course in the vicinity of Hole 17 (cart paths and tee boxes). Three of the four Little Creek Alternatives (i.e., C1, C1A, and C2) are also expected to cross the course in the vicinity of Hole 3 (cart paths and tee boxes). The C2A alternative, however, does not cross Finley Golf Course in the vicinity of Hole 3, as it traverses a very small landscaped portion of the course instead.

The common segment of the LRA would require the use of approximately 3.1 acres of land from Finley Golf Course. The Little Creek alternatives in this location would require additional land use at Finley Golf Course, as noted below:

C1: approximately 1.0 acre
C1A: approximately 1.0 acre
C2: approximately 1.2 acres
C2A: approximately 0.1 acre

During construction of the D-O LRT Project, the golf course will remain open and Triangle Transit will coordinate with UNC to minimize disruption to Finley Golf Course users and staff. As a result of our ongoing coordination and our collaboration on the development of the *Finley Golf Course Design Concept Plan* and *Construction Cost Estimates* by Fazio Golf Course Designers, Inc., last updated on April 23, 2014 (Fazio Plan), and given Triangle Transit's commitment to implement the Fazio Plan, indications are that the noise and visual impacts should not adversely affect the activities, features, and attributes of Finley Golf Course. To supplement the Fazio Plan we request that Triangle Transit produce an independent analysis of the fiscal impacts to Finley Golf Course during the construction period of the project and the golf course mitigations. The fiscal analysis should include the potential loss of revenue during construction as well as a detailed plan for maintaining the playability of the course until the mitigations are in place.

- In addition to the UNC Open Space and Finley Golf Course, UNC's Campus Master Plan (2006) designates an undeveloped parcel of land on campus as Central Park South. This parcel is generally located south of William Blythe Drive and north of Mason Farm Road, directly west of the Kenan-Flagler Business School, and would be impacted by the D-O LRT Project. The parcel is currently undeveloped and the Central Park South project is unfunded and has no specific timeframe for development. This open space is of considerable value to the University. As development of the D-O LRT Project continues we look forward to working with Triangle Transit to protect the integrity and use of the open space area, including maintaining circulation under the elevated portion of the proposed track and siting stormwater mitigations for future development in the area.

Based on our preliminary review, information provided to us to date by Triangle Transit, and after taking into account any avoidance, minimization, mitigation, or enhancement measures and provided those measures are implemented, we do not anticipate that the common segment of the LRA (UNC Open Space), alternative C2A (Finley Golf Course) and the segment through Central Park South would adversely affect the use, activities, features, or attributes that qualify UNC's property, as described in this letter, for protection under Section 4(f).

As explained by Triangle Transit, the Draft Section 4(f) Evaluation will be available for review and comment in September or October of 2015. After the Draft Evaluation is published and made available for review and comment, we understand the FTA will consider the comments of the public and UNC (as the official(s) with jurisdiction over UNC Open Space, Finley Golf Course and Central Park South) as part of the administration of Section 4(f). We look forward to continued coordination with the FTA prior to the FTA's final Section 4(f) determination, which we understand may include seeking formal written concurrence from UNC.

Please continue to coordinate with UNC regarding the proposed D-O LRT Project and any activities that may affect UNC, regardless of the alternative selected. We appreciate your efforts to avoid and minimize adverse impacts to the public lands owned by UNC.

Sincerely,

Matthew M. Fajack
Vice Chancellor for Finance and Administration

cc: Keith Melton, FTA Region IV
Stan Mitchell, FTA Region IV
Tammy Bouchelle, Triangle Transit
Meghan Makoid, Triangle Transit
Gavin Poindexter, AECOM
Than Austin, UNC
Mike Bunting, UNC
Patricia Crawford, UNC
Paul Pogge, UNC
Will Tricomi, UNC
Anna Wu, UNC

NORTH CAROLINA
RAILROAD
COMPANY

Scott M. Saylor
President

May 28, 2015

Mr. David King
CEO and General Manager
Research Triangle Regional Public Transportation
Authority, d/b/a Go Triangle
P.O. Box 13787
Research Triangle Park, NC 27709

RE: North Carolina Railroad Company Board Resolution regarding Durham-Orange Light Rail Lease Negotiations

Dear David:

I want to thank you, Mayor Bell, Fred, Deborah, Dave and your team for working constructively through the issues with us over the past several months to help reach a proposed refined alignment for the Durham-Orange Light Rail (D-O LRT) segment in downtown Durham along and adjacent to the NCRR corridor. We at NCRR are appreciative for the opportunity to collaborate with Go Triangle on this project to promote economic development in the greater Durham/Orange County area and provide transit options to the citizens of the Triangle.

I am pleased to report that on May 21, 2015 the NCRR Board of Directors authorized NCRR management to enter into lease agreement negotiations with Go Triangle for the purpose of the construction, operation and maintenance of the D-O LRT in that portion of approximately two miles of the NCRR railroad corridor located generally along and within Pettigrew Street in Durham based upon the agreed conceptual plan. The authorization by the Board is subject to the approval of the proposed D-O LRT plan by the City Council of Durham and the approval by the United States Federal Transit Administration.

We look forward to continuing to work with Go Triangle as the D-O LRT light rail transit service project moves forward toward funding and construction.

Sincerely,

Scott M. Saylor
President

cc: Jim Kessler, P.E., NCRR
Duane Long, NCRR
Franklin Rouse, NCRR
John Edwards, Norfolk Southern
Mary Dillon, Ellis & Winters

2809 Highwoods Blvd., Suite 100, Raleigh, North Carolina 27604-1000
919 - 954 - 7601 **phone** / 919 - 954 - 7099 **fax**

DURHAM COUNTY
DCO NC 1881

OFFICE of the COUNTY MANAGER

WENDELL M. DAVIS
COUNTY MANAGER

May 28, 2015

David Charters, PE
Manager of Design and Engineering
Go Triangle
P.O. Box 13787
Research Triangle Park, NC 27709

Re: Durham-Orange Light Rail Transit Project Section 4(f) Consultation

Dear Mr. Charters:

The County of Durham (County) is aware that the Federal Transit Administration (FTA), Go Triangle (formerly Triangle Transit), and their partners are proposing a 17-mile light rail line between the University of North Carolina (UNC) Hospitals in Chapel Hill and East Durham near Alston Avenue – the Durham-Orange Light Rail Transit (D-O LRT) Project. We understand that the proposed D-O LRT Project will be constructed with local, state, and federal funding, and that an Environmental Impact Statement (EIS) is currently being developed. As part of the D-O LRT Project, coordination has been ongoing between City, County, and Go Triangle staff. In response to a letter from Triangle Transit dated January 29, 2015, members of the D-O LRT Project Team and representatives from the County and City met on March 26, 2015, to specifically discuss impacts of the proposed D-O LRT Project on County property in light of Section 4(f) of the U.S. Department of Transportation Act, 49 U.S.C. § 303 and 23 U.S.C. § 138 (Section 4(f)).

As part of the environmental review process, we understand that the impacts of the proposed D-O LRT Project are evaluated pursuant to Section 4(f), which affords certain protections to publicly owned parks, recreational areas, wildlife and waterfowl refuges, or any publicly or privately owned historical site listed or eligible for listing on the National Register of Historic Places. We understand that before approving a transit project that uses Section 4(f) property, the FTA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) property and that the project includes all possible planning to minimize harm. An exemption exists in cases where the impacts are *de minimis* – generally minor in nature. A *de minimis* impact is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures), results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). A *de minimis* impact determination does not require analysis of feasible and prudent avoidance alternatives, but it does require agency coordination with the officials having jurisdiction over the Section 4(f) property and opportunities for public involvement.

Durham recreational properties in the vicinity of New Hope Creek may be affected by the proposed D-O LRT Project, including the New Hope Preserve Trail, Durham County Open Space, and the planned New Hope Creek and Little Creek Connector Trails. Based on the information Go Triangle provided to the County and City, anticipated uses of Durham property and resources may be characterized as follows:

New Hope Preserve County owned property and Trail – The New Hope Preserve Trail (NHP Trail), is a two mile natural surface off-road trail that traverses both privately and publicly owned lands north of Old Chapel Hill Road. Sections of the NHP Trail on private property are within a 50-foot easement and the sections of the trail on public property are within Durham County-owned properties purchased with County Park and Recreation bond funds. The properties acquired by Durham County were purchased as a key implementation measure of the New Hope Corridor Open Space Master Plan adopted in 1991. This Master Plan was a joint plan of the City of Durham, Durham County, Orange County and Town of Chapel Hill in order to protect and preserve this Natural Heritage corridor of statewide significance for perpetuity. This relatively intact corridor spans 23 miles from Duke Forest in Orange County south to Jordan Lake in Chatham County and provided the basis for this multi-jurisdictional planning and implementation effort. Durham County has also acquired twelve other properties in fee simple or easements totaling 323 acres within this overall open space corridor in an effort to protect the continuous high quality corridor. Three other state and federal organizations previously commented on the ecological significance of the New Hope Creek Corridor in earlier scoping comments provided to Go Triangle. The letters from the North Carolina Wildlife Resources Commission, the N.C. Department of Environment and Natural Resources, and U.S. Department of the Interior Fish and Wildlife Service document the significant values of this corridor and are provided as attachments to this letter.

Pedestrian access and parking for the NHP trail is provided by Old Chapel Hill Road Park owned by the City of Durham. The NHP Trail and county park land is bordered by the U.S. 15-501 highway corridor to the north, residential land uses to the east and west, and the U.S. Army Corps of Engineers land for Jordan Reservoir to the south. The NHP Trail would be affected by the New Hope Creek Locally Preferred Alternative (NHC-LPA) and one of the potential rail operation maintenance facility (ROMF) locations (i.e., the Patterson Place ROMF).

- The NHC-LPA crosses over two sections of the NHP Trail totaling approximately 135 linear feet; these sections of the NHP Trail are located on a permanent trail easement donated to Durham County with the underlying fee ownership in private property. The NHC-LPA would span the NHP Trail and associated floodplain with a pre-stressed concrete bridge. Easements would be needed for these crossings. There will likely be a short-term interruption of trail connectivity during construction of the proposed D-O LRT Project. It will be important that long term access to the NHP Trail not be permanently interrupted. If the proposed D-O LRT Project is implemented on the NHC-LPA, new visual features would be introduced (e.g., elevated transitway, lighting, right-of-way and maintenance access approximately 55 feet wide) that will permanently and significantly impact the experience and ecosystem on this part of the trail. There would also be the introduction of rail related noise.
- The proposed NHC-LPA parallels and borders the county owned land on the southern border; as a result the impacts described above would also affect the county owned New Hope lands

purchased pursuant to the New Hope Creek Plan. We understand the NHC-LPA corridor will require a cleared area approximately 55 feet wide, and will have an elevated rail line approximately 20 feet high on pilings. This cleared area will be visible from the county owned property and the portion of the trail closest to the rail crossing, with anticipated noise, vibration and light impacts. In addition to the recreation impacts, the County's investment in open space along the New Hope Creek corridor was largely based on the desire to protect the highly rated wildlife corridor as documented by the State's Natural Heritage Program, the Durham County Inventory of Natural Areas and Rare Species, and further outlined in the three attached letters. It is also our understanding that various Federal and State Environmental agencies have significant concerns about the effects the NHC-LPA would have on this high-value natural heritage corridor and bottom lands, most especially this particular segment of the NHC-LPA. In addition to its visual and noise impact on the recreational qualities of the trail, the NHC-LPA's close proximity to Durham County land and its location bisecting the floodplain and bottomland habitat will significantly impact and degrade the quality and relatively intact character of this natural heritage corridor of state-wide significance.

- The tracks associated with the Patterson Place ROMF cross approximately 30 linear feet of the NHP Trail at-grade within the Durham County owned open space. The County's property would be affected by the Patterson Place ROMF since if this ROMF location alternative is selected, it will require the permanent acquisition of approximately 0.3 acres of Open Space, including an additional crossing of the NHP Trail. The introduction of new visual features (i.e., elevated transitway, lighting, ROMF) and noise increases as a result of D-O LRT operations and use of the Patterson Place ROMF will have adverse impact on the use of the trail and the quality of the open space.
- The proposed New Hope Creek Alternative 1 (NHC-1) and Alternative 2 (NHC-2) both cross the New Hope Creek corridor on the south side of the existing U.S. 15-501 right-of-way and bridge. This heavily travelled highway corridor, which in this vicinity already carries in excess of 44,000 trips per day, generates considerable noise and visual impacts which are discerned from certain points along the NHP trail. Locating the D-O LRT rail line adjacent to the existing U.S. 15-501 transportation corridor as proposed in the NHC1 and NHC2 alternatives would have *de minimus* impacts on the Durham County open space and county owned NHP trail. The NHC-1 and NHC-2 alternatives will also support the continued viability of this significant natural heritage corridor by not creating additional clearing and fragmentation on the New Hope Creek Bottomland Forest.

Planned New Hope Creek Trail – This planned continuation of the off-road pedestrian trail would provide a connection through the New Hope Creek corridor (and Jordan Lake Game Lands) across US 15-501 to the Orange County boundary. All New Hope Creek Alternatives (i.e., NHC-1, NHC-2, and NHC-LPA) could potentially impact the planned New Hope Creek Trail. Currently, there is no funding or timeline for the implementation and construction of this trail. Coordination is ongoing between Go Triangle and the County, and as the proposed D-O LRT Project moves forward, we understand it will be designed so as not to preclude the future development of the New Hope Creek Trail. Therefore, no adverse impacts to the activities, features, or attributes of this planned trail would be anticipated.

Planned Little Creek Connector Trail – This off-road pedestrian trail would connect Chapel Hill (at Meadowmont Park) to George King Road in Durham. The proposed D-O LRT alignment and

Little Creek Crossing Alternatives C1 and C1A could potentially impact the planned Little Creek Connector Trail. There is no funding or timeline for the implementation and construction of this trail. Coordination is ongoing between Go Triangle and Durham staff. As the proposed D-O LRT Project moves forward, we understand that it will be designed so as not to preclude the future development of the Little Creek Connector Trail. Therefore, no adverse impacts to the activities, features, or attributes of this planned trail would be anticipated.

Go Triangle staff have indicated that the Draft Section 4(f) Evaluation will be available for review and comment in September/October. After the Draft Evaluation is published and made available for review and comment, we understand the FTA will consider the comments of the public, as well as the County and the City (as the official(s) with jurisdiction over the NHP Trail, the planned New Hope and Little Creek Trails, and Durham County Open Space) as part of the administration of Section 4(f). We look forward to continued coordination with the FTA prior to the FTA's final Section 4(f) determination, which we understand may include seeking formal written concurrence from Durham County.

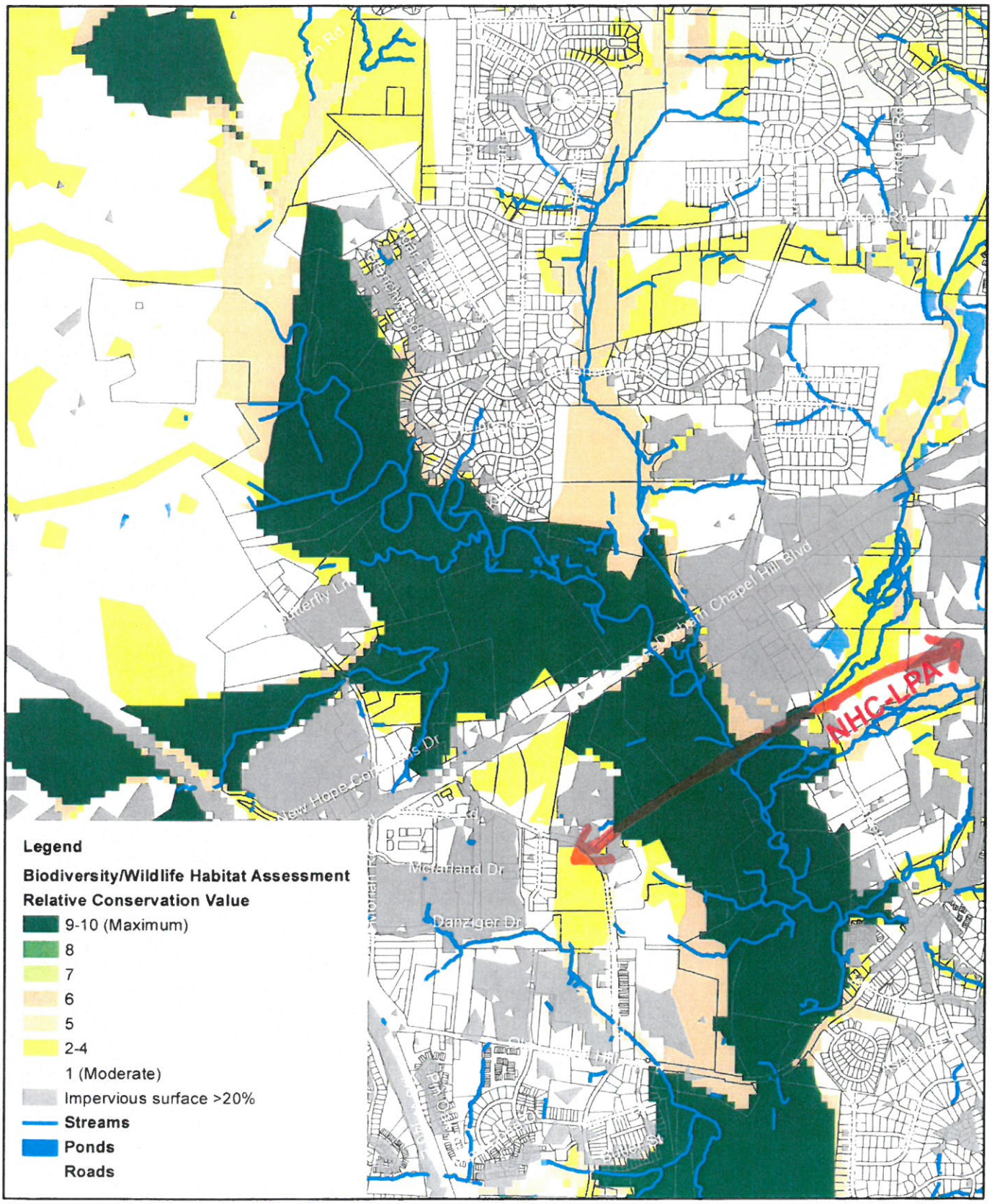
Please continue to coordinate with Durham County regarding the proposed D-O LRT Project and any activities that may affect the County, regardless of the alternative selected. We appreciate your efforts thus far to avoid and minimize adverse impacts to the public lands and recreational resources maintained and/or owned by Durham County. We would like to request that GoTriangle provide a more detailed presentation before our Board of County Commissioners in August 2015 regarding the details of the proposed transit alignment through the New Hope and Little Creek corridors.

Sincerely,

Wendell M. Davis
Durham County Manager

cc: Keith Melton, FTA Region IV
Stan Mitchell, FTA Region IV
Carrie Walker, FTA Region IV
Tammy Bouchelle, Go Triangle
Meghan Makoid, Go Triangle
Gavin Poindexter, AECOM
Kathy Everett Perry, Senior Assistant County Attorney
Durham Board of County Commissioners

Attachments
N. C. Carolina Wildlife Resources Commission Letter
N.C. Department of Environment and Natural Resources Letter
U.S. Department of the Interior Fish and Wildlife Service Letter
Map showing State Biodiversity Ranking with NHC-LPA



Prepared by:
Open Space & Real Estate Division
Durham County Engineering Deptartment
May 2015

New Hope Creek Biodiversity Ranking
State of North Carolina

GO Triangle

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CIN 150366

June 8, 2015

Paul C. Worley, CPM
Director
Rail Division
North Carolina Department of Transportation
1 South Wilmington Street (Delivery)
Raleigh, NC 27601

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Worley,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

Please note that the FTA has agreed that GoTriangle can transmit these documents to the Cooperating Agencies (USACE/FHWA/USEPA) in order for a concurrent review of the ADEIS to occur. Performing this concurrent review by the FTA and the Cooperating Agencies is critical for this important project's environmental process to meet the required completion date of February 25, 2016, in accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21).

We respectfully request that the concurrent review of the ADEIS by the FTA and the Cooperating Agencies conclude by June 26, 2015. Please send any comments regarding the ADEIS to my attention. GoTriangle will share all ADEIS comments received from the Cooperating Agencies with the FTA, and will coordinate revisions to the DEIS with the FTA as appropriate. GoTriangle staff would like to set up a meeting with you for the week of June 29 or July 6 to discuss your comments on the ADEIS. Please let me know dates and times that suit your calendar for this meeting.

Thank you for your assistance in meeting this schedule and for your continued assistance with moving the D-O LRT Project successfully forward.

David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

PO Box 13787 | Research Triangle Park, NC 27709 | P: 919.485.7510 | F: 919.485.7547
www.gotriangle.org

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CIN 150363

June 8, 2015

Jeff Mann
Deputy Secretary for Transit
North Carolina Department of Transportation
1 South Wilmington Street
Transportation Building, Room 157
Raleigh NC 27601

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Mann,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

Please note that the FTA has agreed that GoTriangle can transmit these documents to the Cooperating Agencies (USACE/FHWA/USEPA) in order for a concurrent review of the ADEIS to occur. Performing this concurrent review by the FTA and the Cooperating Agencies is critical for this important project's environmental process to meet the required completion date of February 25, 2016, in accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21).

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Thank you for your assistance in meeting this schedule and for your continued assistance with moving the D-O LRT Project successfully forward.

David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: Two (2) CDs containing ADEIS and ADEIS Draft Appendices

cc: Debra G. Collins, Public Transportation Director, NC Department of Transportation (with enclosure)
Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

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CIN 150364

June 8, 2015

Joey Hopkins, P.E.
Division Engineer
Highway Division 5
North Carolina Department of Transportation
2612 N. Duke Street
Durham, NC 27704

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Hopkins,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

Please note that the FTA has agreed that GoTriangle can transmit these documents to the Cooperating Agencies (USACE/FHWA/USEPA) in order for a concurrent review of the ADEIS to occur. Performing this concurrent review by the FTA and the Cooperating Agencies is critical for this important project's environmental process to meet the required completion date of February 25, 2016, in accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21).

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Thank you for your assistance in meeting this schedule and for your continued assistance with moving the D-O LRT Project successfully forward.

David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

PO Box 13787 | Research Triangle Park, NC 27709 | P: 919.485.7510 | F: 919.485.7547
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CIN 150365

June 8, 2015

Mike Mills, P.E.
Division Engineer
Highway Division 7
North Carolina Department of Transportation
PO Box 14996
1584 Yanceyville Street
Greensboro, NC 27415-4996

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Mills,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

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David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

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CIN 150361

June 8, 2015

Cynthia Van Der Wiele
US EPA R4 NEPA Program Office
US Environmental Protection Agency
NC Field Office
109 T.W. Alexander Drive
Research Triangle Park, NC 27709

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Ms. Van Der Wiele,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

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David A. Charters

David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

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CIN 150362

June 8, 2015

Heinz Mueller
Regional NEPA Coordinator
US Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S. W.
Atlanta, GA 30303-8960

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Mueller,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

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David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

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CIN 150356

June 8, 2015

John F. Sullivan, III, P.E.
Division Administrator
Federal Highway Administration
North Carolina Division
310 New Bern Avenue, Ste 410
Raleigh, North Carolina 27601-1418

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Sullivan,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

Please note that the FTA has agreed that GoTriangle can transmit these documents to the Cooperating Agencies (USACE/FHWA/USEPA) in order for a concurrent review of the ADEIS to occur. Performing this concurrent review by the FTA and the Cooperating Agencies is critical for this important project's environmental process to meet the required completion date of February 25, 2016, in accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21).

We respectfully request that the concurrent review of the ADEIS by the FTA and the Cooperating Agencies conclude by June 26, 2015. Please send any comments regarding the ADEIS to my attention. GoTriangle will share all ADEIS comments received from the Cooperating Agencies with the FTA, and will coordinate revisions to the DEIS with the FTA as appropriate. GoTriangle staff would like to set up a meeting with you for the week of June 29 or July 6 to discuss your comments on the ADEIS. Please let me know dates and times that suit your calendar for this meeting.

Thank you for your assistance in meeting this schedule and for your continued assistance with moving the D-O LRT Project successfully forward.

David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: Three (3) CDs containing ADEIS and ADEIS Draft Appendices

cc: Clarence W. Coleman, P.E., Director of Preconstruction and Environment, FHWA (with enclosure)
Felix Davila, Central Preconstruction & Environment Engineer, FHWA (with enclosure)
Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

PO Box 13787 | Research Triangle Park, NC 27709 | P: 919.485.7510 | F: 919.485.7547
www.gotriangle.org

GO Triangle

Connecting all points of the Triangle

CIN 150354

June 8, 2015

John T. Thomas, Jr.
Department of the Army
Wilmington District, Corps of Engineers
US Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587

RE: Administrative Draft Environmental Impact Statement (ADEIS) for the proposed Durham-Orange Light Rail Transit (D-O LRT) Project

Dear Mr. Thomas,

The Federal Transit Administration (FTA), in cooperation with GoTriangle, has prepared the ADEIS for the proposed D-O LRT Project. Please find enclosed a CD which contains electronic copies of the ADEIS and ADEIS Draft Appendices for your review and comment. Also saved to the enclosed CD is a comment form for use in documenting your comments.

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David A. Charters, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)
dcharters@gotriangle.org

Enclosure: One (1) CD containing ADEIS and ADEIS Draft Appendices

cc: Yvette G. Taylor, Ph.D., Regional Administrator, FTA Region IV (without enclosure)

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2012-00957 County: Durham-Orange U.S.G.S. Quad: NC-Southwest Durham

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: GoTriangle

Address: P.O. Box 13787

Research Triangle Park, NC 27709

Telephone Number:

Size (acres)	400	Nearest Town	Durham-Chapel Hill
Nearest Waterway	Little-New Hope Creek	River Basin	Haw
USGS HUC	03030002	Coordinates	Latitude: 35.958951
			Longitude: -78.981665

Location description: Proposed Durham-Orange Light Rail corridor from UNC Hospitals in Chapel Hill, Orange County, North Carolina, to Austin Avenue in Durham, Durham County, North Carolina adjacent to Little Creek and New Hope Creek in the Haw River Basin.
Per your request dated September 4, 2014, this determination is modified to include addendum 1 thru 3 verification of jurisdictional waters as defined by in field flagging and provided mapping included with reference request.
Per your request dated May 19, 2015, this determination is modified to include addendum 4 verification of jurisdictional waters as defined by in field flagging and provided mapping included with reference request.

Indicate Which of the Following Apply:

A. Preliminary Determination

_ Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area . We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

B. Approved Determination

_ There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

X There are waters of the U.S. including wetlands on the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

_ We strongly suggest you have the waters of the U.S. including wetlands on your project area delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

X The waters of the U.S. including wetlands on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to

CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

- The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on ____. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Morehead City, NC, at (252) 808-2808 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **John Thomas at 919-554-4884 x25 or John.T.Thomas.JR@usace.army.mil**.

C. Basis For Determination: *There are stream channels within your project site which are tributaries of Little Creek & New Hope which flows into the Haw River and the Atlantic Ocean. .*

D. Remarks:

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **8/05/2015**.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: _____

Date: 6/05/2015 Expiration Date:

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://regulatory.usacesurvey.com/.

Cc: Brandon Phillips, 900 West Trade Street, Suite 715, Charlotte, NC 28202-1144

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: **GoTriangle**	File Number: **SAW-2012-00957**	Date: 6/05/15
Attached is:		See Section below
☐ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
☐ PROFFERED PERMIT (Standard Permit or Letter of permission)		B
☐ PERMIT DENIAL		C
☐ APPROVED JURISDICTIONAL DETERMINATION		D
☒ PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: **District Engineer, Wilmington Regulatory Division, Attn: John Thomas**	If you only have questions regarding the appeal process you may also contact: Mr. Jason Steele, Administrative Appeal Review Officer CESAD-PDO U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 10M15 Atlanta, Georgia 30303-8801 Phone: (404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, John Thomas,

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137

GO Triangle

Connecting all points of the Triangle

June 19, 2015

VIA U.S. MAIL AND E-MAIL

Rebecca S. Behravesh, Esq.
U.S. Department of Transportation
Federal Railroad Administration
Office of Chief Counsel
1200 New Jersey Avenue, SE
Mail Stop: 10
Washington, DC 20590
E-mail: rebecca.behravesh@dot.gov

Re: Jurisdictional Determination for New Proposed Passenger Rail Project in Durham and Orange Counties, North Carolina

Dear Ms. Behravesh:

On behalf of the Research Triangle Regional Public Transportation Authority d/b/a Triangle Transit d/b/a GoTriangle (GoTriangle), I write to seek the opinion of the Federal Railroad Administration (FRA) regarding the extent of FRA's jurisdiction over a proposed passenger rail project in Durham and Orange Counties, North Carolina (D-O Rail Project). (A map showing the alignment of the proposed D-O Rail Project is found at Attachment 1.)

GoTriangle understands that any opinion provided by FRA in response to this request is dependent upon the information provided to you, and that FRA's determination may change if significant characteristics of the D-O Rail Project should change in the future. With that understanding, GoTriangle respectfully requests a jurisdictional determination from FRA for the proposed D-O Rail Project outlined herein.

It should be noted at the outset that GoTriangle has not requested a jurisdictional determination from FRA for this particular rail project prior to this request. As explained below, the proposed D-O Rail Project is significantly different from previous rail projects proposed by GoTriangle and reviewed by FRA.

PO Box 13787
Research Triangle Park, NC 27709
P: 919.485.7510 | F: 919.485.7547

I. The Proposed D-O Rail Project

The proposed D-O Rail Project is situated entirely within the Durham-Orange Corridor (D-O Corridor), in central North Carolina. (A map depicting the D-O Corridor is found at Attachment 2.) The D-O Corridor connects the Town of Chapel Hill (Orange County) and the City of Durham (Durham County). Chapel Hill and Durham are a part of the same Metropolitan Statistical Area (MSA). Both municipalities, along with the Town of Carrboro (Orange County), form the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

The D-O Corridor extends roughly 17 miles from southwest Chapel Hill to east Durham, and includes several educational, medical, and other key activity centers which generate a large number of trips each day. The proposed D-O Rail Project consists of a bidirectional line that extends approximately 17 miles on a dedicated double track alignment from the University of North Carolina at Chapel Hill (UNC) to east Durham. See Attachment 1. The proposed alignment connects a range of educational, medical, employment, and other important activity centers, including: UNC and Duke University; major medical facilities (UNC Hospitals, Durham Veterans Affairs (VA) Medical Center, and Duke University Medical Center); employment centers (area hospitals and universities, mixed-use office and retail); and other destinations of interest, including athletic, arts, and cultural facilities. The D-O Rail Project would also provide service to major transportation hubs, as some proposed stations would be located within walking distance of the existing Durham Station (serving intercity, local, and regional bus service) and the existing Durham Amtrak Station. A video "fly-through" of the proposed D-O Rail Project showing the proposed alignment, stations, multimodal connections, and potential locations for the Rail Operations Maintenance Facility (ROMF) is found at the following link: http://ourtransitfuture.com/projects/durham-orange/.

Additional major characteristics of the proposed D-O Rail Project include:

- No direct connections to the general railroad system of transportation (general system)
- No shared track between the D-O Rail Project and freight or other heavy rail operations, no shared stations, and no shared train control systems
- Would operate primarily at-grade in a dedicated double-track guideway throughout the entire 17 mile alignment
- In downtown Durham and east Durham, 1.8 miles of the D-O Rail Project (i.e., from Ninth Street Station to Alston Avenue Station) is proposed to run within the North Carolina Railroad (NCRR) Corridor. (A map showing the location of the proposed D-O Rail Project within the NCRR Corridor is found at Attachment 3.)
- Along the proposed 17 mile D-O Rail Project alignment, the NCRR Corridor is the only corridor shared with a railroad that is part of the general system (i.e., Amtrak, Norfolk-Southern (N-S), and CSX)
- Horizontal track separation between the D-O Rail tracks adjacent to the nearest freight track would be at least 55 feet from existing track and 40 feet from potential future tracks within the NCRR Corridor. (Cross sections showing

typical ballast or embedded track sections next to NCRR tracks are found at Attachment 4.)

- Based on existing conditions, six D-O Rail Project highway at-grade crossings would be adjacent to those of other railroad carriers (Amtrak, N-S, CSX); two of the existing highway-railroad at-grade crossings within the NCRR Corridor would be eliminated when the 2040 Metropolitan Long Range Transportation Plan (2040 LRTP) is implemented
- Electric powered light rail transit (LRT) technology with overhead catenary would be utilized
- Estimated travel time from Chapel Hill (UNC Hospitals Station) to east Durham (Alston Avenue Station): 42 minutes
- Daily bidirectional service is proposed to be 7 days per week, 18 hours per day
- The service presumes 10 minute headways during peak hours and 20 minute headways in off-peak hours
- Estimated cost: $1.5-1.7 Billion
- Funding sources: Local ½ cent sales tax, vehicle registration fees, and rental car tax in Durham and Orange Counties; fares; state transportation funds; and federal transit funds
- Estimated operating year: 2025/2026
- New and enhanced bus service would connect to most of the proposed D-O Rail Project stations
- Project partners include: FTA (lead agency); Federal Highway Administration (FHWA) (cooperating agency); U.S. Army Corps of Engineers (cooperating agency); U.S. Environmental Protection Agency (cooperating agency); North Carolina Department of Transportation (NCDOT); DCHC MPO; Durham County; Orange County; City of Durham; Town of Chapel Hill; and NCRR

On December 19, 2013, GoTriangle submitted to FTA a request to enter the New Starts Program Project Development (PD) phase for the proposed D-O Rail Project, pursuant to the Moving Ahead for Progress for the 21st Century (MAP-21) legislation. (A copy of GoTriangle's December 19, 2013, letter is attached hereto at Attachment 5.) On February 25, 2014, FTA granted GoTriangle's request to enter the PD phase. (A copy of FTA's letter to GoTriangle is attached hereto at Attachment 6.)

II. Legal Framework For FRA's Safety Jurisdiction Policy

GoTriangle understands that FRA's authority derives from the Federal Railroad Safety Act of 1970 (Safety Act) and its implementing regulations. The purpose of the Safety Act is the "[promotion of] safety in every area of railroad operations and [to] reduce railroad-related accidents and incidents." 49 U.S.C. § 20101. Railroad safety laws apply to all "railroad carriers," which are defined as persons providing railroad transportation. Id. at § 20102(3). "Railroad" is broadly defined and "means any form of non-highway ground transportation that run on rails or electromagnetic guideways[.]" "Railroad" includes "commuter or other short-haul rail passenger service in a metropolitan or suburban area," and "high speed ground

transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads." 49 U.S.C. § 20102(2)(A)(i)-(ii). Within the limits imposed by this authority, GoTriangle knows that FRA exercises jurisdiction over all intercity passenger operations (i.e., commuter rail or short-haul passenger service). Thus, under the broad definitions in the federal railroad safety laws, FRA has jurisdiction over all railroads except ''rapid transit operations in an urban area that are not connected to the general railroad system of transportation.'' 49 U.S.C. § 20102(2)(B).

We are aware that FRA developed the "Statement of Agency Policy Concerning Jurisdiction Over the Safety of Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment," 65 Fed. Reg. 42,529 (July 10, 2000) (promulgated at 49 C.F.R. Part 209, Appendix A) ("Policy Statement") to determine how the terms "commuter and other short-haul railroads" and "urban rapid transit systems" are applied. GoTriangle recognizes that the Policy Statement includes specific presumptions established by FRA regarding rail operations. For example, if a law enacted by Congress describes a passenger rail system as commuter rail, FRA presumes the system to be a commuter railroad. Id. The Policy Statement also includes FRA's presumption that a system is an urban rapid transit operation if: (i) the system is not presumptively a commuter railroad; (ii) the operation is a subway or elevated operation with its own track system on which no other railroad may operate; (iii) the operation has no highway-rail grade crossings; (iv) the system operates within an urban area; and (v) the operation moves passengers from station to station, within the urban area, as one of its major functions. See id. at 42,545.

Where neither the commuter railroad nor the urban rapid transit presumption applies to a transit system, GoTriangle understands that FRA will look at "all of the facts pertinent to a particular transit system to determine its proper characterization." Id. at 42,544-45. The Policy Statement notes three general factors upon which FRA relies when classifying a system as commuter rail or urban rapid transit: (i) the geographic scope of the transit service; (ii) the primary function of the service; and (iii) the frequency of the transit service. Id. As explained in the Policy Statement, we are aware that FRA evaluates commuter railroads and urban rapid transit operations as follows:

Commuter Railroad

(i) the system serves an urban area, its suburbs, and more distant outlying communities in the greater metropolitan area;
(ii) the system's primary function is moving passengers back and forth between their places of employment in the city and their homes within the greater metropolitan area, and moving passengers from station to station within the immediate urban area is, at most, an incidental function; and
(iii) the vast bulk of the system's trains are operated in the morning and evening peak periods with few trains at other hours.

Urban Rapid Transit

(i) the operation serves an urban area (it may also serve its suburbs);

(ii) moving passengers from station to station within the urban boundaries is a major function of the system and there are multiple station stops within the city for that purpose (such an operation could still have the transportation of commuters as one of its major functions without being considered a commuter railroad); and

(iii) the system provides frequent train service even outside the morning and evening peak periods.

Id. at 42,545.

Even if a determination is made that a system is an urban rapid transit operation, GoTriangle acknowledges that pursuant to the Policy Statement, FRA will exercise jurisdiction over such a system to the extent that it is connected to the general system. 49 C.F.R. Part 209, Appendix A. Finally, we understand that where an urban rapid transit system has limited connections to the general system, FRA will exercise limited jurisdiction over the urban rapid transit system and only to the extent necessary to ensure public safety at the points of connection for that system, the general railroad, and the public.

III. Application Of FRA's Policy Statement To The Proposed D-O Rail Project

GoTriangle believes that the scope, nature, and characteristics of the proposed D-O Rail Project provide the basis for FRA to evaluate the scope of its jurisdiction as to the subject project. As explained more fully below, we respectfully submit that there is ample basis for FRA to determine that the proposed D-O Rail Project is an urban rapid transit system with limited connections to the general system. The information that follows outlines several of the factors GoTriangle identified as important considerations for your review as defined by the Policy Statement, 49 C.F.R. Part 209, Appendix A.

A. Geographic Scope of the Proposed D-O Rail Project

A key characteristic of an urban rapid transit system is that it serves an urban area. GoTriangle submits that the proposed D-O Rail Project will serve a single urban area with the same MSA and MPO, not a sprawling metropolitan region. This is so because the City of Durham and the Town of Chapel Hill are closely linked – they are contiguous municipalities with respective centers only 8 miles apart. A portion of Chapel Hill is located in Durham County and a portion of Durham is located in Orange County, and the suburbs of Durham and Chapel Hill are shared. The shared suburban areas between Durham and Chapel Hill are currently served almost entirely by highway corridors (i.e., US 15-501, NC Highway 54, and Interstate 40). Amtrak intercity rail service only serves Durham – not both Durham and Chapel Hill. Because Amtrak does not serve Chapel Hill, this suggests that these municipalities constitute a single urban area. See, e.g., Research Triangle Reg'l Pub. Transp. Auth. v. FRA, No. 03-1283, slip op. at 5 (4th Cir. December 15, 2003) (noting that because Amtrak intercity rail service already served Raleigh, Durham, and Cary, this "suggested to FRA that these cities, while perhaps part of a larger metropolitan area, do not constitute a single urban area[]").

Durham and Orange Counties work cooperatively through various channels to manage the anticipated rapid growth within their respective jurisdictions. (From 2010 to 2040, population growth is expected to be 64% in Durham County and 52% in Orange County.) As stated above, Durham and Chapel Hill are a part of the same MSA as determined by the U.S. Census Bureau. (Each MSA contains a core urban area and consists of one or more counties.) In addition, the U.S. Census Bureau has identified the entire area served by the proposed D-O Rail Project as being within a single urbanized area. (An urbanized area represents a densely developed territory and encompasses residential, commercial, and other non-residential urban land uses.) Further, the City of Durham and the towns of Chapel Hill and Carrboro joined together to form one MPO. The DCHC MPO is responsible for the western part of the Triangle region, covering all of Durham County, a portion of Orange County (including the towns of Chapel Hill, Carrboro, and Hillsborough), a small portion of southwest Granville County, and Northeast Chatham County. Durham and Orange Counties also passed the ½ cent sales tax increase to fund transit initiatives (Durham County: November 8, 2011; Orange County: November 6, 2012) and jointly concurred in the formation of the Western Triangle Tax District.

The proposed D-O Rail Project would be completely contained within the Durham-Chapel Hill MSA and located within the jurisdiction of the DCHC MPO. The proposed alignment would serve both the urban neighborhoods and the shared suburbs of Chapel Hill and Durham, as it generally follows NC Highway 54, Interstate 40, US Highway 15-501, and the NCRR Corridor in downtown Durham and east Durham. See Attachments 1-3.

As FRA has acknowledged, it is possible for two municipalities to have a single urban core, as is the case with Durham and Chapel Hill. See, e.g., September 24, 2009, letter from S. Mark Lindsey, Chief Counsel, FRA, to David D. King (determining that GoTriangle's proposed LRT service from Cary to Raleigh was an urban rapid transit system in part because "Raleigh and Cary constitute one urban area with a single urban core."). The proposed D-O Rail Project would serve Durham and Chapel Hill in a similar fashion, and is within the range of similar urban rapid transit systems that are currently in operation across the United States.

In light of the foregoing, GoTriangle respectfully submits that the proposed concentrated rail service – serving two contiguous municipalities and their shared suburbs within a 17 mile rail corridor with an average station spacing of one mile – meets the geographic criteria associated with an urban rapid transit operation.

B. Function of the Proposed D-O Rail Project

An urban rapid transit system functions to move passengers from station to station within an urban area for non-work-related purposes. The primary focus of the proposed D-O Rail Project is moving passengers from station to station within the Durham-Chapel Hill MSA while connecting walkable urban and suburban neighborhoods with multiple activity centers within the D-O Corridor.

The proposed D-O Rail Project would connect two major universities and three important medical centers, with bidirectional traffic running 7 days a week, 18 hours per day. The D-O

Corridor includes several educational, medical, and other key activity centers which generate a large number of trips each day. These activity centers include: UNC, Duke University, NCCU, and DTCC; major medical facilities (UNC Hospitals, Durham VA Medical Center, and Duke University Medical Center); employment centers[1] (area hospitals and universities, multiple mixed-use office and retail destinations, including Patterson Place, South Square, the American Tobacco Campus, and downtown Durham); and other destinations of interest, including athletic facilities (UNC [Dean E. Smith Center, Kenan Memorial Stadium, Carmichael Arena, Finley Golf Course], Duke University [Cameron Indoor Stadium, Wallace Wade Stadium, Duke University Golf Club], Durham Bulls Athletic Park [AAA baseball], and NCCU [O'Kelly-Riddick Stadium, McDougald-McLendon Gymnasium]); major arts and cultural facilities (Ackland Art Museum, Morehead Planetarium, Memorial Hall, North Carolina Botanical Gardens, the William and Ida Friday Center for Continuing Education, Nasher Museum of Art, Sarah P. Duke Memorial Gardens, Carolina Theatre, Durham Performing Arts Center, Hayti Heritage Center, and the NCCU Art Museum); and major transportation hubs within walking distance like Durham Station (serving intercity, local, and regional bus service) and the Durham Amtrak Station.

The proposed alignment of the D-O Rail Project within the D-O Corridor is designed to serve a large number of activity centers and neighborhoods and to facilitate the movement of people throughout the day and evening among these activity centers and neighborhoods. Ridership projections indicate that 52% of the trips on the proposed D-O Rail Project are non-work related trips. These ridership projections were made using the Triangle Regional Model Version 5 (Model), using the adopted 2040 Metropolitan Transportation Plan socioeconomic data for jobs and housing from the DCHC MPO.

Multimodal connections at the 17 proposed train stations would seamlessly connect transit passengers. The station environment for the proposed D-O Rail Project would be oriented towards providing passengers with non-work-related service throughout the day, as many of the transit stations will be developed with little or no public parking. These constraints on public parking are consistent with an urban rapid transit system that has substantial station-to-station travel, rather than one-directional commuter travel for work-related trips. The bus-rail integration plan would be designed to support the travel markets to major destinations from various neighborhoods, park-and-ride lots, and other trip generators. Some stations are better suited for bus access, whereas others (such as Hamilton Road Station), have such limited roadway access from nearby major arterials that passengers can get off the bus on another street and walk to the station significantly faster than the bus can get them there if the bus drove directly to the rail station. Further, bus routes would be modified to feed into the train stations and headways would be adjusted to provide more frequent service and minimize transfer waiting times. These services would also connect rail passengers with other area transportation hubs, including six existing park and ride lots and one planned park and ride lot in Orange County, and two existing and three new park and ride lots in Durham County. These hubs would serve as

[1] The D-O Corridor is a primary employment spine in the Triangle region and accounts for approximately 28% of the jobs in both Durham and Orange Counties. Employment in the D-O Corridor is expected to increase by more than 60% from 2010 to 2040.

direct links to the rail stations. Major transfer centers within walking distance (e.g., the existing Durham Amtrak Station and the Durham Station in downtown Durham) would afford convenient passenger rail connections and well-situated intercity, local, and regional bus service. Buses would directly serve most, but not all, of the proposed D-O Rail stations.

Finally, although equipment is not determinative of the status of the transit operation, the D-O Rail Project would deploy a fleet of 17 electric powered LRT vehicles (which are typically used in traditional urban rapid transit operations). The D-O Rail service is envisioned to be operated with modern, 70 percent low-floor vehicles, powered by an overhead catenary system, with 68 to 76 seats per car. These electric powered LRT vehicles can take advantage of greater acceleration and deceleration rates, are able to negotiate steeper gradients than heavier rail vehicles, and can operate on city streets adjacent to automobiles.

As explained above, GoTriangle, in conjunction with our local partners, project stakeholders, the public, and FTA staff, has designed the proposed D-O Rail Project to ease the movement of passengers throughout the Durham and Chapel Hill MSA and to connect them with the communities in which they live, work, study, and play. Therefore, the function of our proposed project reflects the characteristics of an urban rapid transit operation.

C. The Operations of the Proposed D-O Rail Project

The final characteristic of an urban rapid transit system involves the frequency of the service provided to the passengers. GoTriangle believes the planned service for the proposed D-O Rail Project is indicative of an urban rapid transit system.

The proposed daily service of the D-O Rail Project is 7 days per week, 18 hours per day. During peak hours, the electric powered LRT vehicles will operate at 10-minute intervals and at 20-minute intervals during non-peak hours. Average train speeds will conform to typical light rail operations (about 26 mph). Along the proposed D-O Rail Project alignment, the top travel speed is approximately 55-60 mph and its slowest speed (when trains are operating in street medians) is 20-35 mph. The travel time between the western terminus (UNC Hospitals Station) and the eastern terminus (Alston Avenue Station) is approximately 42 minutes. GoTriangle forecasts 23,000 average weekday trips by 2040.

It is our position that the frequency of the proposed service associated with the proposed D-O Rail Project is consistent with other urban rapid transit operations within the United States. See 65 Fed. Reg. 42,529 at 42,545.

D. Safety Considerations for the Proposed D-O Rail Project

The proposed D-O Rail Project will be designed with the goal of increasing safety and efficiency for trains, passengers, motorists, the public, and freight carriers. The Project will be designed and implemented using best practices in accordance with FRA and FTA safety standards and regulations, and in close coordination with state and local governments and transit partners.

It is the intention of GoTriangle to develop the proposed D-O Rail Project so that it satisfies or exceeds federal safety requirements. The proposed Project will have no direct connection to the general system. There will be no shared track between the D-O Rail vehicles and freight or other heavy rail operations, no shared stations, and no shared train control systems. The proposed D-O Rail Project will be double-tracked throughout the entire 17 mile alignment and will operate primarily at-grade in a dedicated double-track guideway with elevated sections to mitigate potential traffic and environmental impacts. In downtown Durham and east Durham, 1.8 miles of the proposed D-O Rail Project route will be partially or wholly within the NCRR Corridor. See Attachment 3. This is the only shared corridor with a railroad that is part of the general system (i.e., Amtrak, N-S, and CSX). Within the NCRR Corridor, the horizontal track separation between the D-O Rail vehicles and the nearest freight tracks will be at least 55 feet from existing track and 40 feet from potential future tracks as identified by NCRR. See Attachment 4. The LRT vehicles will not cross any freight or intercity railroad tracks at any point. Based on existing conditions, at six locations in downtown Durham, the light rail tracks would be adjacent to an existing highway-railroad at-grade crossing, but outside the railroad crossing gates and flashers. (It should be noted that two of the existing highway-railroad at-grade crossings within the NCRR Corridor would be eliminated when the 2040 LRTP is implemented.) GoTriangle will continue to work constructively and cooperatively with NCRR as the D-O Rail Project moves forward.

GoTriangle will directly enhance and maintain safety across the entire length of the D-O Rail Project by implementing numerous safety measures and risk mitigation strategies. For example, at-grade crossing safety can be maximized by implementing where practicable "sealed corridor" improvements including four-quadrant gates and raised medians, as well as enhanced operational safety through computer-based train control, traffic signalization, cab signaling, train stop technology, and active warning devices such as bells, signals, flashing lights, and horns, as well as appropriate signage and pavement markings. GoTriangle will also place high emphasis on pedestrian safety along the proposed D-O Rail Project alignment and will implement Z gates to the extent space permits, D-O Corridor fencing where pragmatic, and intrusion detection and fencing between railroad and light rail tracks within the NCRR Corridor. GoTriangle will also work with FTA, NCDOT, NCRR, and our local government partners, first responders, and other safety personnel to develop a system safety plan for the proposed D-O Rail Project.

The train detection systems for the general system railroad(s) and the proposed D-O Rail Project will be separate systems, each with its own train circuits, bungalows, and detection protection system. It is anticipated that the two systems would independently preempt traffic signals at existing intersections adjacent to the D-O Rail tracks and/or railroad. The D-O Rail tracks adjacent to an at-grade railroad track would be protected by highway traffic signals which would be preempted by the light rail vehicle as well as trains operating on the railroad tracks. It is not anticipated that the crossing arms and signals for the freight and passenger railroads will be activated at the passing of a D-O Rail vehicle. Ownership and maintenance of the general system railroad highway-railway grade crossing warning equipment is subject to an agreement between NCRR and N-S, and will remain with the general system railroad(s). GoTriangle will own and maintain any highway-railway grade crossing warning equipment for the proposed D-O

Rail Project. Traffic signals used in warning/protecting the highway-railway crossings will be maintained by the appropriate local transportation department(s). The type of crossing protection implemented for the D-O Rail crossings would be determined upon thorough coordination with FRA, FHWA, NCDOT, and NCRR during final engineering/design.

GoTriangle will continue to work closely with NCDOT as the D-O Rail Project moves forward. In fact, the NCDOT Rail Division and its Rail Safety Oversight Program will provide all safety oversight of rail construction and operations throughout the Project. Further, we will continue to work with NCDOT as the proposed Southeast High Speed Rail project moves forward so that our safety measures can be coordinated, where applicable.

IV. Conclusion

GoTriangle is committed to improving transit services for current and future residents, students, employers, and visitors as Durham and Chapel Hill continue to prosper, develop, and diversify. These municipalities have a history of embracing transit as not only a necessary mode of transportation, but as a preferred option. GoTriangle appreciates FRA's evaluation of the proposed D-O Rail Project and the question of FRA's jurisdiction over this project. If you have any questions or need any additional information, please do not hesitate to contact me at 919.485.7562 or dross@gotriangle.org.

GoTriangle greatly appreciates your time and consideration, and we look forward to continuing to work with FRA as the proposed D-O Rail Project successfully advances.

Sincerely,

Deborah K. Ross
General Counsel

Attachments:

Attachment 1:	Map Depicting Proposed D-O Rail Project Alignment
Attachment 2:	Map Depicting D-O Corridor
Attachment 3:	Map Depicting Proposed D-O Rail Project Within NCRR Corridor
Attachment 4:	Cross Sections Showing Track Sections Next to NCRR Tracks
Attachment 5:	Letter to FTA Requesting Entry into New Starts PD (w/o attachments)
Attachment 6:	Letter from FTA Granting Request to Enter New Starts PD
Attachment 7:	Letter from NCRR Regarding D-O Light Rail Lease Negotiations

cc: Yvette G. Taylor, Ph.D., Regional Administrator, Region 4, FTA
Micah M. Miller, Esq., Regional Counsel, Region 4, FTA
Stanley A. Mitchell, Environmental Protection Specialist, Region 4, FTA
Amy Zaref, Environmental Specialist, supporting FTA
Scott M. Saylor, President, NCRR

Jim Kessler, PE, Vice President – Engineering, NCRR
John Edwards, General Director Passenger Policy, N-S
Jeff Mann, Deputy Secretary for Transit, NCDOT
Paul C. Worley, CPM, Director, Rail Division, NCDOT
Joey Hopkins, PE, Division Engineer, Highway Division 5, NCDOT
Mary M. Dillon, Esq., Ellis & Winters LLP
Mark D. Ahrendsen, Director, Transportation Department, City of Durham
Ellen Beckmann, AICP, Senior Transportation Planner, City of Durham
Diane Cowin, Senior Transit Program Manager, AECOM
David D. King, General Manager, GoTriangle
Greg Northcutt, Director of Capital Development, GoTriangle
David Charters, PE, Manager of Design and Engineering, GoTriangle

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

CIN 150433

REPLY TO
ATTENTION OF:

June 25, 2015

Regulatory Division/1200A

Action ID: SAW 2012-00957

Mr. David A. Charters, PE
Manager, Design & Engineering
Triangle Transit
Post Office Box 13737
Research Triangle Park, North Carolina 27709

Dear Mr. Charters:

Reference is made to the request for our review and comments on the Administrative Draft Environmental Impact Statement (DEIS) received on June 3, 2015, for the proposed Durham-Orange Light Rail Transit Project located on new linear alignment from UNC Hospitals in Chapel Hill, Orange County, North Carolina to Austin Avenue in Durham, Durham County, North Carolina.

In regards to our concerns pertaining to the Corps of Engineers (Corps) Regulatory Authority, our review based on the information provided in the referenced DEIS, it appears the proposed light rail project may impact jurisdictional waters of Little Creek and New Hope Creek of the Cape Fear watershed (HUC 03030002). Department of the Army (DA) permit authorization, pursuant to Section 404 of the Clean Water Act of 1977, as amended, will be required for the discharge of excavated or fill material into waters of the United States or any adjacent wetlands in conjunction with this project, including disposal of construction debris. Specific permit requirements will depend on design of the project, extent of fill work within the waters of the United States, construction methods, and other factors including temporary construction, support facilities (i.e. rail stations, maintenance shop facilities), facility maintenance access, mechanized land clearing and dewatering activities.

Please be aware that the Department of the Army and the U.S. Environmental Protection Agency signed a memorandum of agreement (MOA) on November 15, 1989, establishing procedures for DA permit authorization in compliance with Clean Water Act Section 404(b)(1) Guidelines. First of all DA permits are available only for work dependent upon being located within a jurisdictional waters of the United States that are the least environmentally damaging practical alternative. Once that alternative is determined, then the DA permit authorization requires that the project design avoids and minimize impacts to jurisdictional waters. Finally for those impacts that cannot be avoided and minimized appropriate and practical mitigation will be required.

Reference is also made to our letter of June 14, 2012, where we offered the following comments of the then provided Scoping Information Booklet (SIB) for your proposed light rail transit project:

a. Widening of an existing transportation corridor through a jurisdictional waters systems (i.e. wetlands) most often is preferred over a new alignment or realignment of the existing linear transportation corridor. The existing linear transportation corridor has already impacted the jurisdictional water systems. The SIB includes such an alternative for the crossing of the Little Creek system along the NC 54 corridor. However, the SIB crossing of the New Hope Creek system does not include such an alternative even though such an alternative appears to exist along the US 15/501 corridor. We recommend that such an alternative should be included in the Scoping review. Although not discussed in the SIB, other new alignment alternatives were discussed at your May 2, 2012, workshop. In our discussions you stated that the details of these reviewed alternatives were available and in documents located on the project web page. We have reviewed the web page documents and could not find the referenced other new alignment alternatives details. Again we request that you provide the referenced details to be included in our scoping review comments for your proposed transportation project.

b. Linear transportation projects often result in the unavoidable crossings of jurisdictional waters systems with the need to connect logical termini associated with the project purpose. However, these crossings should be made perpendicular and at the narrowest point of the jurisdiction waters system. Maps included with the SIB shows such an opportunity within the defined project study area located north of the C1 alternative for the Little Creek crossing. The SIB maps also show another opportunity for avoidance in the crossing of New Hope Creek adjacent to the US 15/501 bridge crossing. We recommend that such alternatives should be included in the Scoping review.

c. DA permit authorization requires minimization of unavoidable impacts to jurisdictional waters. Review of construction methods often result in the best opportunities for such required minimization efforts. Although not discussed in the SIB, aerial segments were discussed at your May 2, 2012, workshop and in documents located on the project web page. We recommend the aerial crossings (i.e. bridging) of the proposed projects unavoidable crossings of jurisdictional waters.

d. The SIB identified two large jurisdictional water systems (i.e. Little Creek and New Hope Creek). However it did not identify other jurisdictional streams channels and/or adjacent wetlands that no doubt exist in a 17 mile linear corridor. Such information is necessary for your planning that should include avoidance and minimization of impacts to jurisdictional waters. We recommend a jurisdictional delineation and mapping of jurisdictional waters for the proposed project 17 mile corridor.

e. The SIB discusses the use of top down construction to minimize impacts, however, discussions of plans for permanent access roads for the maintenance of the LRT track and the possibility for impacts to jurisdictional waters from the installation of those roads should be included in the scoping review.

f. Potential boarding stations and maintenance yards were identified in the SIB, however, a more robust discussion regarding impacts to jurisdictional features from the construction of the stations and maintenance yards should be included in the scoping review.

g. Final comment, your scoping review should include discussion of plans for compensatory mitigation of unavoidable impacts to jurisdictional waters associated with the proposed project.

In regard to these comments, the DEIS NEPA preferred alternative has used or parallels existing transportation right-of -ways to avoid and minimize impacts to the jurisdictional waters of Little Creek and New Hope Creek. However the NEPA preferred alternative includes anticipated jurisdictional water impacts of 3,413 linear feet of stream channel and 0.5 acre of wetland impacts with the preferred Farrington maintenance facility site adding an additional 587 linear feet of stream channel impact. Even though this project is a linear transportation project, these anticipated jurisdictional waters impacts would be a significant impact to the Little Creek and New Hope Creek watershed. We understand that these anticipated impacts are estimates from a preliminary design. Please be aware the above referenced procedures for DA permit authorization in compliance with Clean Water Act Section 404(b)(1) Guidelines will require a more detail design that includes additional efforts of avoidance and minimization of impacts to jurisdictional waters. Also please be reminded for those impacts that cannot be avoided and minimized, appropriate and practical mitigation will be required. Knowing this your planning should include the source and availability of compensatory mitigation within the Little Creek and New Hope Creek of the Cape Fear watershed (HUC 03030002).

Thank you for the opportunity to comment on the Administrative DEIS review of your proposed project. We encourage and look forward to the continuing coordination with you in the planning and development of this project. Should you have any questions pertaining to Regulatory concerns, please contact me at my Raleigh Field Office address or call at 919-554-4884, ext. 25.

Sincerely,

John Thomas
Regulatory Project Manager
Raleigh Field Office

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

25 June 2015

Ms. Meghan Makoid
GoTriangle
PO Box 13787
RTP, NC 27709

RE: Section 7 Endangered Species Act Consultation, Durham-Orange Light Rail Transit Project (D-O LRT), Durham and Orange Counties, NC

Dear Ms. Makoid:

This letter is in response to your request for concurrence from the U.S. Fish and Wildlife Service (Service) on the potential effects to listed species from the proposed D-O LRT Project in Durham and Orange Counties, North Carolina. Section 7(a)(2) of the Endangered Species Act requires that all federal action agencies (or their designated non-federal representatives), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed threatened or endangered species. These comments provide information in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667d) and section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The Federal Transit Administration (FTA) and the Triangle Transit plan to develop approximately 17 miles of light rail transit service from UNC Hospitals in Chapel Hill, Orange County to the Alston Avenue Station in Durham, Durham County. The alignment will consist of at-grade alignment, fill and cut sections, and elevated structures. A total of 17 stations are planned, and up to 5,100 parking spaces would be provided. A Rail Operations and Maintenance Facility would also be constructed.

Based on the information provided and other information available, we concur with your determination that the proposed project will have no effect on the federally endangered smooth coneflower, red-cockaded woodpecker, or dwarf wedgemussel. We also concur that the project is not likely to adversely affect the federally endangered Michaux's sumac. In Orange and Durham Counties, the Service does not currently have any records for northern long-eared bat (NLEB). Therefore, the Federal Transit Administration does not need to consult with us for this species at this time. A no effect determination may be made for counties where we have no records. However, there are some survey efforts being conducted across the state, and there is the possibility that NLEB will be documented in one or both counties in the future. The Service recommends that the applicant or the project proponent check the county list (http://www.fws.gov/raleigh/species/cntylist/nc_counties.html) every few months or so to ensure that the status has not changed. If the NLEB is listed in the county and tree removal has not been completed for the project, then the federal action agency will need to consult with us at that time.

We believe that the requirements of section 7(a)(2) of the Act have been satisfied. Please remember that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Thank you for your cooperation with our agency in protecting federally-listed species. If you have any questions or comments, please feel free to contact Sarah McRae at sarah_mcrae@fws.gov or 919-856-4520x16.

Sincerely,

Pete Benjamin
Field Supervisor

ec: Carrie Walker, FTA
Stan Mitchell, FTA

Cowin, Diane

From: Tom Hepler <thepler@ch-engr.com>
Sent: Monday, July 13, 2015 12:02 PM
To: Poindexter, Gavin; Meghan Makoid; David Charters; Tammy Bouchelle; Cowin, Diane
Subject: Fwd: RE: [EXTERNAL] Re: DO-LRT George King Rd (UNCLASSIFIED)

---------- Original Message ----------
From: "Hosey, Michael L II SAW" <Michael.L.Hosey.II@usace.army.mil>
To: "thepler@ch-engr.com" <thepler@ch-engr.com>
Date: July 13, 2015 at 11:47 AM
Subject: RE: [EXTERNAL] Re: DO-LRT George King Rd (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Real Estate folks confirmed that following the NCDOT process for extinguishing the sections of right of way where the railline will displace the road is how you all should proceed. As part of the process the Real Estate Division Chief would provide concurrence.

For the improvements and reconnection of George King Road within the remainder of the deeded right of way. Understand that this would be in the section of the road where the government only owns the west side of the road and that the new road will be connecting from private property to the east. Real Estate confirmed that those responsible for the road (DOT/Durham) and those constructing road improvements on their behalf can do road work within the existing road right of way. However, We will have concerns about any adverse impacts to government interests on government property within the right of way so you all would need to provide a letter describing the work to be done and plans showing the changes to the facilities on government property. This could be sent in at same time as the information on extinguishing the other part of the right of way. Real Estate would make a determination if they would like to issue an easement to the State at that time or just stick with the deeded right of way. For this area it appears that flood storage could be the only concern, but much of it may be above 245 msl so may not be a issue?

I can set up at time for you all to discuss if you would like?

-----Original Message-----
From: thepler@ch-engr.com [mailto:thepler@ch-engr.com]
Sent: Tuesday, July 07, 2015 2:36 PM
To: Hosey, Michael L II SAW
Subject: RE: [EXTERNAL] Re: DO-LRT George King Rd (UNCLASSIFIED)

Michael: We just discovered that we will require a temporary easement into the USACE property within the existing R/W for tying George King road back in. Since this would be within the existing R/W and it would be for an improvement of George King Rd. I was wondering if this wouuld require an easement.
Thanks

Tom

> On July 7, 2015 at 11:05 AM "Hosey, Michael L II SAW"
<Michael.L.Hosey.II@usace.army.mil> wrote:
>
>
> Classification: UNCLASSIFIED
> Caveats: NONE
>
> Thanks! The first email did make it through our system, 10 MB is our limit.
>
> -----Original Message-----
> From: thepler@ch-engr.com [mailto:thepler@ch-engr.com]
> Sent: Tuesday, July 07, 2015 11:02 AM
> To: Hosey, Michael L II SAW
> Cc: Tammy Bouchelle; Cowin, Diane; Meghan Makoid; Poindexter, Gavin
> Subject: [EXTERNAL] Re: DO-LRT George King Rd (UNCLASSIFIED)
>
>
> In the event you did not get the email because of file size, I have reduced the attachment
>
> On July 7, 2015 at 10:31 AM "thepler@ch-engr.com" <thepler@ch-engr.com> wrote:
>
>
> Thank you so much Michael for looking into this. We have changed our exhibit to reflect the area within the deeded USACE boundary as permanent easement. We will need to coordinate with NCDOT about the proper way to extinguish (abandon) the existing R/W which resides within the USACE boundary.
>
> > On July 7, 2015 at 10:20 AM "Hosey, Michael L II SAW"
<Michael.L.Hosey.II@usace.army.mil> wrote:
> >
> >
> > Classification: UNCLASSIFIED
> > Caveats: NONE
> >
> > Mr. Helper
> >
> > After our meeting I followed up with our real estate folks. They re-affirmed that the government is the underlying land owner for the deeded right of way within tracts acquired by government along George King Road so the area would need to be included in an easement for Go Triangle.
> >
> > They will be following up regarding any need to extinguish the road right of way in sections where road would be displaced by the LRT and if there are any other differences between the deeded right of way along George King Rd and the easement along NC Hwy 54.
> >
> > I gave them your contact information so they may be directly in touch with you?
> >
> > I'll let you know what I hear.

> >
> > Thanks,
> >
> > Michael
> >
> >
> > Michael Hosey
> > USACE - Wilmington District - Lakes Branch
> > office 919-542-4501 ext 26
> > cellular 919-630-4117
> >
> >
> > Classification: UNCLASSIFIED
> > Caveats: NONE
> >
> >
> Tom Hepler
> CH Engineering
> (919) 539-3764
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> Tom Hepler
> CH Engineering
> (919) 539-3764
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> Classification: UNCLASSIFIED
> Caveats: NONE
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Tom Hepler
CH Engineering
(919) 539-3764

Classification: UNCLASSIFIED
Caveats: NONE

>

CH Engineering, PLLC
919 539-3764

GO Triangle

Connecting all points of the Triangle

August 11, 2015

Renee Gledhill-Earley
Environmental Review Coordinator
North Carolina State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

RE: Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina, ER 12-0378, Submission of Section 106 Preliminary Assessment of Effects for Historic Properties Report

Dear Ms. Gledhill-Earley:

This letter continues the Section 106 of the National Historic Preservation Act of 1966 process for the proposed Durham-Orange Light Rail Transit (D-O LRT) project (an "Undertaking" pursuant to 36 CFR 800.4(a)(1) and 800.16(d)).

The attached *Section 106 Preliminary Assessment of Effects for Historic Properties for Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina* report was prepared in compliance with CFR 800.4 and 800.5. It includes FTA's preliminary assessment of the project's potential to have effects on 25 historic properties previously identified within the project's Area of Potential Effects and provides the State Historic Preservation Officer (SHPO) with the opportunity to review the FTA's preliminary finding of No Adverse Effect.

Triangle Transit and the FTA are in the process of preparing a Draft Environmental Impact Statement. FTA is requesting your consultation and concurrence with their effects findings within 30 days of receipt of this letter and the attached report.

Please contact Stan Mitchell with FTA Region IV at (404) 865-5642 or via email at stanley.a.mitchell@dot.gov, or Carrie Walker at FTA Region IV at (404) 865-5645 or via email at Julia.walker@dot.gov, if you have any questions about the attached documents.

FTA and Triangle Transit look forward to continued consultation with the SHPO to address its concerns related to potential impacts on historic properties as part of the NEPA process.

Regards,

David A. Charters, Jr, PE
Manager, Design & Engineering
GoTriangle (formerly Triangle Transit)

Enclosures: *Section 106 Preliminary Assessment of Effects for Historic Properties for Durham-Orange Light Rail Project, Durham and Orange Counties, North Carolina*

cc: Stanley A. Mitchell, Environmental Protection Specialist, FTA Region IV (with one hard copy via overnight delivery)
Julia Carrie Walker, Environmental Protection Specialist, FTA Region IV

PO Box 13787 | Research Triangle Park, NC 27709 | P: 919.485.7510 | F: 919.485.7547
www.gotriangle.org