

RECORD OF DECISION

LYNX Blue Line Extension Northeast Corridor Light Rail Project
In Mecklenburg County, North Carolina

City of Charlotte, Charlotte Area Transit System

DECISION

The Federal Transit Administration (FTA) has decided that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the LYNX Blue Line Extension Northeast Corridor Light Rail Project proposed by the Charlotte Area Transit System (CATS) in Charlotte, NC. The Preferred Alternative consists of light rail transit (LRT) extending from the existing 7th Street Station in Center City Charlotte to the University of North Carolina at Charlotte (UNC Charlotte). The subject project is evaluated in the "LYNX Blue Line Extension Northeast Corridor Light Rail Project, Final Environmental Impact Statement," (Final EIS) published by FTA in August 2011.

The Preferred Alternative for the Northeast Corridor is the light rail alternative extending from CATS' existing (South Corridor) Blue Line LRT line 7th Street Station to the campus of UNC Charlotte. The northern terminus will be located at UNC Charlotte adjacent to Cameron Boulevard. The project is aligned primarily in existing railroad right-of-way and within the rights-of-way of North Tryon Street to the point it enters new alignment to access the campus of UNC Charlotte. Some portions will be elevated up and over existing freight tracks, roads or other geographic constraints. The project will add approximately 9.4 miles of two-track light rail line with 11 new stations to CATS' existing light rail system. Approximately 3,300 parking spaces will be provided at four stations.

The project includes the purchase of 18 light rail vehicles (LRVs). Technology and design concepts employed on the existing Blue Line system will generally be incorporated into the Blue Line Extension, including low floor LRVs. The BLE right-of-way will be reserved for transit use, with transit operations through at-grade intersections protected by traffic signal preemption and gates. A vehicle storage yard and dispatch facility will be constructed at the site of the existing Norfolk Southern (NS) intermodal facility along North Brevard Street. LRV maintenance would be located at the existing South Boulevard Light Rail Facility, which will be upgraded to provide additional capacity.

Northeast Corridor bus service will be re-configured to provide service to the LRT stations, including modification of Route 11 bus service that will otherwise duplicate the LRT service.

BASIS FOR DECISION

The FTA and the CATS published the LYNX Blue Line Extension Draft Environmental Impact Statement (Draft EIS) on August 19, 2010. Subsequent to the circulation of the Draft EIS, it was determined that the project as proposed could not be achieved due to financial constraints. As a result, CATS completed an evaluation process and public outreach to reduce the project scope. This evaluation process was guided by the project's Purpose and Need statement, as well as the project goals and objectives, recommendations from staff, public comment, and the analysis in the Draft EIS. The Preferred Alternative was selected by the Metropolitan Transit Commission (MTC) on January 26, 2011.

Following completion of the Final EIS, the FTA has determined that the project meets the Purpose and Need of the proposed action. Specifically, the project achieves the following goals and objectives:

- Supports the region's Centers, Corridors and Wedges Growth Framework;
- Improves access and mobility in the corridor and throughout the region; increases transit ridership; and improves the quality of transportation service;
- Preserves and protects the environment;
- Develops affordable, cost-effective transportation solutions; and
- Develops transportation improvements that function as part of the larger transportation system.

ALTERNATIVES CONSIDERED

Two alternatives were considered in the Final EIS for the Northeast Corridor: the No-Build Alternative and the Preferred Alternative (LYNX Blue Line Extension). The No-Build Alternative would only include the transportation projects already programmed and committed in the corridor, which would include bus service operating in mixed traffic between Center City Charlotte and UNC Charlotte. The No-Build Alternative includes improvements to service frequency for two bus routes in the Northeast Corridor study area.

The Preferred Alternative will extend light rail from the existing 7th Street Station in Center City Charlotte to UNC Charlotte and is depicted in Appendix A. The Preferred Alternative was selected following receipt of comments on the Draft EIS and the aforementioned scope reduction process. The LYNX Blue Line Extension was selected as the NEPA environmentally preferred and the locally preferred alternative.

Other Alternatives Considered: CATS considered a range of alternatives during previous studies. The Northeast Corridor Major Investment Study considered a range of alignment and technology options. The Draft EIS included an alternative LRT alignment, called the Light Rail Alternative - Sugar Creek Design Option. This alignment option would have diverted from the Light Rail Alternative just after Sugar Creek Road, entering the median of North Tryon Street/US-29 near Dorton Street, prior to Old Concord Road. The Sugar Creek Design Option also represented a change in the station platform and park-and-ride lot locations for Sugar Creek Station and Old Concord Road Station.

PUBLIC OPPORTUNITY TO COMMENT

Extensive public participation strategies and activities have been used throughout the environmental process to provide project information and receive public input and comment. The Project milestones involving public participation were as follows:

- A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on September 29, 2000.
- The Notice of Availability for the Draft EIS was published in the Federal Register on August 27, 2010 followed by a 45-day public comment period.
- Following the Notice of Availability for the Draft EIS, two public meetings and a public hearing were held by CATS and were advertised in *The Charlotte Observer*, *Charlotte Post*, *La Noticia* and *Que Pasa* newspapers and in mailings to interested and affected persons. Notices were provided in both English and Spanish. These meetings provided

an opportunity for CATS to provide information about the project and receive feedback about the project and the Draft EIS. Approximately 50 people attended the public meetings/hearing. Twelve (12) written comments and six (6) verbal comments were received from members of the public during the public comment period and public hearing. Nine (9) written comments were received from local, state and federal agencies during the public comment period. The Draft EIS comments and responses to the comments were included in the Final EIS.

- From November 2010 to January 2011, additional stakeholder meetings and a public meeting were held regarding the reductions to the project scope. A public meeting was held on January 12, 2011 with 28 attendees, and a survey was distributed and posted online, which received 298 responses.
- Following distribution of the Final EIS, CATS held a public meeting regarding the real estate acquisition process on September 27, 2011, and a public meeting on the Final EIS on October 11, 2011.
- The Notice of Availability for the Final EIS was published in the Federal Register on October 14, 2011, and a mandatory 30-day review period from October 14, 2011 through November 14, 2011 was provided on the Final EIS. In addition, the Notice of Availability was advertised in *The Charlotte Observer*, *Charlotte Post*, *La Noticia* and *Que Pasa* newspapers and in mailings to interested and affected persons. Notices were provided in both English and Spanish.

COMMENTS ON THE FINAL EIS

During the Final EIS review period, four (4) agencies and ten (10) persons submitted written comments. Agency comments were received from the NC Department of Environment and Natural Resources, Division of Water Quality; Mecklenburg County Land Use and Environmental Services Agency, the NC State Historic Preservation Office, and the US Environmental Protection Agency. Public comments were received from the Citizens for Efficient Mass Transit, six property owners, and three interested persons. Comments were related to permits, operations, design, property impacts, impacts on historic resources, noise and vibration impacts, business impacts, bus/rail planning, and visual impacts. The public and agency comments on the Final EIS, as well as responses to the comments, are included in Appendix C.

During the Final EIS review period, a request to participate as a consulting party in the Section 106 process was received from the property owner of the Grinnell Building, a contributing building to the North Charlotte Historic District. On November 2, 2011, a meeting was held with the property owner representative, the North Carolina State Historic Preservation Office, FTA, and CATS. The request letter, meeting minutes, and response from FTA are included in Appendix C. The finding of No Adverse Effect on the North Charlotte Historic District was not changed as a result of the discussion. FTA requested that the property owner submit his concerns as written comments on the Final EIS. On November 14, 2011, a comment letter was received, outlining concerns related to the impact on the historic district, as well as the potential economic impact on the property related to changes in vehicular and pedestrian access to the property. The Final EIS comment letter and response are included in Appendix C.

As a result of public and agency comments, three mitigation commitments in addition to those identified in the Final EIS were made. These commitments are included in Appendix B, Mitigation Commitments and Monitoring Plan.

1. Potential impacts due to the 36th Street grade separation have been identified as a concern by the property owner of the Grinnell Building. The Charlotte-Mecklenburg Planning Department will complete a station area plan for each of the stations on the BLE, including the 36th Street Station. The plan will identify opportunities and constraints in the station area, and provide recommendations for land use policy, a streetscape plan, and guidance for infrastructure investments. The development of the station area plan is scheduled to begin in 2012. The process will include public involvement and the opportunity for interested parties, including property owners, to provide input.
2. For the permanent well closure for the well located on the UNC Charlotte Campus, a permit from the Mecklenburg County Health Department will be obtained as required.
3. Relative to a potential business impact on the Hight Veterinary Hospital from noise related to light rail operations, CATS will monitor and assess conditions at this business once the system is constructed and light rail is in operation. If noise impacts do occur, then mitigation measures will be identified and employed.

UPDATES SINCE THE FINAL EIS

Following are the changes to the project that were not addressed in the Draft EIS or Final EIS and/or items that need additional explanation.

- Since publication of the Final EIS, 45 new parcels were identified for full or partial acquisition, including 3 additional full acquisitions (railroad properties), 13 partial acquisitions, 25 temporary construction easements (TCEs), and 7 permanent easements have been identified as needed for the project. These changes were identified as a result of completion of *65% Preliminary Engineering Design Plans*. In addition, one potential residential relocation was identified of an on-site caretaker of a commercial property. It should also be noted that the number of relocations identified in the Final EIS refers to parcels, and some of the parcels contain multiple units with potentially affected tenants or lessees. No additional environmental impacts are expected to occur with these changes. The property owners were notified as part of the Final EIS and real estate public outreach processes, prior to the conclusion of the public review and comment period; therefore the affected parties also had the opportunity to provide comment as part of the Final EIS.
- As a result of completion of *65% Preliminary Engineering Design Plans*, impacts to water resources have been refined. Total estimated stream impacts increased from 3,304 linear feet to 3,312 linear feet. Total wetlands impacted increased from 0.462 acres to 0.524 acres. The NC Department of Natural Resources, Water Quality Division and the US Army Corps of Engineers were notified of these changes at a pre-application permit coordination meeting on October 20, 2011.
- On November 10, 2011, the North Carolina State Historic Preservation Office (SHPO) notified CATS of a potential impact from the BLE project to a historic railroad trestle on the Mecklenburg Mill, a contributing resource to the North Charlotte Historic District. CATS determined that a timber railroad trestle is located behind the mill building within the existing railroad right-of-way. The track installation for the LYNX BLE would necessitate demolition of the railroad trestle. A team of structural engineers and historians evaluated the structure. Based on the condition of the trestle, CATS recommended to SHPO that the trestle no longer contributes to the Mecklenburg Mill or to the North Charlotte Historic District, and, as such, the proposed demolition of the trestle by the BLE project would not result in negative impacts to the Mecklenburg Mill or

the North Charlotte Historic District. Therefore, CATS recommended that the previous finding of No Adverse Effect for the North Charlotte Historic District remains valid. On December 1, 2011, SHPO concurred with the No Adverse Effect finding. Documentation on the finding is included in Appendix C.

MEASURES TO MINIMIZE HARM

Measures to minimize harm to the human and natural environments have been considered throughout project development and in consultation with interested agencies. Reasonable means to avoid or minimize environmental impacts of the project have been considered and implemented to the extent practicable. CATS will design and incorporate into the project all mitigation measures included in the Final EIS for the LYNX Blue Line Extension, commitments in response to comments on the Final EIS, and those measures identified during final design. FTA will require in any future funding agreement on the project and as a condition of any future grant or Letter of No Prejudice for the project, that all committed mitigation be implemented in accordance with the Final EIS. FTA will require that CATS periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor this progress through quarterly review of final engineering and design, land acquisition for the project, and construction of the project. The measures to minimize harm are fully described in the Final EIS and are summarized in Appendix B of this document.

DETERMINATIONS AND FINDINGS

Section 106 Compliance

FTA has determined, in coordination with the North Carolina State Historic Preservation Office (SHPO), the Preferred Alternative will result in No Effect or No Adverse Effect on the nine (9) historic resources in the corridor.

Department of Transportation Act, Section 4(f) Determination

Due to the minor land acquisitions that will result in a transportation “use” of historic resources and the No Adverse Effect determinations by which the State Historic Preservation Office (SHPO) has concurred, FTA has determined that the Preferred Alternative will have a *de minimis* impact on the following historic resources:

- Orient Manufacturing Company/Chadwick Hoskins No. 3 (NR-Listed)
- North Charlotte Historic District (NR-Listed)
- Herrin Brothers Coal and Ice Company Plant (NR-Eligible)
- Standard Chemical Products Plant (NR-Eligible)
- General Motors Corporation Training Plan (NR-Eligible).

On January 28, 2010, FTA and CATS notified SHPO of the proposed *de minimis* finding, and SHPO concurred on February 3, 2010. Public input on the *de minimis* finding was sought during the Draft EIS circulation period, and no comments were received.

FTA has also determined that there will be a *de minimis* impact to the Toby Creek Greenway.

The Preferred Alternative requires an easement to cross over the greenway on a bridge structure. During construction, a portion of the greenway may have to be temporarily closed; however, access to the greenway will not be permanently interrupted. CATS and FTA informed the Mecklenburg County Parks and Recreation Department of the proposed *de minimis* finding, and MCPR concurred. Public input on the *de minimis* finding was sought during the Draft EIS circulation period, and no comments were received.

Conformity with Air Quality Plans

On the basis of the determinations made in compliance with relevant provisions of federal law, FTA finds that the LYNX Blue Line Extension project satisfies the requirements of NEPA, the Clean Air Act of 1970 and 1990, as amended and the U.S. Department of Transportation Act of 1966, as amended.

The project is included in the conforming Mecklenburg-Union Metropolitan Planning Organization's 2035 Long Range Transportation Plan (MUMPO, 2010), and in the conforming FY2009-2015 *Transportation Improvement Program* (2008). These plans assume that the LYNX BLE would be constructed by 2025. On May 3, 2010, based on the conformity determinations and comments by the U.S. Environmental Protection Agency (EPA), the Federal Highway Administration and FTA issued its finding that the MUMPO 2035 LRTP and FY2009 – 2015 TIP conform to the purposes of the State Implementation Plan (SIP).

Section 404 of the Clean Water Act

Coordination with federal, state and local regulatory agencies was conducted in compliance with Section 404 of the Clean Water Act. The project will permanently impact approximately 3,312 linear feet of streams and approximately 0.524 acre of wetlands, requiring a Section 404 permit from the U.S. Army Corps of Engineers. The reported stream and wetlands impacts account for the potential temporary and permanent impacts as a result of construction and operation of the Preferred Alternative. The permit application will require the discussion of the measures employed throughout planning and design in order to avoid/minimize impacts to waters of the U.S. The 404 permit application must also include a compensatory mitigation proposal, which outlines the plan to provide compensation to offset permanent losses of waters of the U.S.

Finding

The environmental record for the LYNX Blue Line Extension Northeast Corridor Light Rail Project is included in the Draft EIS (August 2010) and Final EIS (August 2011). These documents represent the detailed analysis and findings required by NEPA and by 49 U.S.C. Section 5324 (b), and include:

- the environmental impacts of the proposed project;
- adverse environmental effects that cannot be avoided should the proposed project be implemented;
- alternatives to the proposed project; and,
- irreversible and irretrievable impact on the environment that may be involved in the proposed project should it be implemented.

On the basis of the evaluation of social, economic and environmental impacts contained in the Final EIS and the written and oral comments offered by the public and by other agencies, the FTA has determined that:

- adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest;
- fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the proposed project is located; and,
- all reasonable steps have been taken to minimize adverse environmental effects of the proposed project, and where adverse environmental effects remain, there exists no feasible and prudent alternative to avoid or further mitigate such effects.

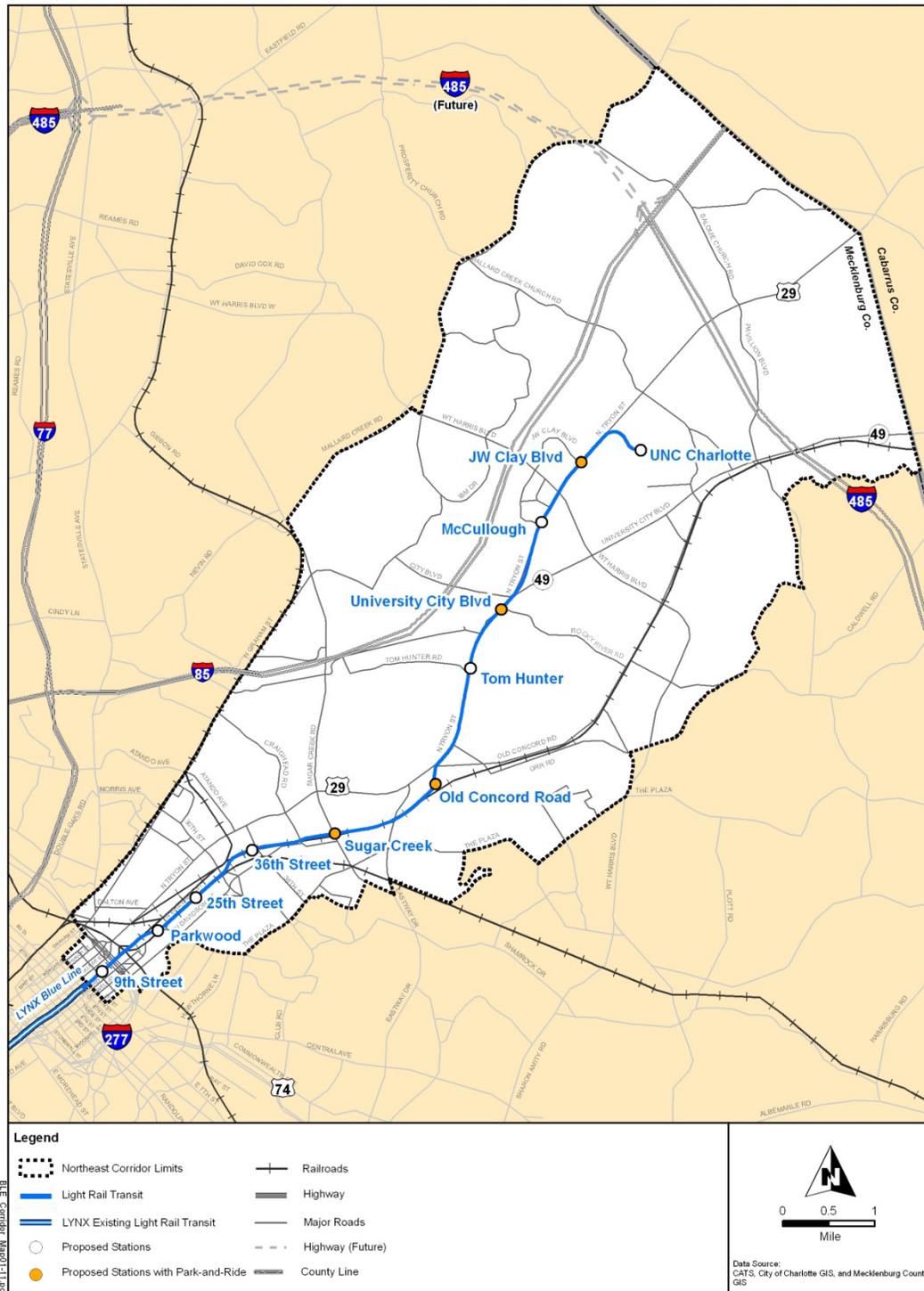
On the basis of the environmental record for this project, FTA finds that the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4332); Federal Transit Laws (49 U.S.C. Section 5301 (e), Section 5323(b) and Section 5324(b)); the Clean Air Act of 1970, as amended; 49 U.S.C. Section 303 (formerly Department of Transportation Act of 1966, Section 4(f)); National Historic Preservation Act of 1966, Section 106 (16 U.S.C. Section 470f); Executive Order 11988 (Floodplain Management); Executive Order 12898 (Environmental Justice); the Federal Clean Air Act Amendments of 1990; the Endangered Species Act of 1973, 16 U.S.C. Section 1531; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601; Section 402 of the Clean Water Act, 33 U.S.C. Section 1342; and other applicable legal and program requirements have been satisfied for the LYNX Blue Line Extension Northeast Corridor Light Rail Project in Charlotte, North Carolina.


Yvette G. Taylor
Regional Administrator, Region IV
Federal Transit Administration

12/5/11
Date

- Appendix A: Preferred Alternative
- Appendix B: Mitigation Commitments and Monitoring Plan
- Appendix C: Public and Agency Comments on the Final EIS

**APPENDIX A
PREFERRED ALTERNATIVE**



APPENDIX B
MITIGATION COMMITMENTS AND MONITORING PLAN

MITIGATION COMMITMENTS AND MONITORING PLAN

The mitigation measures and other project features that reduce impacts, to which the FTA and the grantee committed in the Final EIS, are set forth in the table below. These mitigation measures may not be eliminated from the project, except by the FTA's written consent following a supplemental environmental review. FTA will determine the appropriate level of supplemental environmental review in this case.

This summary table is provided in the Record of Decision to facilitate the monitoring of the implementation of the mitigation measures during final design and construction of the project. The detailed descriptions of the mitigation measures in the Final EIS remain in effect. It is the responsibility of the project sponsor, Charlotte Area Transit System (CATS), to ensure that the mitigation commitments are accomplished in accordance with the Final EIS and Record of Decision.

Table 1 - Mitigation Commitments and Monitoring Plan

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
1	<p><u>Traffic</u> The mitigation to address project impacts have been included in the <i>65% Preliminary Engineering Design Plans</i>, including grade separations, signalized grade crossings, and turn lanes.</p>	<p>The mitigation measures will be included in the traffic design and signal operations plans and specifications.</p>	CATS	Final Design & Construction	
2	<p><u>Land Use</u> The Charlotte-Mecklenburg Planning Department will complete Station Area Plans for each of the stations along the BLE that define a framework for future growth and development.</p> <p>Potential impacts due to the 36th Street grade separation have been identified as a concern. The Charlotte-Mecklenburg Planning Department will complete a station area plan for the 36th Street Station. The plan will identify opportunities and constraints in the station area, and provide recommendations for land use policy, a streetscape plan, and guidance for infrastructure investments. The development of the station area plan is scheduled to begin in 2012. The process will include public involvement and the opportunity for interested parties, including property owners, to provide input.</p>	<p>The Charlotte-Mecklenburg Planning Department will continue development and adoption of Station Area Plans in the Northeast Corridor. The 36th Street station area plan development is scheduled to begin in 2012.</p>	Charlotte-Mecklenburg Planning Dept.	Final Design, Construction, & Operation	
3	<p><u>Neighborhoods</u> Overflow parking in neighborhoods near light rail stations will be monitored. Corrective actions to provide additional parking will be made and/or parking enforcement will be instituted, if necessary.</p>	<p>Once the BLE is in operation, CATS Safety and Security will monitor station areas, and investigate any complaints of overflow parking in neighborhoods near light rail stations.</p>	CATS	Operation	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
4A	<u>Community Facilities</u> Coordination with emergency service providers to ensure that design allows access for these services and that the efficiency of emergency services is not impeded.	Addressed through the Fire & Life Safety Committee.	CATS	Final Design & Construction	
4B	<u>Community Facilities</u> Coordination with CMC-University regarding the type and location of directional signage.	CATS will coordinate with CMC-University during final design regarding location of directional signage.	CATS	Final Design & Construction	
5	<u>Environmental Justice</u> Noise mitigation for residential properties located within EJ communities of concern will be required, including use of a rail automated friction modifier, noise barriers, sound insulation, specially-engineered trackwork and vibration isolation treatments.	Include in design and construction drawings.	CATS	Final Design & Construction	
6A	<u>Visual And Aesthetic</u> Implementation of the design treatments per the project's Design Criteria, Urban Design Framework, to the extent practical.	Design project elements consistent with the BLE Design Criteria, Urban Design Framework, to the extent practical.	CATS & City Planning Department	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
6B	<p><u>Visual And Aesthetic</u> Coordination with property owners to discuss the following proposed mitigation:</p> <ul style="list-style-type: none"> For the six affected properties in Hampshire Hills, landscaping is proposed along the project fencing, where right of way permits. The landscaping may need to be placed on private property, if there is not sufficient public right of way available; this would be subject to agreement from the affected property owners. Additional directional signage to improve way-finding to CMC-University and retain visibility to the hospital. Coordination with businesses along North Tryon Street to relocate business signage as needed and other design elements to minimize visual impacts. 	<p>CATS/City Real Estate will discuss landscaping mitigation with property owners during real estate acquisition process.</p> <p>CATS will coordinate with CMC-University during final design regarding location of directional signage.</p> <p>CATS will coordinate with businesses along North Tryon Street during final design regarding location of business signage and project design.</p>	CATS & City Real Estate Division	ROW, Final Design, & Construction	
6C	<p><u>Visual And Aesthetic</u> Continued coordination with stakeholders and potentially affected groups regarding potential visual impacts: UNC Charlotte to ensure consistency with campus design guidelines; and University City Partners to provide information to affected business owners.</p>	<p>CATS will provide design plans to UNC Charlotte for review and comment.</p> <p>CATS will regularly communicate with University City Partners regarding the property acquisition process, design and construction of the project.</p>	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
7	<p><u>Parklands</u> Toby Creek Greenway - Vegetative screens will be maintained to the extent practical; CATS will coordinate with MCPR to ensure the light rail bridge over the greenway would not conflict with the greenway, and to minimize impact to trail operations during construction. An alternative route will be provided and attempts will be made to coordinate closure during a period of least activity. CATS will notify MCPR 48 hours in advance of temporary closure of greenway due to construction.</p>	<p>Include in contract specifications.</p> <p>CATS will continue to coordinate with MCPR at each design stage.</p> <p>Include in contract specifications, requirement to notify CATS and MCPR 48 hours in advance of temporary closure of greenway.</p>	CATS	Final Design & Construction	
8	<p><u>Forests</u> Trees and landscaping will replace vegetation loss. Park-and ride lots will comply with Charlotte Tree Ordinance, which requires 8 percent coverage.</p>	<p>Include in design plans and specifications.</p>	CATS	Final Design & Construction	
9A	<p><u>Threatened and Endangered Species</u> For the Carolina birds-foot trefoil, prior to construction, the contractor will be required to confirm the presence of the plant in the corridor. If present, then seeds from the plant will be collected and subsequently sown/scattered in newly disturbed areas, such as along road/rail embankments associated with project construction. Additionally, seeds will be donated to the North Carolina Botanical Garden for deep freeze purposes; and CATS will coordinate with the North Carolina Natural Heritage Program (NCNHP) to update their records.</p>	<p>Include in contract specifications.</p> <p>CATS will coordinate with the NCNHP.</p>	CATS	Final Design & Construction	
9B	<p><u>Wildlife</u> Survey for migratory bird nesting sites will be completed if it becomes evident that migratory birds are utilizing the project area.</p>	<p>Include in contract specifications.</p>	CATS	Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
10	<p><u>Groundwater</u> Although no groundwater impacts are anticipated, a well located on the UNC Charlotte campus within the proposed project alignment is no longer in use. CATS and/or UNC Charlotte will complete the abandonment/closure process to seal the well per NC Department of Environment and Natural Resources (DENR) requirements. A permit will be obtained as required from the Mecklenburg County Health Department, and the closure will comply with the requirements of the Mecklenburg County Groundwater Well Regulations Chapter II Section XIII.</p>	Complete the well abandonment / closure process prior to construction.	CATS / UNC Charlotte	Final Design	
11	<p><u>Surface waters</u> Design will continue to minimize impacts to streams through the limited use of riprap at pipe inlets and outfalls; the relocation of channels using natural channel design techniques where practicable; and preservation of stream banks at proposed bridge crossings. Compensatory mitigation will be made through the Charlotte Umbrella Stream and Wetland Mitigation bank when impacts are unavoidable and as required by the Clean Water Act and as determined in coordination with the U.S. Corps of Engineers and the North Carolina Department of Environment and Natural Resources, Division of Water Quality.</p>	<p>Include as part of construction plans and contract specifications.</p> <p>Purchase of compensatory stream mitigation credits from the Charlotte Umbrella Stream and Wetland Mitigation bank, as required by the Clean Water Action Section 404 individual permit and Section 401 Water Quality Certification.</p>	CATS	Final Design & Construction	
12	<p><u>Floodplains and floodways</u> Bridge design will continue to minimize impacts to floodplains and floodways. Continued coordination with Charlotte and Mecklenburg County Stormwater Services will be made for continued input into the project design.</p>	FEMA No Rise Certification and a Conditional Letter of Map Revision (CLOMR) will be obtained for the crossing of Little Sugar Creek and Toby Creek.	CATS	Final Design	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
13	<p><u>Wetlands</u> Additional efforts to avoid and minimize impacts to wetlands will continue to be made during preliminary engineering design, including: steepening fill slopes where practicable; use of retaining walls or similar structures; locating construction staging and access areas away from wetlands; and demarcating preserved wetland areas prior to construction. Compensatory mitigation will be made through the North Carolina Department of Environment and Natural Resources (DENR) Ecosystem Enhancement Program (EEP) when impacts are unavoidable, and as required by the Clean Water Act and as determined in coordination with the U.S. Corps of Engineers and the North Carolina Division of Water Quality.</p>	<p>Include as part of construction plans and contract specifications.</p> <p>Purchase of compensatory wetland mitigation credits from the NC DENR Ecosystem Enhancement Program (EEP), as required by the Clean Water Act Section 404 individual permit and Section 401 Water Quality Certification.</p>	CATS	Final Design & Construction	
14	<p><u>Air Quality</u> Coordination with Mecklenburg County Land Use & Environmental Services Agency to comply with air quality modeling requirements for Transportation Facilities Construction Permits for the proposed parking garages.</p>	<p>Meet requirements to obtain Transportation Facilities Construction Permit for the parking garages.</p>	CATS	Final Design	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
15	<p><u>Noise and Vibration</u> Noise mitigation measures include use of a rail automated friction modifier, noise barriers, sound insulation, specially-engineered trackwork. Vibration mitigation measures include the use of ballast mats. Specific mitigation recommendations will be coordinated with affected property owners.</p> <p>Relative to a potential business impact on the Hight Veterinary Hospital from noise related to light rail operations, CATS will monitor and assess conditions at this business once the system is constructed and light rail is in operation. If noise impacts do occur, then mitigation measures will be identified and employed.</p>	<p>Include in design and construction drawings.</p> <p>Follow-up with Hight Veterinary Hospital and monitor for potential business impacts as a result of potential noise impacts to domestic animals at the veterinary hospital.</p>			
16	<p><u>Hazardous and Contaminated Materials</u> Phase II ESAs will be performed, or if available, existing Phase II ESA reports will be reviewed, for all full and partial property acquisitions determined to be at significant risk of hazardous materials contamination which would impact the LYNX BLE construction schedule. Remediation in accordance with local and state regulations. For sites of low concern, a special provision will be included in the construction contract for the excavation and disposal of non-hazardous contaminated sites.</p>	<p>Conduct Phase II ESAs for property acquisitions with significant risk of hazardous contamination.</p> <p>Remediate hazardous materials contamination in accordance with local and state regulations.</p> <p>Include a special provision in the construction contract for the excavation and disposal of non-hazardous contaminated sites.</p>	CATS	ROW, Final Design & Construction	
17	<p><u>Safety and Security</u> Design review by CATS Safety and Security/CMPD, NCDOT Safety Oversight, and Charlotte Department of Transportation to ensure design meets safety and security requirements. Continued public outreach regarding railroad safety.</p>	<p>Ensure design review and safety and security certification of project design and construction.</p> <p>Continue railroad safety public outreach program.</p>	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
18	<u>Acquisitions and Displacements</u> Uniform Relocation Assistance and Real Property Acquisition Policies Act will be followed.	Comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act.	CATS & City Real Estate Division	ROW, Final Design & Construction	
19	<u>Construction (Utility)</u> <ul style="list-style-type: none"> Coordinate with utility owners to ensure maintenance of utility services and timely relocation Relocate, remove and protect existing utilities. 	Coordinate with utility owners and monitor re-location activities and schedule. Relocation agreements to be executed with Duke Energy and AT&T.	CATS	Final Design & Construction	
20	<u>Construction (Transportation, Traffic and Parking)</u> <ul style="list-style-type: none"> Schedule construction activities that require lane or road closures during off-peak hours, where practical. Develop Maintenance of Traffic Plan. Coordinate freight schedule and construction activities with the railroads. 	Develop Maintenance of Traffic Plan and coordinate with railroads and local and state transportation departments. Include as part of construction plans and contract specifications. Monitor contractor compliance during construction.	CATS	Final Design & Construction	
21	<u>Construction (Land Use, Community Facilities and Businesses)</u> <ul style="list-style-type: none"> Coordinate with local business owners and provide advance notification of roadway disruptions and descriptions of alternative routes. Maintain access to community facilities throughout construction by providing alternative routes when necessary. Provide temporary entrance signs during construction. 	Develop construction sequencing and maintenance of traffic plans that ensure access to businesses and community facilities is maintained during construction. Include in construction plans and contract specifications. Monitor contractor compliance during construction.	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
22	<p><u>Construction (Visual and Aesthetic)</u></p> <ul style="list-style-type: none"> Shield and aim night work lights directly at the work zone. Stage construction activities to limit the duration of impacts at individual locations. Where practical, restore existing vegetation that serves as a buffer to adjacent properties. 	<p>Include in contract specifications. Monitor contractor compliance during construction.</p>	CATS	Final Design & Construction	
23	<p><u>Construction (Neighborhoods, Community Services and Environmental Justice)</u></p> <ul style="list-style-type: none"> Inform local property owners, through the Construction Education and Outreach Plan, of roadway disruptions. Provide continuous coordination with community service providers to maintain access for emergency vehicles. Restrict contractors from accessing the railroad right-of-way through the Hampshire Hills neighborhood. 	<p>Develop and implement Construction Education and Outreach Plan, including communication with property owners and community service providers.</p> <p>Include access restrictions in contract specifications. Monitor contractor compliance during construction.</p>	CATS	Final Design & Construction	
24	<p><u>Construction (Air Quality)</u></p> <ul style="list-style-type: none"> Shut off construction equipment not in direct use. Water areas of exposed soil to control dust. Cover open body trucks transporting materials to and from construction sites. Reroute truck traffic away from schools and residential communities when possible. Repave and/or replant exposed areas as soon as possible following construction. Adequately secure tarps, plastic or other material over debris piles. Prohibit idling of delivery trucks or other equipment during periods of extended unloading or inactivity. 	<p>Include mitigation requirements Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p>	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
25	<p><u>Construction (Noise and Vibration)</u></p> <ul style="list-style-type: none"> • Construction activities will be carried out in compliance with all applicable local noise regulations including the City of Charlotte Noise Ordinance, FTA guidelines and UNC Charlotte specified parameters. <ul style="list-style-type: none"> ○ At UNC Charlotte, construction will not be allowed near residence halls prior to 8:00 am nor within 200 feet of campus buildings during the week of final exams. • Contractors will prepare a Construction Noise and Vibration Control Plan. • Contractor(s) will involve an Acoustical Engineer to ensure noise and vibration levels are effectively managed and excessive noise and vibration is prevented. <ul style="list-style-type: none"> ○ Contractors will provide a phone number and/or website for community complaints, and the Acoustical Engineer will respond and coordinate with the Construction Manager to resolve complaints. ○ For blasting operations, contractors will consult with nearby sensitive receptors to schedule the least disturbing times and provide advance notice of blasting operations. The contractor shall prepare a Blasting Plan to be approved by CATS and others designated by CATS (e.g. UNC Charlotte). 	<p>Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p>	<p>CATS</p>	<p>Final Design & Construction</p>	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
<p style="text-align: center;">25 (continued)</p>	<ul style="list-style-type: none"> ○ For blasting operations near UNC Charlotte, the contractor shall follow specific notification procedures to avoid damages to vibration sensitive equipment. The contractor shall provide a one-week advance notice of the start of blasting operations. The contractor shall facilitate a pre-blast meeting to define the entire schedule and scope of sequence of blasting. Blasting shall be scheduled in batches to the extent possible. The schedule shall be kept current at all times. The contractor shall provide a 24-hour notification for each blast. • Contractors will conduct noise and vibration monitoring at locations where potential impact from construction activities may occur. • Contractors will conduct pre-construction and post-construction surveys of buildings with the potential for structural damage. • Specific construction noise and vibration measures to be implemented near sensitive receptors will be identified by the contractor in the Construction Noise and Vibration Control Plan. General noise mitigation measures including, but not limited to: operational restrictions; the use of alternative construction methods and equipment*; locating stationary equipment away from noise sensitive sites; the use of shields, shrouds or intake exhaust mufflers; the use of special back-up alarms; rerouting truck routes; use of temporary noise barriers or noise blankets; use of static rollers instead of vibratory rollers where practicable; pier drilling instead of pile driving where practicable. 				

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
26	<p><u>Construction (Natural Resources)</u> Best management practice (BMP) measures will be followed by the contractor during construction. BMP measures will include the demarcation of the construction limits and staging areas prior to the initiation of construction, to limit the disturbances to the vegetative community. Encourage contractor to send felled trees to a chipper.</p>	<p>Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p>	CATS	Final Design & Construction	
27	<p><u>Construction (Water Resources)</u></p> <ul style="list-style-type: none"> • Minimize disturbed areas. • Apply prompt stabilization. • Employ an Erosion and Sediment Control Plan to treat stormwater runoff. • Prevent the storage of fill or other materials in floodplains, to the extent practicable. • Stage construction of proposed stormwater systems to reduce the duration of construction disturbances to a given area. • Recycle topsoil removed during construction by using it to reclaim disturbed areas and enhance regrowth. • Avoid excessive slopes during excavation and blasting operations to reduce erosion. • Use isolation techniques, such as berming or diversion, for in-stream construction near wetlands. 	<p>Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p>	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
28	<p><u>Construction (Cultural Resources)</u></p> <ul style="list-style-type: none"> • Stop construction activities immediately upon the discovery of any new cultural resources. • Contractors will prepare a Construction Noise and Vibration Control Plan, and conduct vibration monitoring during construction. • Contractors will be instructed to avoid adjacent historic sites through construction fencing or some other clearly understood construction/staging technique. • The State Historic Preservation Office (SHPO) will review the proposed pile/panel walls along the edges of the Herrin Brothers Coal and Ice site during Final Design. • Maintain minimum allowable distances from historic resources, to the extent practicable. 	<p>Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p> <p>Provide final design plans to SHPO for review.</p>	CATS	Final Design & Construction	
29	<p><u>Construction (Parklands)</u></p> <ul style="list-style-type: none"> • Maintain access to trails and minimize temporary closures to the extent practical. • Notify MCPR 48 hours in advance of temporary closures of greenway due to construction. 	<p>Include in construction plans and contract specifications. Monitor contractor compliance during construction.</p> <p>Include in contract specifications, requirement to notify CATS and MCPR 48 hours in advance of temporary closure of greenway. CATS to coordinate with MCPR to define an alternate route during temporary closure of greenway.</p>	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
30	<p><u>Construction (Energy)</u> Measures to minimize energy consumption during construction could include limiting the idling of construction equipment and employee vehicles, as well as locating staging areas and material processing facilities as close as possible to work sites.</p>	Include in contract specifications. Monitor contractor compliance during construction.	CATS	Final Design & Construction	
31	<p><u>Construction (Hazardous and Contaminated Materials)</u></p> <ul style="list-style-type: none"> • Dispose of hazardous materials according to applicable federal, state and local guidelines. • Clean construction vehicles to prevent off-site contamination. 	Include in contract specifications. Monitor contractor compliance during construction.	CATS	Final Design & Construction	
32	<p><u>Construction (Safety and Security)</u> Provide construction barriers and fencing to secure construction sites and staging areas.</p>	Include in contract specifications. Monitor contractor compliance during constructions.	CATS	Final Design & Construction	

Mitigation ID Number	Mitigation Measure	Implementation and Monitoring	Responsible Party	Timing	Status
33	<p><u>Secondary Effects</u> Implement Station Area Plan recommendations to minimize potential secondary impacts. Other measures:</p> <ul style="list-style-type: none"> Affordable housing strategies to be developed with station area plans; Notification to the Landmarks Commission of National Register Eligible properties that could be designated as Local Landmarks to afford them protection; Provide Convenient access to light rail and bus services; Public outreach/education regarding the benefits of transit supportive development; public involvement in station area plan development; and, Coordination with City of Charlotte's Stormwater Services to minimize impacts to water resources and water quality during the station area planning process. Completion of a detailed Indirect and Cumulative Impacts analysis for water resources and water quality during the Section 404/401 permitting phase of the project. 	<p>Develop and implement station area plans that will include, as appropriate: affordable housing strategies, public outreach, consideration of impacts to water resources and water quality.</p> <p>Complete Indirect and Cumulative Impacts analysis during the Section 404/401 permitting process.</p>	<p>City Planning Dept.</p> <p>CATS</p>	<p>Final Design & Construction</p>	
34	<p><u>Cumulative Effects</u></p> <ul style="list-style-type: none"> For the South Corridor Retrofit project, a re-evaluation of the South Corridor Light Rail Project Final EIS will be undertaken to identify specific measures to mitigate potential impacts to the South Corridor and existing LYNX Blue Line. Continued coordination with NCDOT's Rail Division regarding the project schedule of the Sugar Creek Grade Separation Project and with NCDOT regarding the project schedule of the Mallard Creek bridge replacement on N. Tryon St. 	<p>Complete a re-evaluation of the South Corridor Light Rail Project Final EIS prior to implementation of the South Corridor Retrofit project.</p> <p>Work with NCDOT to coordinate project schedules to minimize impact on the community.</p>	<p>CATS</p>	<p>Final Design & Construction</p>	

APPENDIX C
PUBLIC AND AGENCY COMMENTS ON THE FINAL EIS
AND RESPONSES TO COMMENTS



MECKLENBURG COUNTY
Land Use and Environmental Services Agency

October 21, 2011

Judy Dellert-O'Keef
Charlotte Area Transit System
600 East Fourth Street, Ninth Floor
Charlotte, NC 28202
(704) 432-0477

bluelineextension@charlottenc.gov

Re: LYNX Blue Line Extension (LYNX BLE) Final Environmental Impact Statement

Dear Ms. Harris,

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced proposed project as submitted via letter dated March 14, 2011. The comments below are submitted for your consideration.

Programs with No Comment at this Time

Solid Waste
Storm Water Services
Air Quality

Recommendations / Request for Consideration

Groundwater & Wastewater Services

Section 11.3.2.1 "Groundwater" states in part "Two project components that would require excavation include the depression of 36th Street beneath the light rail and freight tracks and carrying of the light rail below North Tryon Street/US-29 onto the UNC Charlotte campus. There are no wells within the vicinity of the proposed project at 36th Street; therefore, no groundwater impacts by well intrusion would be anticipated as a result of excavation."

GWS records indicates that one water supply well located at 3600 Philemon Avenue approximately 1,000 feet NNE the intersection of 36th Street and the freight tracks within the vicinity of the proposed project excavation at 36th Street.

Section 11.14.1.1 “Groundwater” of the Final Environmental Impact Statement states in part “The well located on the UNC Charlotte campus within the proposed project alignment is no longer in use. CATS and/or UNC Charlotte will complete the abandonment/closure process per North Carolina Department of Environment and Natural Resources (NCDENR) requirements prior to construction of the project.”

A permit from the Mecklenburg County Health Department is required for abandonment of this well. Permanent abandonment of water supply wells is governed by the Mecklenburg County Groundwater Well Regulations Chapter II Section XIII.

Please feel free to contact myself or Mr. Dennis Tyndall
Dennis.Tyndall@mecklenburgcountync.gov directly regarding the comment above.

Respectfully,

A handwritten signature in cursive script that reads "Heidi Pruess".

Heidi Pruess, Environmental Policy Administrator
Heidi.Pruess@mecklenburgcountync.gov



October 27, 2011

Ms. Heidi Pruess
Mecklenburg County
Land Use and Environmental Services Agency
700 N. Tryon Street, Suite 205
Charlotte, NC 28202-2236

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Ms. Pruess:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns relative to groundwater, we offer the following:

In assessing project impacts, the water supply well noted at 3600 Philemon Avenue was considered in the groundwater impact analysis. It is one of the ten privately-owned wells identified within 2,000 feet of the LYNX BLE and is depicted in Figure 4 of the supporting technical report entitled *Natural Resources Technical Report (NRTR)* prepared for the LYNX BLE. As noted in Chapter 11.0: Water Resources and in Chapter 18.0: Construction of the Final EIS, geotechnical soil borings were done for the study area locations that would require a decrease in surface elevations (i.e., cuts), and the depth to groundwater at these boring locations was noted. The depth to groundwater in these proposed cut areas, and the proposed surface elevations were reviewed to determine where the groundwater would be closest to the proposed surface elevation. This review indicated that the proposed 36th Street underpass area would come nearest to intercepting the groundwater table in the development areas to be cut. The shallowest depth to groundwater at the proposed 36th Street underpass would be approximately five feet from the surface. Therefore, it has been determined that groundwater would not be encountered during the proposed development activities. This decreases the potential for contaminating the groundwater from spills during construction, and impacts to the water supply well located at 3600 Philemon Avenue are thus not anticipated. Additionally, as noted in Section 11.3.2.1 of the Final EIS, water supply wells, including the subject water supply well, would not be affected by the operation of the light rail vehicles because the vehicles do not have gasoline or oils that could spill and contaminate groundwater. Additionally, each station location (including the 36th Street Station) and park-and-ride facility would implement best management practice (BMP) measures for the collection and treatment of stormwater runoff.

Continued ...



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Ms. Heidi Pruess

With regards to the out-of-service water supply well identified on the University of North Carolina at Charlotte (UNC Charlotte) campus, it would be closed as noted in Chapter 11.0: Water Resources, Chapter 18.0: Construction and in your letter. As indicated in the aforementioned chapters of the Final EIS, CATS and/or UNC Charlotte will complete the closure/abandonment process per North Carolina Department of Environment and Natural Resources (NCDENR) requirements prior to construction. As such, a permit from the local health department, i.e., Mecklenburg County Health Department, will be obtained prior to closure/abandonment.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. The required permit from the Mecklenburg County Health Department will be included in the mitigation commitments in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures indentified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly R. Goforth
Project Development Manager

C: Danny Rogers, Senior Project Manager, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

November 7, 2011

Kelly Goforth, Project Development Manager
Charlotte Area Transit System
600 East Fourth Street
Charlotte, NC 28202

Subject: Comments on the Final Environmental Impact Statement (FEIS) Related to the Proposed LYNX Blue Line Extension Northeast Corridor Light Rail, from Center City Charlotte to I-485 at North Tryon Street

Dear Ms. Goforth:

This office has reviewed the above referenced document dated August 2011. The NC Division of Water Quality (NCDWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. NCDWQ offers the following comments based on review of the aforementioned document:

Project Specific Comments:

1. Little Sugar Creek, Doby Creek and Mallard Creek are Class C, 303(d) Listed Waters of the State. Little Sugar Creek is on the 303(d) list for impaired uses for aquatic life for copper and mercury. Doby Creek is on the 303(d) list for impaired uses for aquatic life for impaired ecological integrity. Mallard Creek is on the 303(d) list for impaired uses for aquatic life for copper and turbidity. 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* to reduce the risk of nutrient runoff to Little Sugar, Doby and Mallard Creeks. NCDWQ requests that project design plans provide treatment of the stormwater runoff through best management practices as detailed in the most recent version of *NCDWQ Stormwater Best Management Practices*.
2. Based on DWQ site visits (conducted prior to the issuance of the FEIS) and subsequent meetings with the Charlotte Area Transit System (CATS) staff and their consultants, DWQ concurs with the selection of the Locally Preferred Alternative (LPA), "Light Rail Alternative", for this project. Please be advised, however, that sufficient justification, including avoidance and minimization, for impacts associated with the recommended alternative, "Light Rail Alternative" will be required prior to the issuance of a 401 Water Quality Certification due to the existence of an alternative that would result in a reduction of 1,113 linear feet of stream impact. This shall include the use of riprap aprons at the outlet of culverts. NCDWQ would encourage the use of alternate energy dissipation methods at culvert outlets which would result in less stream impact (i.e., scour holes, proper culvert burial, floodplain benches, riprap on streambanks only).
3. CATS staff has advised DWQ that the construction of a multi-use path may be incorporated into the project, adjacent to the rail corridor near Stream "P". Please be advised, as indicated above, sufficient justification, including avoidance and minimization will be required prior to the issuance of a 401 Water Quality Certification. Additionally, the environmental documents shall be updated accordingly to address this issue.

Mooresville Regional Office
Location: 610 East Center Ave., Suite 301 Mooresville, NC 28115
Phone: (704) 663-1699 \ Fax: (704) 663-6040 \ Customer Service: 1-877-623-6748
Internet: <http://portal.ncdenr.org/web/wq>

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled/10% Post Consumer paper

One
North Carolina
Naturally

4. Impacts to jurisdictional resources due to utility relocations have not been addressed in the FEIS. If impacts to jurisdictional resources are required due to utility relocations, they must be identified in the 401 Water Quality Certification and the appropriate avoidance and minimization measures implemented.
5. The FEIS indicates that the width of the rail corridor was selected to accommodate potential, future high speed rail. This high speed rail would be located toward the center of the proposed corridor, with the proposed LYNX Blue Line Extension being located to the edge of the corridor. Please be advised that DWQ will not authorize any impacts to jurisdictional resources beyond the proposed corridor, as the proposed corridor represents a "worst-case scenario".
6. Please be advised that proposed on-site mitigation will not be accepted unless the applicant can demonstrate natural channel design of relocated streams can be achieved. This will also require the establishment of a 50 foot forested buffer along both sides of the relocated stream. In the event that off-site mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program (EEP) and/or the Charlotte Umbrella Stream and Wetland Mitigation Bank may be available for use as stream mitigation.

General Comments:

7. The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands 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.
8. 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.
9. 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.
10. 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.
11. Future documentation, including the 401 Water Quality Certification Application, shall include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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*.
17. Sediment and erosion control measures should not be placed in wetlands or streams.
18. 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.
19. 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.
20. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an **Individual Permit (IP)** 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 NCTA 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.
21. 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.
22. 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.
23. Placement of culverts and other structures in waters, streams, and wetlands 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.

24. 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.
25. If foundation test borings are necessary; it shall be noted in the document. Geotechnical work is approved under General 401 Certification Number 3687/Nationwide Permit No. 6 for Survey Activities.
26. 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 NCG010000.
27. 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.
28. While the use of National Wetland Inventory (NWI) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
29. 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.
30. 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.
31. 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.

NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact Polly Lespinasse at (704) 663-1699.

Sincerely,



Robert B. Krebs, Regional Supervisor
Surface Water Protection Section

cc: Amanda Jones, US Army Corps of Engineers, Asheville Field Office (electronic copy)
Marla Chambers, NC Wildlife Resources Commission (electronic copy)
Marella Buncick, US Fish and Wildlife Service (electronic copy)
Sonia Carrillo, NCDWQ Central Office (electronic copy)
File Copy



November 15, 2011

Mr. Robert Krebs
NCDENR – Division of Water Quality
Mooresville Regional Office
610 E. Center Avenue, Suite 301
Mooresville, NC 28115

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Mr. Krebs:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns relative to water quality, we offer the following:

Project Specific Comments:

Comment 1 (Water Resources): This comment was received from the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ) following publication of the Draft EIS. A response was previously provided and is included in the Final EIS in Chapter 23.0 Draft EIS Review Comments and Responses and Appendix B8: Responses to Comments on the Draft EIS.

Comment 2 (Alternatives Considered): Comment noted. Additional justification regarding avoidance and minimization for impacts associated with the Preferred Alternative has been provided to NCDENR DWQ representatives, including the *Northeast Corridor Major Investment Study*; the *Refined Locally Preferred Alternative* report; the *Refinement of Alternatives* report; and the *Sugar Creek/Light Rail Alternative Analysis* report. Avoidance and minimization details will also be included in the forthcoming Request for Individual Permit.

Comment 3 (Alternatives Considered): Comment noted. Impacts associated with the multi-use path are included in the Final EIS (see Chapter 11: Water Resources). Additionally, impacts were discussed during a Section 404/401 Pre-Application meeting with representatives of the U.S. Army Corps of Engineers (USCOE) and NCDENR DWQ on October 20, 2011. Additional justification regarding avoidance and minimization for impacts associated with the noted multi-use path will also be included in the forthcoming Request for Individual Permit.

Comment 4 (Water Resources): Impacts to jurisdictional waters of the U.S. due to utility relocations within the project corridor have been accounted for in the stream/wetland impact quantifications in the Final EIS (see Chapter 11: Water Resources). Specific impacts will be detailed in the forthcoming Request for Individual Permit.

Continued. . .



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Mr. Robert Krebs

Comment 5 (Alternatives Considered): Comment noted.

Comment 6 (Water Resources): Comment noted. Details regarding proposed mitigation for impacts to jurisdictional waters of the U.S. will be included in the forthcoming Request for Individual Permit. As noted in Chapter 11.0: Water Resources, the Charlotte Umbrella Stream and Wetland Mitigation Bank and the North Carolina Ecosystem Enhancement Program (NCEEP) may be utilized to satisfy compensatory mitigation requirements for this project in the event that on-site mitigation is not feasible and/or practicable. CATS has confirmed that the Charlotte Umbrella Bank has sufficient credits to accept stream mitigation for the proposed project, and the NCEEP has confirmed acceptance of the proposed project's wetland mitigation needs.

General Comments: Comments 7 through 31 (Water Resources; Construction): These comments were received from NCDENR DWQ following publication of the Draft EIS in a memorandum from Ms. Polly Lespinasse dated October 14, 2010. Responses were previously provided and are included in the Final EIS in Chapter 23.0 Draft EIS Review Comments and Responses and Appendix B8: Responses to Comments on the Draft EIS. Many of these comments have also been discussed in the aforementioned pre-application meeting, and will be further addressed as needed in the forthcoming Request for Individual Permit.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures identified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly R. Goforth
Project Development Manager

C: Danny Rogers, BLE Project Director, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV



North Carolina
Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

November 9, 2011

Ms. Judy Dellert-O'Keef
Charlotte Area Transit System
600 E. Fourth Street
Charlotte, NC 28202

Dear Ms. Dellert-O'Keef:

Re: SCH File # 12-E-0000-0069; FEIS; Proposal of the LYNX Blue Line Extension Northeast Corridor Light Rail is a 9.4 mile extension of existing light rail to serve the Northeast Corridor from Center City Charlotte to I-485 at North Tryon Street. View document at www.ridetransit.org

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "W. H. Creech".

William E. H. Creech

Attachments

cc: Region F
Brian Smart, Federal Transit Administration

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina

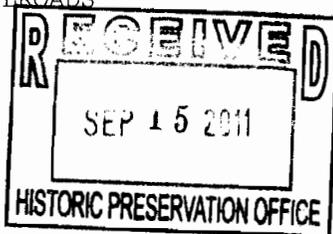
An Equal Opportunity/Affirmative Action Employer

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: MECKLENBURG

F05: RAILROADS

STATE NUMBER: 12-E-0000-0069
DATE RECEIVED: 09/13/2011
AGENCY RESPONSE: 10/19/2011
REVIEW CLOSED: 10/24/2011



MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT
CENTRALINA COG
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

Handwritten notes:
Due 9/22/11
A - 9.26.11
ARG 15
AM
Due 10/4/11
RBE 10/14/11
el. letters

PROJECT INFORMATION

APPLICANT: Charlotte Area Transit System
TYPE: National Environmental Policy Act
Final Environmental Impact Statement

DESC: Proposal of the LYNX Blue Line Extension Northeast Corridor Light Rail is a 9.4 mile extension of existing light rail to serve the Northeast Corridor from Center City Charlotte to I-485 at North Tryon Street. View document at www.ridetransit.org

CROSS-REFERENCE NUMBER: 05-E-0000-0104 01-E-0000-0176 11-E-0000-0063

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY: Renee Gledhill-Earley

DATE: 10.14.11



SEP 16 2011



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

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

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

October 17, 2011

MEMORANDUM

TO: Zeke Creech
State Clearinghouse
NC Department of Administration

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Proposed LYNX Blue Line Northeast Corridor Light Rail, City Center to I-495 at North Tryon Street, Charlotte, Mecklenburg County, ER 06-1957



We have received the Final Environmental Impact Statement (FEIS) from the State Clearinghouse for the above-referenced undertaking and offer our comments.

We believe the FEIS adequately addresses our concerns for archaeological resources.

The FEIS correctly identifies the historic properties located within the undertaking's Area of Potential Effects. It also reflects the effects that we agreed are likely to occur as a result of the project. Having consulted with the Charlotte Area Transit System, we are engaged in conversations with several historic property owners about their plans and how they relate to the proposed extension. It is unlikely that these conversations will lead to any change in the plans or the expected effects.

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. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Kelly Goforth, CATS kgoforth@ci.charlotte.nc.us
John Rogers, Charlotte HDC jrogers@ci.charlotte.nc.us
Dan Morrill, Charlotte-Mecklenburg HLC morrild@co.mecklenburg.nc.us

Goforth, Kelly

From: Gledhill-earley, Renee [renee.gledhill-earley@ncdcr.gov]
Sent: Thursday, November 10, 2011 5:44 PM
To: Goforth, Kelly
Subject: LYNX blue line extension

Kelly:

Paul Fomberg, restoration specialist in our office, was in Charlotte week for last at the Johnson & Mecklenburg Mills talking with the owners about rehabilitation tax credits. He came back with work that they are concerned about the project. I gave him a copy of the plans that you sent to me. His comments are copied in below. Can you address them?

Thanks, R

It looks like the retaining walls would negatively impact the 1916 Machine storage building for Johnston Mill, which is a contributing building in the North Charlotte HD and sits adjacent to the street along E. 36th Street, as well as the contributing 1910 Grinnell Manufacturing Company building (Newco Fibre) across 36th Street along with its Art Moderne 2-story attached office addition built between 1925 and 1950. The contributing 1905 railroad trestle adjacent to the Mecklenburg Mill is also proposed for demolition in order to expand the RR ROW for the proposed light rail.

--

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.

This message does not necessarily represent the policy of the Department of Cultural Resources. E-Mail to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law (N.C.G.S. 132) and may be disclosed to third parties.



November 29, 2011

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

Re: LYNX-Blue Line Extension Northeast Corridor Light Rail Project
Historic Evaluation, ER # 06-1957

Dear Ms. Gledhill-Earley:

Thank you for your email of November 10, 2011 relative to concerns of the property owner of the Johnston and Mecklenburg Mills property in the North Charlotte Historic District. With regard to those concerns, we offer the following:

Machine Storage Building – Johnston Mill

Regarding potential impacts to the Machine Storage Building (National Register element 342b) resulting from the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE) retaining walls, the Machine Storage Building (also known as the "Boxing Academy Building") no longer exists. In 2010, the Charlotte-Mecklenburg Historic Landmarks Commission issued a Certificate of Appropriateness for demolition of the building (see Attachment A; a current aerial photograph is also attached which shows that the building no longer exists). It should be noted that CATS was not involved in this demolition and it was not performed in order to accommodate the LYNX BLE.

Grinnell Manufacturing Building

Regarding the potential impacts to the Grinnell Manufacturing Building from proposed LYNX BLE retaining walls, CATS has been in discussion with Merrifield Patrick Vermillion (MPV) regarding potential impacts to that property. CATS, FTA and SHPO met with MPV on November 2, 2011 to discuss concerns. As discussed at the meeting, the addition of a retaining wall for a relatively short portion of 36th Street would not constitute an adverse effect. Additionally, through the construction of the retaining wall and proposed underpinning of the Grinnell Manufacturing Building, CATS has avoided direct impacts to the building structure. All materials relative to the aforementioned meeting and determinations have been provided to SHPO previously.

Railroad Trestle – Mecklenburg Mill

The National Register indicates that a timber railroad trestle (National Register element 344a), circa 1905, is located behind the Mecklenburg Mill. The location of this trestle is shown behind the western portion of the building and was thought to no longer be in existence. However, CATS has now confirmed that the trestle does still exist, but is located behind the eastern portion of the building within an overgrown wooded area, well within the existing railroad right-of-way. The railroad trestle is designated in the National Register listing as a contributing resource to the Mecklenburg Mill, which in turn is a contributing resource of the North Charlotte Historic District. New track installation for the proposed LYNX BLE would

Continued...



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

necessitate demolition of the timber railroad trestle. A team comprised of structural engineers and historians have evaluated the timber railroad trestle, and details are included in the attached letter report (Attachment B). This report indicates that:

- The major components of the existing railroad trestle that remain have been replaced over time. Therefore, what exists today is not the original 1905 trestle.
- The track rail and crossties no longer exist and the existing trestle is in a state of disrepair.
- The existing timber substructure postdates the period of significance for the North Charlotte Historic District.
- The main delivery track and railroad spur have been removed, obscuring the original design and function of the coal distribution system.

Therefore, CATS proposes that the timber railroad trestle no longer contributes to the Mecklenburg Mill or to the North Charlotte Historic District. As such, the proposed demolition of the trestle would not result in negative impacts to the Mecklenburg Mill or to the North Charlotte Historic District. Therefore, we feel that the previously-determined finding of No Adverse Effect for the North Charlotte Historic District is still valid. Additionally, it is still the intent of the Federal Transit Administration to make a *de minimis* Section 4(f) finding for the North Charlotte Historic District as the proposed action does not constitute a constructive use of the property.

FTA is currently developing the Record of Decision for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. This letter will be included in the ROD. If you agree with the determinations documented in this letter, namely No Adverse Effect to the North Charlotte Historic District, we look forward to receiving your concurrence on the line below. If, however, you disagree, or require any additional information, please do not hesitate to contact me at (704) 336-3513. It is anticipated that the ROD will be issued in late 2011. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

We appreciate the opportunity to consult with you on the effects of the project on historic resources.

Sincerely,

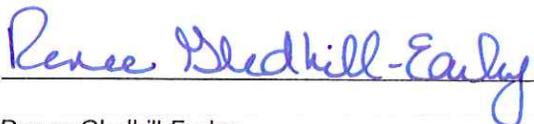


Kelly R. Goforth
Project Development Manager

Enclosure

c: Danny Rogers, CATS BLE Project Director
Keith Melton, Community Planner, FTA Region IV
Brian Smart, Environmental Protection Specialist, FTA Region IV

Concurrence: Finding of No Adverse Effect
on the North Charlotte Historic District



Renee Gledhill-Earley
NC State Historic Preservation Office

12-1-11

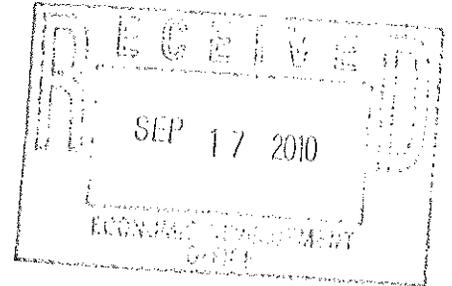
Date

ATTACHMENT A
MACHINE STORAGE BUILDING INFORMATION



Charlotte-Mecklenburg Historic Landmarks Commission

September 7, 2010



Peter Zeiler
Housing Services
600 E. Trade Street
Charlotte NC, 28209

Mr. Zeiler,

This is to confirm that **Certificate of Appropriateness 09-03** for the **Johnston Mill**, located at 407 E. 36th Street, has been issued to you, so that you may materially alter the property. Please be advised that the work must conform in all respects to the description contained in the attached Certificate.

Please contact this office once you have completed the work, so that we can make any necessary inspections.

Sincerely,



Stewart Gray
Preservation Planner

Encl.

Cc: Dr. Dan Morrill, Consulting Director
William T. Hobbs, III., HLC Chairman
Ron Jones, Building Standards



CERTIFICATE OF APPROPRIATENESS

CERTIFICATE NUMBER: 09-03

DATE ISSUED: 9/7/10

ISSUED TO: Peter Zeiler

NAME OF LANDMARK: Johnston Mill (Boxing Academy)

**ADDRESS OF LANDMARK: 407 E. 36th Street
Charlotte, NC**

TAX PARCEL NUMBER: 09110154

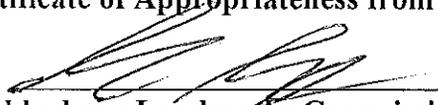
**ADDRESS OF APPLICANT: 600 E. Trade Street
Charlotte, NC 28209**

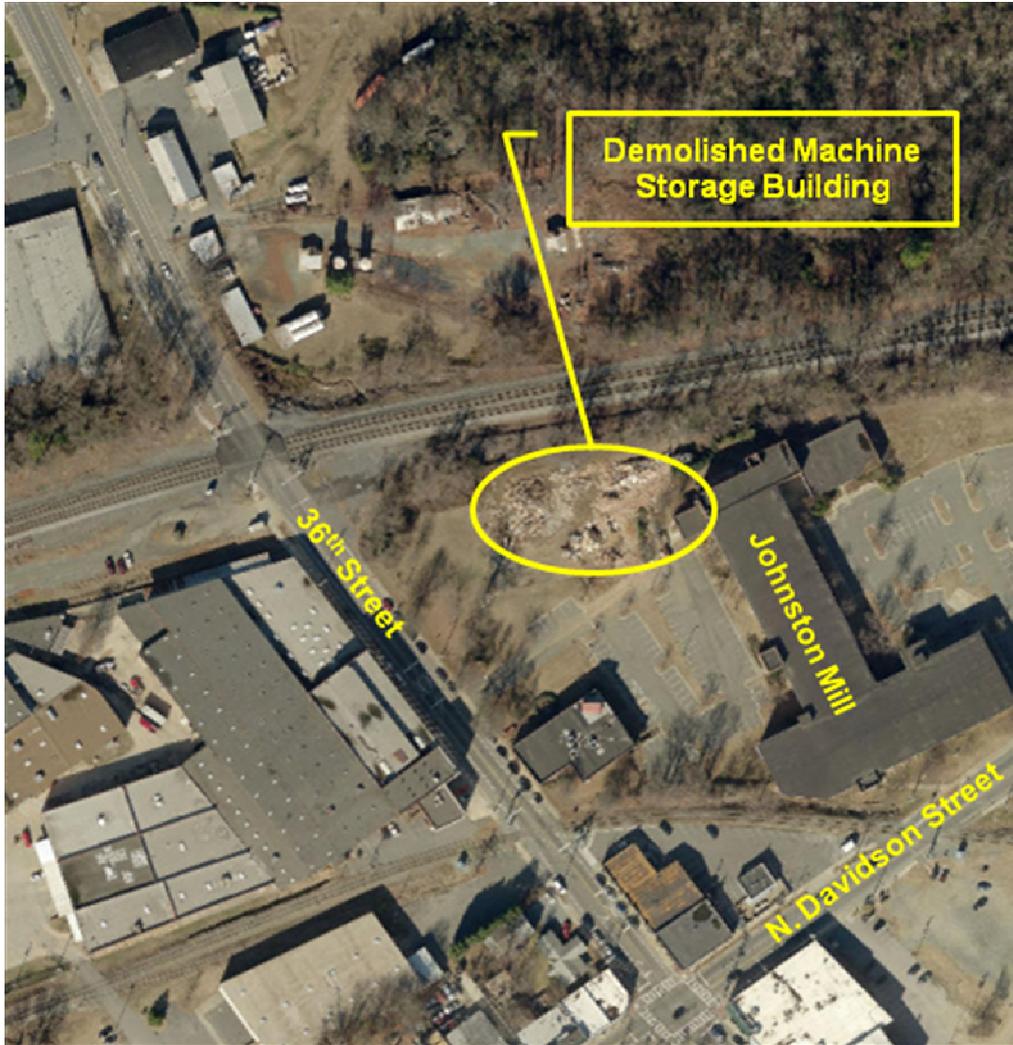
APPLICANT'S TELEPHONE NUMBER: (704)-432-2989

The Historic Landmarks Commission has reviewed the proposed activity and has found the following aspects to be in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and, therefore, has found them to be appropriate:

Demolition of a building known as the "Boxing Academy Building," located on the property of the Johnston Mill, located at 3315 N. Davidson Street in Charlotte, N.C.

This Certificate of Appropriateness is valid through July 1, 2011. Failure to procure a building or demolition permit within this time frame will be considered as a failure to comply with this Certificate, and the Certificate will become invalid. If a building or demolition permit is not required, the approved activity must be completed by July 1, 2011. This Certificate can be renewed by the Historic Landmarks Commission upon written request for the applicant with a valid reason for failure to comply with the deadline. This Certificate in no way removes the responsibility of the owner of a structure in a local historic district to obtain a Certificate of Appropriateness from the Charlotte Historic District Commission.

By: , Preservation Planner, Charlotte-Mecklenburg Landmarks Commission.



Reference: Virtual Charlotte, Charlotte GIS; November 2011

ATTACHMENT B
REASSESSMENT OF NATIONAL REGISTER ELIGIBILITY
MECKLENBURG MILL TRESTLE



STV/Ralph Whitehead Associates

LYNX Blue Line Extension Project Office

6 0 0 E a s t F o u r t h S t r e e t

Charlotte, North Carolina 28202

(704) 432-2584 fax: (704) 432-2593

November 29, 2011

Charlotte Area Transit System
600 East Fourth Street
Charlotte, North Carolina 28202

Attention: Kelly Goforth
Project Development Manager

Subject: Reassessment of National Register Eligibility – Mecklenburg Mill Trestle
LYNX Blue Line Extension Northeast Corridor Light Rail Project
Mecklenburg County, North Carolina
STV/RWA Project 2513745

Dear Ms. Goforth:

STV/Ralph Whitehead Associates (STV/RWA) has completed a review of the timber trestle located behind (north of) the Mecklenburg Mill in the North Charlotte Historic District for the referenced project. Our findings and conclusions are as follows:

Background

Background research was conducted prior to and in conjunction with field investigations. Sources consulted include the following:

- National Register listing for the Mecklenburg Mill
- Local Historic Landmark Commission records
- Sanborn maps
- Railroad valuation maps
- Railroad maintenance records

Field Survey

Field surveys were conducted by structural engineers from STV/RWA and historians from Mattson Alexander & Associates between November 16, 2011 and November 22, 2011. The field investigators examined the timber trestle, obtained measurements and photographs, and assessed the overall condition of the trestle.

Findings

Original Structure

- According to the North Charlotte Historic District National Register nomination, the original structure was constructed in 1905 around the time that the Mecklenburg Mill was constructed (1903-1905).
 - Coal was delivered to the Mecklenburg Mill via a rail spurline. A spur track was located behind the Mecklenburg Mill and the coal trestle was located at the end of this bermed track (see Exhibit 1).
-

- Further details of the original structure, including original plans and maintenance records are not available. However, it is typical for timber components to be replaced every 40 to 50 years and for ties and guardrails to be replaced every 20 to 25 years.

Existing Structure

- Dimensions
 - The trestle measures approximately 72.5' long, and is comprised of 6 spans and 7 substructure units (Exhibit 2).
 - The stringers are comprised of three 9"x16" timbers. The two stringers are approximately 5' on centers.
 - The cap is 12"x12"x12' long (Exhibit 3)
 - The piles are 12"x12" timbers
 - There is typically one cross support member that measures 2.5"x8"
 - The outer two piles are battered, the inside two piles are plumb.
- Condition
 - Most of the architectural and historical integrity has been lost. Only a vestige (the substructure), remains. The steel track rail and crossties have been removed from the top of the trestle. The walkway/platform for accessing the rail cars and/or conveyor equipment has also been removed.
 - The structural integrity of the timber on the existing trestle is fair, though there is some section loss in spots (Exhibits 4 and 5). Timber dating to 1905 would have experienced severe deterioration after more than 100 years of exposure to the elements.
 - The current structure would require significant structural upfit to allow the trestle to return to its original function of carrying train cars.
 - There is a sill beam that the piles connect to at ground level (Exhibit 6). Sill beams are typically placed on top of old piles that have been cut at ground level due to rot. As such, the sill beam serves as evidence that the existing structure is not the original structure.
 - Based on the condition of the timber, the estimated age of the existing trestle is approximately 50 to 55 years (circa mid 1950s to early 1960s).
 - A modern cooling tower is on top of the stringers above spans 1 and 2 (Exhibit 7).
 - There is a portion of a conveyor on the stringers above spans 3 and 4 (Exhibit 8). The conveyor, manufactured by the Kewaunee Machinery and Conveyor Belt Company, is likely a mid-twentieth century addition.
 - Much of the trestle is covered in unmaintained vegetative overgrowth (Exhibit 9).
 - The single track behind the Mecklenburg Mill has been removed (Exhibit 10). The spur track between the main track and timber trestle is also no longer there (Exhibit 11).

Assessment of Eligibility and Integrity

Much of the trestle's integrity of design, workmanship, and materials has been lost through deterioration and alterations. Only a vestige of the trestle, the substructure, remains somewhat intact, and according to the engineers' field inspections and typical maintenance schedules, even the substructure appears to be a 1950s or 1960s replacement. The steel track rail and crossties have been removed from the top of the trestle, and the walkway/platform for accessing the rail cars and/or conveyor equipment has collapsed. A portion of the conveyor, manufactured by the Kewaunee Machinery and Conveyor Belt Co. of Illinois, remains, but it, too, appears to be a mid-20th century addition. Furthermore, the trestle has lost much of its integrity of setting, association, and feeling. The setting is heavily overgrown, and the loss of the spurline tracks obscures the original feeling and the association of the trestle to the mill.

The coal trestle for the Mecklenburg Mill was listed as a contributing resource to the North Charlotte Historic District, the period of significance for which ended in 1939. The trestle was altered significantly after 1939, outside the period of significance, with a replacement substructure and the removal or collapse of trackage and the walkway/platform. Because the trestle has lost most of the seven aspects of integrity needed for eligibility, the principal investigators recommend that the trestle no longer contributes to the North Charlotte Historic District.

Conclusion

Based on the information presented in this letter, STV/RWA, in conjunction with Mattson, Alexander and Associates, Inc., has determined that the subject trestle is not the original 1905 trestle and that the existing timber substructure is a replacement that postdates the period of significance for the North Charlotte Historic District. The coal trestle's platform, deck, and railing are ruinous or now gone. The main delivery track and the railroad spur have both been removed, obscuring the original design and function of the system. Therefore, we recommend that the trestle no longer contributes to the North Charlotte Historic District.

We appreciate the opportunity to provide our services. If you have any questions or require additional information, please contact us.

Respectfully submitted,

STV/Ralph Whitehead Associates

Robert H. Baughman, P.E.
Vice President

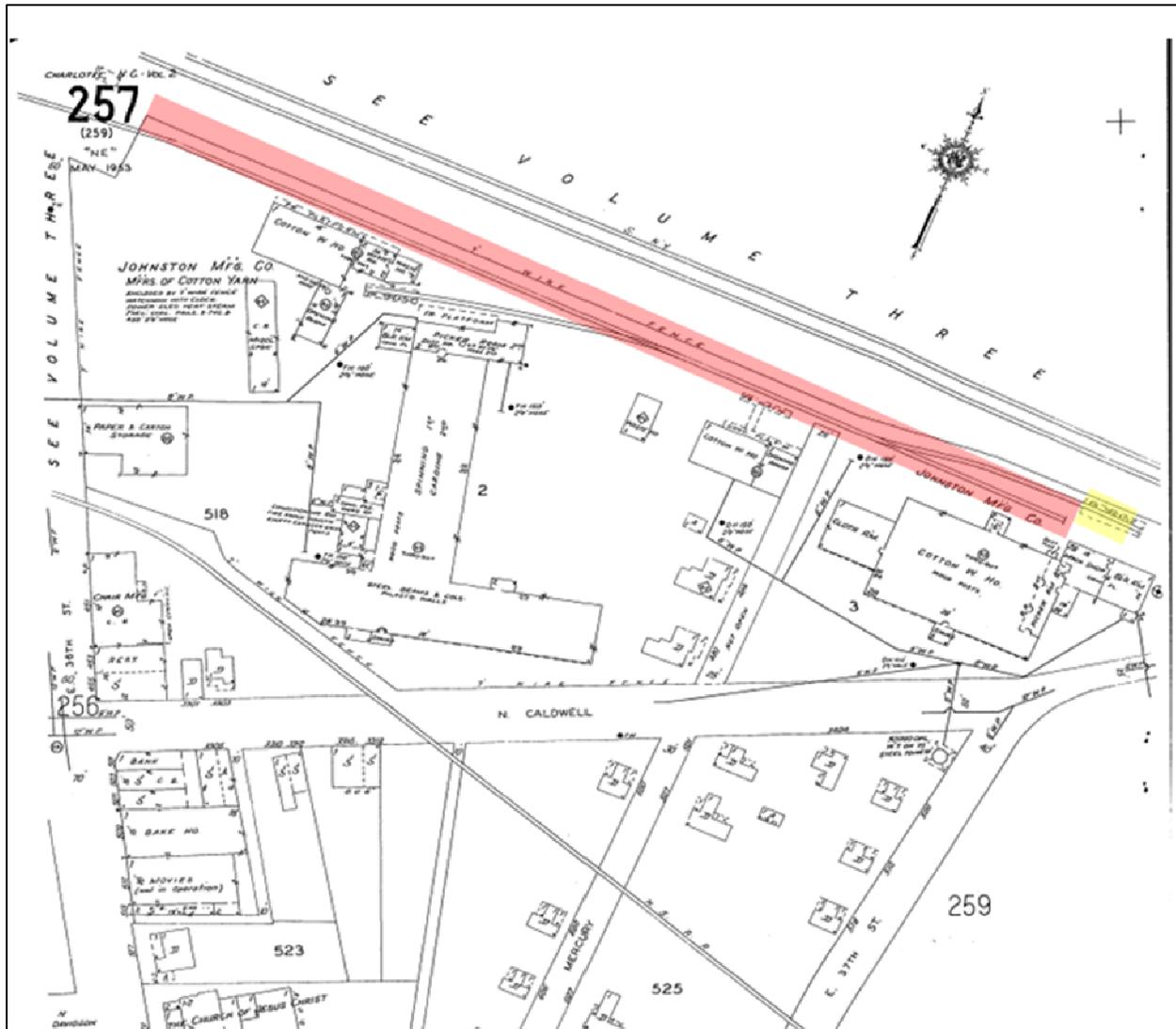
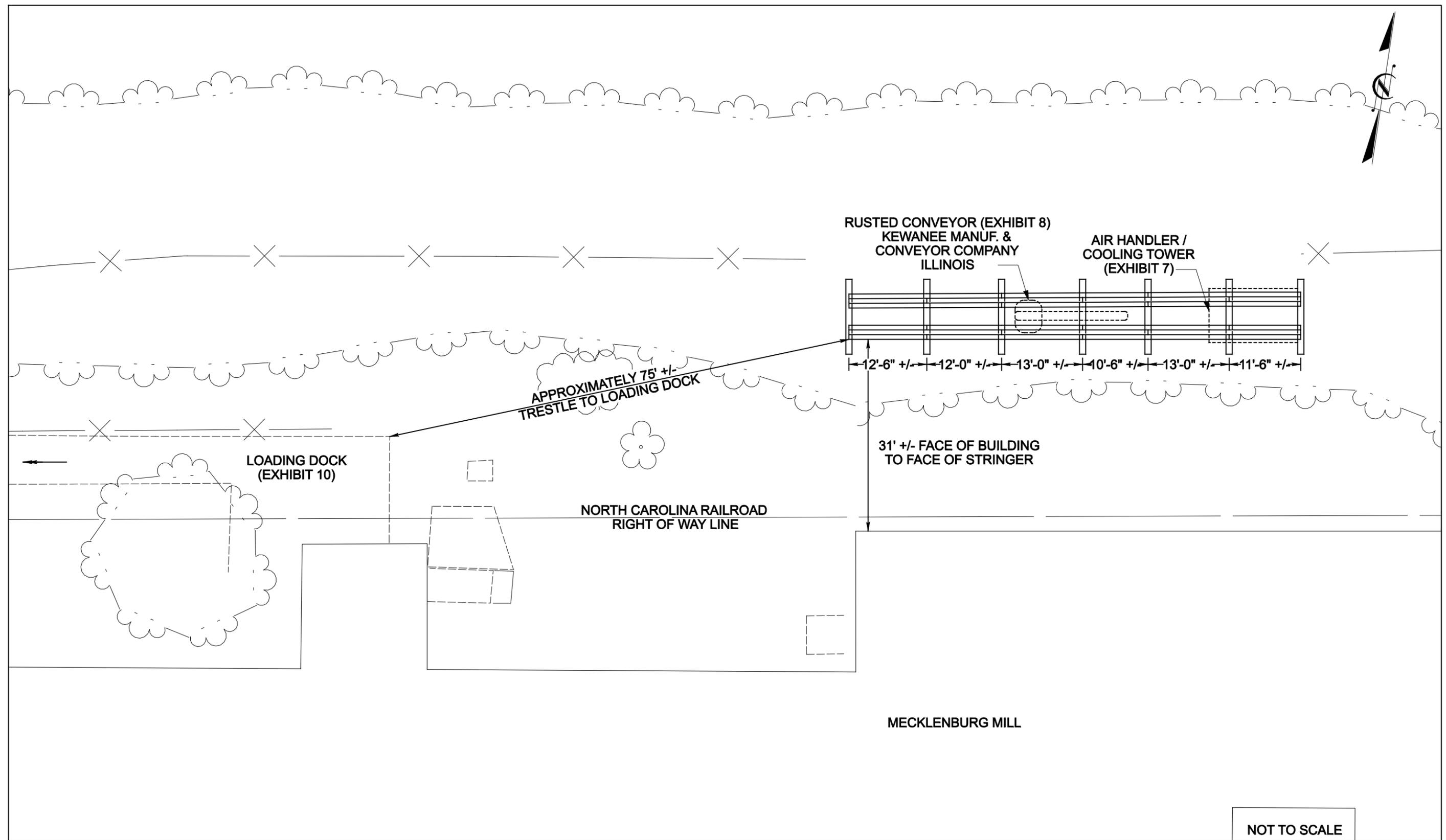


Exhibit 1: Excerpt from a 1953 Sanborn Map, illustrating the coal-delivery system at the Mecklenburg Mill. Note that the timber railroad trestle (highlighted in yellow) is located at the end of a railroad spur (highlighted in red), which is no longer in existence. The main railroad extension behind the Mecklenburg Mill (also highlighted in red) is also no longer in existence.



NOT TO SCALE

NO.	DATE	REVISION	BY	DWN	CHK	APP



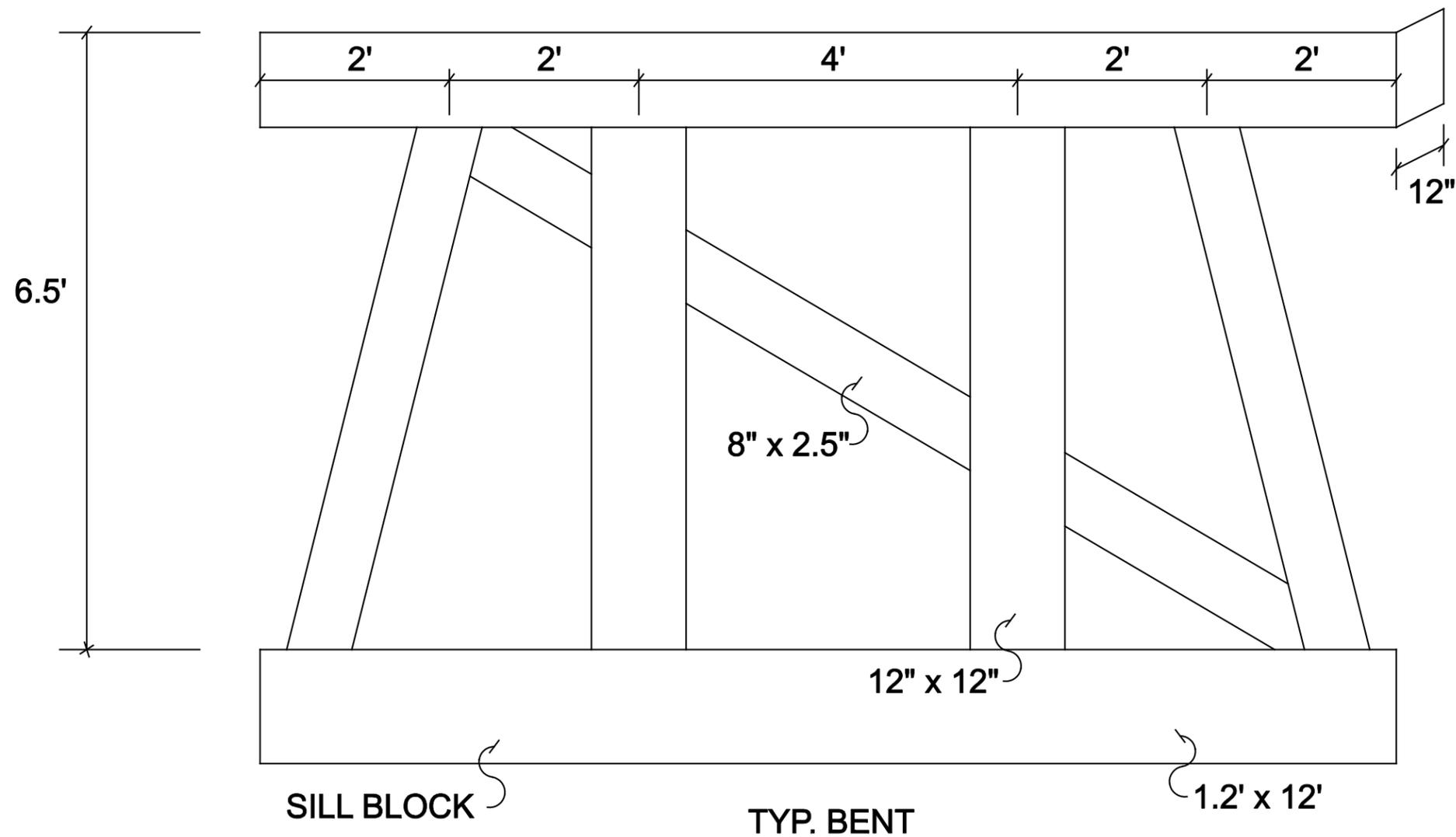
STV / Ralph Whitehead Associates, Inc.
 1000 West Morehead St., Ste. 200
 Charlotte, NC 28208
 NC License Number F-0991



PREPARED BY:
 DRAWN BY:
 CHECKED BY:
 APPROVED BY:

LYNX BLUE LINE EXTENSION
NORTHEAST CORRIDOR LIGHT RAIL PROJECT
 EXHIBIT 2 - TIMBER TRESTLE
 MECKLENBURG MILL, CHARLOTTE, NC

DATE: 11/28/11
 SHEET:
 DRAWING:
 CATS NO: 08-477



NOT TO SCALE

NO.	DATE	REVISION	BY	DWN	CHK	APP



STV/Ralph Whitehead Associates, Inc.
 1000 West Morehead St., Ste. 200
 Charlotte, NC 28208
 NC License Number F-0991



PREPARED BY:
 DRAWN BY:
 CHECKED BY:
 APPROVED BY:

LYNX BLUE LINE EXTENSION
 NORTHEAST CORRIDOR LIGHT RAIL PROJECT
 EXHIBIT 3 - TYPICAL BENT
 TIMBER TRESTLE - MECKLENBURG MILL, CHARLOTTE, NC

DATE: 11/28/11
 SHEET:
 DRAWING:
 CATS NO: 08-477



Exhibit 4: Representative photo of typical bent.



Exhibit 5: Representative photo of sill beam.



Exhibit 6: Representative photo of section loss.



Exhibit 7: Representative photo of cooling tower, affixed to east end of the existing trestle.



Exhibit 8: Representative photo of conveyor.



Exhibit 9: Representative photo of vegetative overgrowth.



Exhibit 10: North side of Mecklenburg Mill, loading dock adjacent to where main railroad tracks were (highlighted in yellow in Exhibit 1).



Exhibit 11: West end of trestle; at-grade. The spur track that tied the trestle to the main line/loading dock is no longer there.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

November 9, 2011

Mr. Brian Smart
Environmental Protection Specialist
Federal Transit Administration, Region IV
230 Peachtree Street, N.W., Suite 800
Atlanta, Georgia 30303-1512

RECEIVED
NOV 10 2011
BY: _____

SUBJECT: Federal Final Environmental Impact Statement for the LYNX Blue Line Extension Northeast Corridor Light Rail Project, Center City, Charlotte to Interstate 85, Mecklenburg County, North Carolina; FTA-E40834-NC; CEQ No.: 20110341

Dear Mr. Smart:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Federal Transit Administration (FTA) and the Charlotte Area Transit System (CATS) are proposing to construct an approximate 9.4 mile extension of the light rail system from Center City Charlotte to south of Interstate 485. The proposed light rail improvement would primarily utilize existing railroad right of way for the first 4 miles and then be located in the median of North Tryon Street/US-29 for a substantial portion of the remaining distance. There would be a new location segment as it enters the University of North Carolina at Charlotte (UNC-Charlotte) campus.

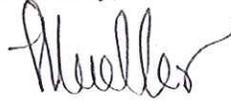
The Preferred Alternative identified in the Final Environmental Impact Statement (FEIS) includes 11 stations, four with park-and-ride facilities (with over 3,100 total parking spaces) and seven walk-up stations. Bus service connections would also be provided at most stations. EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments in our October 8, 2010, letter. EPA requested further details in the FEIS regarding potential noise mitigation measures for an Environmental Justice community. EPA has attached review comments on the FEIS (See Attachment A).

In summary, EPA supports the development of additional mass transit options in the Charlotte area because it provides an alternative to the sole reliance on automobiles for transportation demand, and with the mitigation measures proposed in the FEIS should result in fewer adverse impacts. From an air quality perspective, mass transit options generally reduce the amount of additional air emissions in the transportation corridor

compared to highway options. EPA notes that FTA estimates a reduction of 75 million miles/year of vehicular traffic with the proposed project with a corresponding air pollutant emissions reduction.

If there are any questions concerning these comments, please contact Mr. Christopher A. Militscher of my staff at (919) 856-4206 or by e-mail at militscher.chris@epa.gov. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Mueller".

Heinz J. Mueller, Chief
NEPA Program Office

Cc: M. Hamel, NCDOT-Rail
S. Hair, USACE
B. Wrenn, NCDWQ
J. Dellert-O'Keef, CATS

Attachment A
FEIS for the LYNX Blue Line Extension Northeast Corridor Light Rail Project
Charlotte, Mecklenburg County, North Carolina

General Mitigation Comments

In response to comments on the DEIS, FTA proposes the following mitigation: Noise mitigation for residential properties located within EJ communities of concern will be required, including use of a rail automated friction modifier, noise barriers, sound insulation, specially-engineered track-work and vibration isolation treatments. Moderate noise receptor impacts that are predicted include: 4 single-family residences, 2 multi-family buildings at the Alpha Mill Apartments, and 1 hotel: Residence Inn by Marriott along North Tryon Street/US-29. Severe noise impacts are projected at 1 single-family residence and 2 college dormitories: Laurel Hall and Spruce Hall at UNC Charlotte. Vibration impacts include 1 single-family residence (St. Anne's Place in the Hampshire Hills neighborhood).

FTA has identified other mitigation strategies for neighborhoods including: overflow parking in neighborhoods near light rail stations will be monitored. Corrective actions to provide additional parking at the stations will be made and/or parking enforcement will be instituted, if necessary. For community facilities, FTA proposes to coordinate with emergency service providers to ensure that design allows access for these services and that the efficiency of emergency services is not impeded and with CMC-University regarding the type and location of directional signage.

FTA proposes implementation of design treatments per the project's Design Criteria, Urban Design Framework, to the extent practical, and coordination with property owners and other stakeholders to discuss the following proposed mitigation:

- For the six affected properties in Hampshire Hills, landscaping is proposed along the project fencing.
- Additional directional signage to improve way-finding to CMC-University and retain visibility to the hospital.
- Continued coordination with stakeholders and potentially affected groups regarding potential visual impacts: UNC
- Charlotte to ensure consistency with campus design guidelines; and University City Partners to provide information to affected business owners.
- Toby Creek Greenway: Vegetative screens will be maintained to the extent practical; CATS will coordinate with MCPR to ensure the light rail bridge over the greenway would not conflict with the greenway, and to minimize impact to trail operations during construction. An alternative route will be provided and attempts will be made to coordinate closure during a period of least activity. CATS will notify MCPR 48 hours in advance of temporary closure of greenways due to construction.

The Preferred Alternative will impact approximately 3,304 linear feet of jurisdictional streams and 0.46 acres of jurisdictional wetlands. Approximately ½ of the estimated stream impacts (i.e., 1,638 linear feet) are to intermittent Stream "P". The FEIS includes recommendations to minimize and avoid impacts to jurisdictional streams and wetlands. FTA has identified the following minimization measures in the FEIS: Efforts will be made to minimize the use of riprap at pipe inlets and outfalls, relocate channels using natural channel design techniques, when practicable, and minimize impacts to streambanks at proposed bridge locations. FTA also proposes to implement Best Management Practices (BMPs) for erosion and stormwater management controls.

Compensatory mitigation is proposed to be made through the Charlotte Umbrella Stream and Wetland Mitigation bank for unavoidable impacts to streams and wetlands. If adequate credits are not available at this mitigation bank, FTA proposes to utilize the North Carolina Ecosystem Enhancement Program (EEP) for the remainder of required mitigation needs.

EPA notes that FTA estimates a reduction of 75 million miles/year of vehicular traffic with the proposed project and that overall air pollutant emissions will be reduced. Furthermore, the FEIS projects that the Preferred Alternative would result in nearly 8,000 new jobs (construction and supporting services) as a result of the money infused into the local economy from the capital expenditures of the project. It would also result in the addition of 109 CATS rail operations or maintenance jobs.



December 2, 2011

Mr. Heinz Mueller, Chief
NEPA Program Office
US Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 20202-8960

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Mr. Mueller:

Thank you for your letter of November 9, 2011 submitting comments to the Federal Transit Administration regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). We appreciate your support of the LYNX BLE project.

As noted in your comments, FTA and CATS included proposed mitigation measures in the Final EIS to reduce the potential impacts of the project. The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter, will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures indentified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your support of this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,

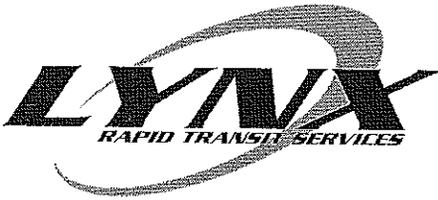
Kelly R. Goforth
Project Development Manager

C: Danny Rogers, BLE Project Director, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV
Christopher Militscher, US EPA



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797



OCT 27 10:18:37

Blue Line Extension Light Rail Project Final Environmental Impact Statement

Your Opinion Counts

Thank you for your interest in the LYNX Blue Line Extension project.

Name: Robert H. Bischoff Phone: (704) 847-3200

Organization: Citizens for Efficient Mass Email: cent100@yahoo.com

Address: P.O. Box 35571 Transit

Comments: Charlotte, NC 28235

We urge that it is extremely important the R-O-W that was part of the original BLE extension to I-485 be preserved and built as originally planned when it becomes financially feasible. Also that any land that has been purchased for a parking deck at I-485 be retained and if not purchased already that the rights to purchase it be negotiated.

Comments may also be mailed to Judy Dellert-O'Keef, Charlotte Area Transit System, 600 East Fourth Street, 9th Floor, Charlotte, NC 28202; faxed to 704-432-2729 or emailed to bluelineextension@charlottenc.gov. **Written comments must be postmarked, faxed, emailed or hand delivered by October 27, 2011.**

For more information, call 704-336-RIDE (7433) or 866-779-CATS (2287) or visit www.ridetransit.org. To sign up for rider alert email service, visit www.ridetransit.org.





CHARLOTTE..

November 2, 2011

Mr. Robert Bischoff
Citizens for Efficient Mass Transit
P.O. Box 35571
Charlotte, NC 28235

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Mr. Bischoff:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns relative to right of way to I-485, we offer the following:

As described in Chapter 2: Alternatives Analysis, Section 2.2.8, in November of 2010, subsequent to the circulation of the Draft EIS (August 2010), the Metropolitan Transit Commission (MTC) received a report on the financial capacity of CATS and its ability to deliver the 2030 System Plan. Based on the analysis presented, it was determined that the LYNX BLE proposal could not be achieved due to financial constraints. In order to advance the LYNX BLE, the financial capacity study recommended a reduction in the projected capital and operating costs of the proposed project. The MTC directed CATS staff to reduce the project scope by 20 percent and reduce the operating and maintenance costs by approximately 6.5 percent.

Extensive coordination was undertaken with partner departments, UNC Charlotte, NCDOT and the FTA. In order to reduce the capital and operating costs, several changes were recommended, including terminating the proposed project at the UNC Charlotte station. Terminating the proposed project at the UNC Charlotte Station would result in an estimated \$92 million in net savings. A large part of the savings is attributed to the elimination of approximately 1.1 miles of mostly bridge structure that crosses wetlands/streams and a grade separation of Mallard Creek Church Road. By shortening the project, CATS is able to keep key project elements that ensure a high quality system, reliable service, and safe and secure operations.

On January 26, 2011, the MTC approved the revised Locally Preferred Alternative (LPA) alignment and station locations for the proposed LYNX BLE. Based on this approval, the proposed project would now terminate at the UNC Charlotte Station rather than at I-485/N. Tryon Station, removing approximately 1.2 miles of the alignment and two stations. The Light Rail Alternative between Center City Charlotte and UNC Charlotte was selected as the revised LPA and the National Environmental Policy (NEPA) preferred alternative. Section 2.2.3 describes the currently adopted Preferred Alternative in additional detail. The Final EIS was prepared based on the revised LPA.

Continued . . .



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Mr. Robert Bischoff

Although the revised LPA for the proposed project will terminate the alignment at the UNC Charlotte Station, the design of the proposed project does not preclude any future extension of light rail. However, any future extension would be considered a separate project from the proposed LYNX BLE project, and further evaluation of design and environmental impacts would take place if and when an extension is proposed.

The UNC Charlotte Campus Master Plan (October 2009) does include the previous light rail alignment to I-485, and UNC Charlotte has indicated a desire to preserve this as a future alignment.

No land has been purchased nor have the rights-to-purchase been negotiated in the area identified for the previously proposed I-485/N. Tryon parking garage. Most of this property is currently owned by the State of North Carolina / NCDOT.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE, as defined in the Final EIS. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures indentified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly R. Goforth
Project Development Manager

C: Danny Rogers, Senior Project Manager, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV

Nov. 7, 2011

Judy Dellert-O'Keef
Charlotte Area Transit System
600 E. 4th Street, 9th Floor
Charlotte, NC 28202



Dear Ms. Dellert-O'Keef:

I know I'm a little late getting these comments to you but it is not going to change anything in any event. This is just my personal note and not anything I can ascribe to Citizens for Efficient Mass Transit. I think only one other person has ever brought this subject to my attention; however it has been a concern of mine for quite some time.

So many overpasses on the Blue Line, both the South Corridor and now the extension. I'm a little surprised they haven't been more controversial. I know they would have been if built in some other cities. For example, take the proposed bridge over the Harris Blvd. intersection. It is already on higher ground than much of the surrounding area as I recall. You might therefore think it would be the perfect candidate for an underpass. A bridge will be really sticking up there and I fear a little obtrusive. Will a bridge like this do almost as much to discourage development as the BLE does to encourage it?

I know all the arguments against depressing LRT under major roadways:

- o disrupting traffic during construction
- o need to relocate underground utilities
- o higher costs

In many areas like industrial districts or rail yards I would readily agree that bridging is the only thing that makes any sense economically. However for the long-term appearance of the city at least a few of these intersections like Harris Blvd. might have been better off depressed. I suppose its wishful thinking that we might ever go back one day and correct a few of these mistakes -or at least that is what I would call them.

I don't plan to speak out on this subject in public because my first priority now is to see the BLE built, and I haven't seen any ground-swell of public opinion to support my view. However, at the same time I don't want to leave the impression I am just now bringing it up, because I have mentioned this before at several public meetings on the BLE in the past. I'd welcome any comments about this that you might have.

Sincerely,

Robert H. Bischoff

P.S. I received the CD's you sent on the final BLE EIS and technical report. Thank you very much.



November 17, 2011

Mr. Robert Bischoff
3300 Providence Plantation Lane
Charlotte, NC 28227

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Mr. Bischoff:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns relative to obtrusive nature and effect bridges and overpasses may have on development, we offer the following:

As documented in Chapter 7.0: Visual and Aesthetic Considerations of the Final EIS, CATS recognizes that the addition of bridges for the LYNX BLE to cross over existing freight tracks, roads, or water features will introduce new visual elements in the corridor. To minimize the potential visual and physical effects of the proposed light rail project, the City of Charlotte and CATS have employed three key techniques aimed at providing a well-designed project that fits into the context of its surrounding environment. These include: the development of station area plans; incorporation of the *Urban Design Framework (UDF)* into the proposed project's design criteria; and the Art in Transit Program.

Station area plans respond to the constraints and opportunities of the conditions in the station area, including the LYNX BLE, and provide recommendations for land use, streetscape, and infrastructure improvements that support the vision for the station area. The *UDF* provides guidelines for applying design treatments to project elements based on their context and location. For bridges located within or adjacent to the North Tryon Street/US-29 in-street right-of-way, the *UDF* calls for a standard bridge type using a minimum of two cosmetic improvements, such as the use of color pigments in the concrete, texturing surfaces, or more pleasing shapes for columns and/or caps. For bridges that are located within station areas, the *UDF* calls for signature bridges that define system and district identity by giving consideration to structural systems that are inherently more aesthetically pleasing and by using a minimum of two cosmetic improvements such as the use of color pigments in the concrete, texturing the surfaces, modifications to fascia walls, beams and surfaces, or more pleasing shapes for columns and/or caps. In addition, the Art in Transit Program currently calls for art treatment to be applied to the bridges located at the intersection of North Tryon Street/US-29 and the I-85 Connector, University City Boulevard and W.T. Harris Boulevard. The artist currently working on the art for the bridges and walls is planning a signature art treatment at W.T. Harris Boulevard.



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Mr. Robert Bischoff

Also in Chapter 7.0: Visual and Aesthetic Considerations, CATS identifies a potential visual impact for businesses along North Tryon Street/US-29 between Old Concord Road and JW Clay Boulevard due to the introduction of bridges and retaining walls within the median of North Tryon Street/US-29 necessary for the light rail to pass over existing roads. To mitigate potential impacts, CATS will coordinate with business owners to relocate signage and discuss design elements to minimize visual impacts for the businesses along North Tryon/US-29. CATS will also coordinate with University City Partners to provide information to affected businesses along North Tryon Street/US-29 regarding the property acquisition program, design and construction.

Chapter 7.0 also identified a potentially significant visual impact to CMC University hospital, located at the Intersection of North Tryon Street/US-29, because the proposed bridge over W.T. Harris Boulevard and the associated retaining walls would block views of the hospital. The views to and from, approximately the first three floors of the building and emergency room would be blocked, resulting in a potentially significant visual impact due to the importance of way-finding by non-emergency personnel in emergency conditions and by patient visitors. CATS will continue to coordinate with CMC-University to identify the appropriate type and location of additional directional signage necessary to retain visibility of the hospital entrances.

CATS also recognizes that cross-access and street connectivity are vital transportation components to sustaining neighborhoods and businesses adjacent to North Tryon Street/US-29. As discussed in Chapter 3.0: Transportation, recommendations for grade separated and at-grade crossings were based on safety, traffic volumes, transit headways, arterial travel speeds, cost, intersection delays and traffic spillback to adjacent intersections. As a result of the traffic impacts identified through the transportation analysis, major intersections, as well as the light rail entry into and exit from the North Tryon Street/US-29 median would be grade separated; all other crossings would be at-grade. Table 3-26 provides a summary of the rail crossing recommendations for the LYNX BLE. Specifically regarding the example you provided of the proposed bridge over W.T Harris Boulevard, CATS completed an analysis to determine whether the Light Rail Alternative should traverse over or under the proposed roadway interchange. As detailed in the *Refinement of Alternatives Report*, July 2010, depressing the Light Rail Alternative beneath the intersection was determined to be cost prohibitive.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE, as defined in the Final EIS. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures identified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly R. Goforth
Project Development Manager

C: Danny Rogers, BLE Project Director, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV

Goforth, Kelly

From: Dellert-O'Keef, Judy
Sent: Friday, September 30, 2011 2:41 PM
To: 'Elliott, Keith'; brian.smart@dot.gov; Hennessey, Kevin
Cc: LYNX BLE Records; Goforth, Kelly; Thorne, W. Todd
Subject: 2011 0930 - Hampton Inn property - WBS 2502 - 8419 N. Tryon Street - PID 04721119

Mr. Elliott,

Thank you for contacting CATS about the property at 8419 North Tryon Street. I am copying Kevin Hennessey, Real Estate Manager for the Blue Line Extension, so he or a member of his team can contact you about the proposed impacts to the property. He will also be able to give you the steps involved and the time table for the real estate acquisition process.

At the September 27, public meeting the real estate exhibits included right-of-way and temporary construction easements. I've attached the link below for you to access these maps on CATS website at www.ridetransit.org. 8419 North Tryon is located on Map 5.

<http://charmeckauth.ci.charlotte.nc.us/city/charlotte/cats/planning/BLE/Pages/BLEAlignmentMaps.aspx>

PID 04721119

8419 N. Tryon St

Charlotte, NC 28262

Please let me know if I can be of further assistance.

Thank you,

Judy Dellert-O'Keef
Charlotte Area Transit System
Communications Officer
LYNX Blue Line Extension,
Operations Division and
Speaker's Bureau
Phone: 704-432-0477
Fax: 704-336-4944
www.ridetransit.org

From: Elliott, Keith [<mailto:Keith.Elliott@ihrc.com>]
Sent: Thursday, September 29, 2011 7:24 PM
To: brian.smart@dot.gov; Dellert-O'Keef, Judy
Cc: Elliott, Keith
Subject:

Mr. Brian Smart & Ms. Judy Dellert-O'Keef,

I am following up on the recent memo that was released to our ownership group and wanted to find out more information regarding the potential easement, partial or full acquisition of our property as mentioned in the attached document. If you could please forward an update on the status of our property and/or hotel and what impacts we can expect from the Blue Line Extension Northeast Corridor Light Rail project if would be greatly appreciated.

Keith Elliott - General Manager
Hampton Inn Charlotte University Place
8419 N. Tryon St
Charlotte, NC 28262
P- 704-548-0905
C- 704-524-6109

Goforth, Kelly

From: Goforth, Kelly
Sent: Thursday, October 06, 2011 3:59 PM
To: 'Bryan Hight'
Cc: Hennessey, Kevin; LYNX BLE Records; Dellert-OKeef, Judy; 'brian.smart@dot.gov'; Makoid, Meghan; Thorne, W. Todd
Subject: RE: Hight Veterinary Hospital near UNCC (WBS 2503)

Dr. Hight,

I am following up on your question about potential noise and vibration impact on your business. As a commercial property, the Hight Veterinary Hospital on North Tryon Street is not considered to be noise-sensitive according to Federal Transit Administration (FTA) guidelines. The primary reason is that noise impact is assessed according to the potential for human annoyance at land use locations where people sleep (Category 2) or at institutional land uses where meditation and concentration on reading materials is necessary such as schools, libraries, theatres and churches.

With regard to vibration, no vibration impact is expected to occur. Our noise and vibration consultant, Harris Miller Miller and Hanson (HMMH), provided the following assessment of the potential vibration impacts. According to FTA guidelines, potential vibration impact is assessed for facilities with vibration-sensitive equipment and/or operations and these criteria may be lower than the thresholds for human perception. For a veterinary hospital, which may typically include operating rooms or medium-powered optical microscopes, the applicable vibration criterion would be the Residential Night/Operating Room criterion of 72 VdB. The Hight Veterinary Hospital building is approximately 150 feet from the proposed alignment and at this distance the projected vibration level from light rail operations is 38 VdB, well below the threshold for potential impact. So, vibration impact would not occur at this location.

Please let me know if you have any further questions or need more information.

Kelly R. Goforth
Project Development Manager
LYNX Blue Line Extension Light Rail Project
Charlotte Area Transit System
600 East Fourth St.
Charlotte, NC 28202
(704) 336-3513

From: Thorne, W. Todd
Sent: Wednesday, October 05, 2011 9:23 AM
To: 'Bryan Hight'
Cc: Goforth, Kelly; Hennessey, Kevin; LYNX BLE Records
Subject: Hight Veterinary Hospital near UNCC (WBS 2503)

Dr. Hight,

I'd like to add to what I wrote below regarding the temporary construction easement on the southeastern corner of your property. The BLE's erosion control plans show that we will need to reconstruct a portion of the ditch that runs along your property's perimeter in order to keep storm runoff a safe distance from the limits of earthwork beside the tracks. As shown on the second file attached to this email, a note states "Permanently reconstruct ditch to divert water away from top of slope. Line with matting for erosion control." Silt fence will then be placed between the newly graded ditch and the slope to be created for the BLE, which is ascending to the level of the existing ground in this area.

Todd Thorne, PE
LYNX Blue Line Extension
Charlotte Area Transit System
704-353-0993

From: Thorne, W. Todd
Sent: Thursday, September 29, 2011 3:22 PM
To: 'Bryan Hight'
Cc: Goforth, Kelly; Dellert-OKeef, Judy; Hennessey, Kevin; LYNX BLE Records
Subject: Hight Veterinary Hospital near UNCC (WBS 2503)

Dr. Hight,

Thank you for attending the public meeting Tuesday night for the LYNX Blue Line Extension (BLE). I am attaching the plan sheets and cross-sections that you requested. The project's grading limits (dashed line with a "C" for cut or "F" for fill above it) do not encroach onto your property, but the temporary construction easement (solid line with an "E" in it) does cover the southern corner of your property. As we discussed at the public meeting, the BLE project team will investigate whether the construction easement can be reduced or even eliminated there.

The cross-sections I've attached show track, ditch and earthwork elevations where the track approaches your property the most closely. This area also is the section where the tracks transition from the trench condition through which the train passes under northbound N. Tryon Street and begin to rise above the existing ground as it approaches the bridge over Toby Creek. Your property is shown on the left sides of the cross-sections, and your property line is marked with the "PROPERTY" note on sections 3119+50, 3120, and 3120+50.

We met with representatives of the North Carolina Department of Transportation yesterday to coordinate between our project and their Mallard Creek Bridge Replacement. As the project schedules currently stand, most of the BLE heavy construction in your vicinity would take place in 2014 with final paving in 2015 and early 2016. The bridge replacement could begin as early as late 2014 and would take about a year to complete. The bridge replacement schedule is also connected closely to highway construction on I-85 and I-485. We agreed to continue coordinating our projects to see if constructing both at the same time would be feasible and if it would be beneficial to businesses and commuters along N. Tryon. If that were to occur, then the schedule for the bridge replacement would likely move up to 2014. We will provide updates through our public communications as the BLE progresses.

Regarding noise and vibration issues, please contact Kelly Goforth, who I have copied and who you also met at the public meeting. Please contact me with any questions you have about the attached plan sheets or general design and construction issues.

Todd Thorne, PE
LYNX Blue Line Extension
Charlotte Area Transit System
704-353-0993

From: Bryan Hight [mailto:bhight@carolina.rr.com]
Sent: Wednesday, September 28, 2011 4:45 PM
To: Thorne, W. Todd
Subject: 65% cross section and detailed plans at Hight Veterinary Hospital near UNCC- BLE ~3120

Hight Veterinary Hospital, PA
9528 N Tryon St
Charlotte, NC 28262
Phone (704)595-9377
Cell (704)287-1491

e-mail bhight@carolina.rr.com, mail@hightvet.com

Parcel ID 04931103

Property? 3246

BLE 3120

Mr. Thorne,

Thank you for the information at the meeting last night. In addition to sending me the pdf's please forward my e-mail address so I can get more information about the potential noise and vibration impact on my business.

Thank you,

Dr. Bryan C. High

Goforth, Kelly

From: Bryan Hight [bhight@carolina.rr.com]
Sent: Thursday, October 27, 2011 11:54 PM
To: Blue Line Extension
Cc: Goforth, Kelly
Subject: 9528 N Tryon St Hight Veterinary Hospital response to Final EIS BLE

Hight Veterinary Hospital, PA
Dr. Bryan C. Hight
9528 North Tryon St
Charlotte, NC 28262

Judy Dellert-O'Keef
Charlotte Area Transit System
600 East Fourth St
9th Floor
Charlotte, NC 28202

October 26, 2011

To Whom It May Concern:

I am writing in regards to the CATS Blue Line Extension planned to pass in the vicinity of our business. Hight Veterinary Hospital, PA has 22 employees, and our primary patients are dogs and cats. We feel that there will be adverse impacts related to noise and vibration, both above grade and subterranean, and traffic during construction. We request mitigation for noise and vibration impact such as Automated Top of Rail Lubrication System, sound and vibration dampening or insulating improvements, noise barriers, the avoidance of the use of the train horns near our facility. We request that two way traffic be maintained on North Tryon St. in front of our facility during and after construction. We also request that the U Turn lane and median opening, just south of 9528 N Tryon St, be preserved for Southbound traffic on North Tryon St. across from Barton Creek Dr. We request special circumstances be considered in the evaluation of noise and vibration impact related to our cat and especially dog patients since they are much more sensitive to noise than humans.

Areas where noise from the BLE trains are expected to cause adverse impact for humans at the property located at 9528 N Tryon St include the following. Adverse impact is expected to occur during studying and concentration of written/printed materials from our veterinary library, hardcopy medical and surgical records, and on computer displays. Adverse impact is expected to occur during communication between employees and between employees and clients in person and on the phone.

Our business depends upon the ability to provide care and comfort to dogs and cats present in and around our facility. Special circumstances should be used related to the expected adverse noise and vibration impact in these animals. Dogs are able to detect sounds at a much larger frequency range of humans and are able to hear sounds at much greater distances than humans. Our recovering surgical patients, hospitalized sick patients, and boarding patients that must be able to sleep are located on the side of our facility closest to the proposed light rail project. Our two outside dog exercise lots are located on the side of our building adjacent to the BLE project and at the rear of our building adjacent to where the light rail trains are proposed to be emerging from the trench. For sanitary and health reasons the dogs must be allowed to be free from distraction in these areas to eliminate instead of eliminating indoors where they are housed in cages or runs.

Areas where vibration from the BLE trains are expected to cause adverse impact for humans at the property located at 9528 N Tryon St include the following. Adverse impact is expected to occur in our surgical room/suite located on the corner of the building adjacent to the proposed BLE and with the use of our High Power (1000 X power) microscope. Vibration is also expected to cause adverse impact on the animals in the above mentioned circumstances. Please provide mitigation for noise and vibration in the vicinity of our facility.

Sincerely,

Dr. Bryan C. Hight

Cc:Kelly Goforth



November 14, 2011

Dr. Bryan Hight
Hight Veterinary Hospital, PA
9528 North Tryon Street
Charlotte, NC 28262

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Dr. Hight:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns, we offer the following:

Noise concerns: As noted in my e-mail of October 6, 2011, the process for assessing the potential impacts for noise and vibration followed the FTA guidance manual (*Transit Noise and Vibration Impact Assessment*, May 2006) and involved three levels of assessment for noise-sensitive uses, including: screening, general assessment and detailed assessment. However, as a commercial property, the Hight Veterinary Hospital is not considered to be noise-sensitive according to FTA guidelines. The primary reason is that noise impact is assessed according to the potential for human annoyance at land use locations where people sleep (Category 2) or at institutional land uses where meditation and concentration on reading materials is necessary such as schools, libraries, theatres and churches (Category 3). Additional detail regarding the guidance can be found in Chapter 13.0 of the Final EIS and in the supporting technical reports.

In addition, the curves near Hight Veterinary Hospital are 700 and 714 foot-radius curves (northbound / southbound). These curves are not considered tight enough to cause significant wheel squeal. Noise assessment assumptions are that curves tighter than 100 times the wheelbase may generate wheel squeal. The curve threshold to include squeal contributions is 620 feet. Therefore, noise impacts to your facility related to wheel squeal are not expected.

Although the Hight Veterinary Hospital is not considered noise-sensitive, CATS understands your concerns relative to a potential impact on your business from noise related to light rail operations. Therefore, CATS will commit to assess conditions at your location once the system is constructed and light rail is in operation. If noise impacts do occur, then mitigation measures will be identified and employed.

Vibration concerns: With regard to vibration, an assessment has been performed by our noise and vibration consultant, Harris Miller Miller and Hanson (HMMH). According to FTA guidelines, potential vibration impact is assessed for facilities with vibration-sensitive equipment and/or operations and these criteria may be lower than the thresholds for human perception. For a veterinary hospital, which may

Continued . . .



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Dr. Bryan Hight

typically include operating rooms or medium-powered optical microscopes, the applicable vibration criterion would be the Residential Night/Operating Room criterion of 72 VdB. The maximum vibration level for the use of a high-powered microscope, a piece of equipment that you indicated particular concern about, is 60VdB. The Hight Veterinary Hospital building is approximately 150 feet from the proposed LYNX BLE alignment, and at this distance the projected vibration level from light rail operations is 38 VdB, well below the thresholds for potential impact. Therefore, no vibration impact is expected to occur at the Hight Veterinary Hospital.

Traffic concerns: The current design of the BLE maintains the existing median opening and left turn lane across from Barton Creek Drive after construction of the project. Relative to potential construction traffic impacts, construction of the proposed project would result in temporary lane and road closures. As noted in Chapter 18.0 of the Final EIS, careful planning would be required to reduce disruptions to traffic; and the staging of construction would require astute planning and coordination to minimize the need for traffic detours while maintaining adequate traffic flow. Maintaining business access would be a priority for CATS and our contractors. A Maintenance of Traffic plan will be developed and CATS and its contractors will coordinate with the traffic control divisions of the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation (NCDOT) to maintain reasonable and safe traffic operations along the corridor. This mitigation plan is noted in Chapter 18.0 of the Final EIS and will be included in the Record of Decision for the project. In addition, near to the Hight Veterinary Hospital, CATS is coordinating anticipated construction of the LYNX BLE with the NCDOT as they are scheduled to replace the North Tryon Street/US-29 bridges over Mallard Creek, located just north of Hight Veterinary Hospital. Currently, NCDOT's planned timeframe for construction fits within the proposed LYNX BLE construction timeframe. NCDOT has indicated that they are receptive to coordinating the anticipated construction schedules to minimize impacts to the community and to businesses. At this time, the specific details of the NCDOT's planned traffic phasing and traffic control plan have not been determined. However, it is the goal of CATS that construction of the LYNX BLE along North Tryon Street/US-29 (north of JW Clay Boulevard) be performed during NCDOT's traffic phasing of their proposed bridge construction. The locations of proposed median openings during construction are unknown at this time.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. The commitment for CATS to assess noise conditions at your location once light rail operations begin, as well as the maintenance of traffic plan identified in the Final EIS, will be included as mitigation commitments in the ROD. It is anticipated that the ROD will be issued in late 2011. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE project, and I hope this information addresses your concerns. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly Goforth
Project Development Manager

C: Danny Rogers, Senior Project Manager, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV



Blue Line Extension Light Rail Project Final Environmental Impact Statement

Your Opinion Counts

Thank you for your interest in the LYNX Blue Line Extension project.

Name: DA D. Mai Phone: 980-275-9472

Organization: Individual land owner Email: Da.mai@earthlink.net

Mailing Address: 3124 Windsor Dr Charlotte NC 28209

Comments: The current plan of the access Rd to TPSS #14 is lying over the prime piece of our property. This Rd prohibits valuable traffic access to our property. We request the city either DO AWAY OR Relocate the access road
① Do away w/ the current access Rd and use the adjacent lot's access to the power station. ② Alternatively we propose to open ~~an~~ access Rd along the railroad

Comments may also be mailed to Judy Dellert-O'Keef, Charlotte Area Transit System, 600 East Fourth Street, 9th Floor, Charlotte, NC 28202; faxed to 704-432-2729 or emailed to bluelineextension@charlottenc.gov. **Written comments must be postmarked, faxed, to gain access to the station, emailed or hand delivered by October 27, 2011.**

For more information, call 704-336-RIDE (7433) or 866-779-CATS (2287) or visit www.ridetransit.org. To sign up for rider alert email service, visit www.ridetransit.org.



Goforth, Kelly

From: Goforth, Kelly
Sent: Friday, October 21, 2011 3:38 PM
To: 'Da.mai@earthlink.net'
Cc: Dellert-OKeef, Judy; 'brian.smart@dot.gov'; LYNX BLE Records; Mock, Andrew; Hennessey, Kevin; Thorne, W. Todd
Subject: RE: Final EIS Public Comment for DA D. Mai
Attachments: 20111012091722605.pdf

Dear Mr. Mai,

Thank you for attending our public meeting on October 11, 2011, and submitting your comment.

The LYNX Blue Line Extension team has been evaluating the proposed driveway on your property because the current concept has impacts to existing drainage patterns. This evaluation has identified the following alternatives, which are outlined below:

1. Access the site at the traffic signal at 103 Eastway Dr., then traverse behind the Carolinas Medical Center building (251 Eastway Dr.) within North Carolina Railroad (NCR) right-of-way to access the Traction Power Substation (TPSS). This concept would completely remove the driveway from your site.
2. Access the site at the traffic signal at 103 Eastway Dr., and traverse across the front of the CMC building to enter your site. This concept would require a driveway, but would lessen the impact to only the rear part of your site.

In the two alternatives above, CATS will approach the owners of 103 Eastway Dr. and 251 Eastway Dr. as part of the Real Estate negotiations process, which will commence upon the Federal Transit Administration's issuance of the Record of Decision in December of 2011. If the property owners are amenable to one, or the other approach, then CATS will proceed in that manner.

3. The current concept, accessing the TPSS via a driveway across your property. In this case, we will work with you to address your access needs, which may include making a portion of the driveway public to give you access to Eastway Dr. and the adjacent property if this is desirable to you and your neighbor.

In any scenario, CATS will likely purchase property from you for the purpose of locating a traction power substation (TPSS), which provides power to our light rail system, and the associated utility easements for an underground power line. The real estate acquisition process will follow the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

We will contact you with the outcome as a part of the Real Estate process, and we look forward to working with you as the project continues to move forward.

Sincerely,

Kelly R. Goforth
Project Development Manager
LYNX Blue Line Extension Light Rail Project
Charlotte Area Transit System
600 East Fourth St.
Charlotte, NC 28202
(704) 336-3513

From: Thomson, Theo
Sent: Wednesday, October 12, 2011 9:27 AM
To: LYNX BLE Records
Cc: Dellert-OKeef, Judy; Goforth, Kelly
Subject: Final EIS Public Comment for DA D. Mai

Please file in 0631B Public Comments for the Final EIS.

The text of Mr. Mai's comments is as follows:

Name: DA D. Mai
Phone: 980-275-9472
Organization: Individual land owner
Email: Da.mai@earthlink.net
Address: 3124 Windsor Dr., Charlotte, NC 28209

Comments:

The current plan of the access rd to TPSS #14 is lying over the prime piece of our property. This Rd prohibits valuable traffic access to our property. We request the city either DO AWAY or relocate the access road.

- (1) Do away with the current access Rd and use the adjacent lot's access to the power station.
- (2) Alternatively we propose to open an access Rd along the railroad to gain access to the station.

Goforth, Kelly

From: Lawrence, Jason
Sent: Wednesday, November 16, 2011 12:12 PM
To: 'Christopher McMillan'
Cc: Goforth, Kelly; Makoid, Meghan; Dellert-OKeef, Judy; Jennifer Schwaller; 'brian.smart@dot.gov'; LYNX BLE Records
Subject: RE: Support of BLue Extension and Request for Further Assistance From Legal Blind Charlotte Resident

Sensitivity: Private

Mr. McMillan,

Thank you for your support and interest in the LYNX Blue Line Extension (BLE). As you know, I forwarded your request for transit service to the CATS service planning group. Larry Kopf, Chief Operations Planning Officer, contacted you on October 27, 2011 to discuss the options for additional bus service in your area. As Mr. Kopf discussed with you, due to our operating budget limitations, CATS has no immediate plans to provide service to your neighborhood. However as part of the FY 13- FY 17 Countywide Transit Service Plan (CTSP), we will include your request as possible new transit options. In the CTSP, CATS includes service requests that will be considered and evaluated as funding allows.

Thank you again for your comment regarding the LYNX Blue Line Extension light rail project.

Jason Lawrence
Transportation Planner
Charlotte Area Transit System
704.336.4106

From: Christopher McMillan [<mailto:christophermcmillan@hotmail.com>]
Sent: Wednesday, October 12, 2011 5:50 AM
To: Lawrence, Jason; governor.office@nc.gov; Christopher Michael McMillan ; Christopher McMillan, CIO KMB Massage Therapy
Cc: Blue Line Extension; ghraynbofnc@charter.net; brian.smart@dot.gov; nccb2020@bellsouth.net; info@disabilityrightsn.org; eddie.weaver@dhhs.nc.gov; Eddie Everett
Subject: Support of BLue Extension and Request for Further Assistance From Legal Blind Charlotte Resident
Importance: High
Sensitivity: Private

Dear Mr. Lawrence:

I greatly appreciate your time yesterday as you discussed the options for possible additional bus service and rail service in the Charlotte University area. I applaud the work you and CATS are doing. I have included my contact information below, my google maps location and finally a thought I want to propose as a legally blind IT consultant. **I have lived in the best mass transit areas of this country (Northeast, Central California, etc) and have moved here hoping for changes to occur to allow me my expand my personal, educational, and employment goals.**

Please share my contact information with your contact for opportunities for my wife and I to come to meetings in the future to support for better accessibility as a legal blind transit rider in need of better support. I can urge the Government of Charlotte, DOT Support on the National Level, and blindness organizations to stand by this issue to help legal blind people get equal access to transportation. **I have been on advisor boards before for State Services for the Blind in Connecticut and I**

understand what it will take to get access / advocacy to meet my goals. I have no problems advocating for myself.

My Contact information is as follows:

Christopher McMillan
4022 Linsbury Court
Charlotte, NC 28213

Cell Phone: 980 333 7400

Fax Line: 704 973 9969

chrismcmillan@hotmail.com

chrismcmillan@ceektechnology.com

Private E-mail

Work E-mail

Google Maps Location for Transportation Options:

[http://maps.google.com/?ll=35.294494,-](http://maps.google.com/?ll=35.294494,-80.685128&spn=0.00951,0.013797&hnear=4022+Linsbury+Ct,+Charlotte,+North+Carolina+28213&t=m&z=16&vpsrc=0)

[80.685128&spn=0.00951,0.013797&hnear=4022+Linsbury+Ct,+Charlotte,+North+Carolina+28213&t=m&z=16&vpsrc=0](http://maps.google.com/?ll=35.294494,-80.685128&spn=0.00951,0.013797&hnear=4022+Linsbury+Ct,+Charlotte,+North+Carolina+28213&t=m&z=16&vpsrc=0)

<http://g.co/maps/5hqh2>

Please forward this information to any and all contacts you have in the Harrisburg, Concord, Charlotte Mass Transit Staff as it relates to Bus and Rail Support.

I look forward to assisting make the 2nd largest community in Mecklenburg County one of the friendliest mass transit areas in Charlotte University area.

Sincerely,

Christopher McMillan, CIO

CEEK Technology

Blog: <http://blinditandnetworkadmin.blogspot.com>

Web Site: <http://www.ceektechnology.com>



chrismcmillan@ceektechnology.com (Instant Messenger and E-mail)

Goforth, Kelly

From: brian.smart@dot.gov
Sent: Friday, December 02, 2011 8:54 AM
To: Goforth, Kelly
Subject: FW: Support of Blue Extension and Request for Further Assistance From Legal Blind Charlotte Resident
Attachments: image001.gif
Importance: High
Sensitivity: Private

Hi Kelly,

I received this email comment this morning.

Brian

Brian C. Smart
Environmental Protection Specialist
Federal Transit Administration, Region IV 230 Peachtree Street, NW - Suite 800 Atlanta, GA 30303
Phone: 404.865.5607

-----Original Message-----

From: Christopher McMillan - Hotmail [mailto:christophermcmillan@hotmail.com]
Sent: Fri 12/2/2011 6:07 AM
To: mayor@charlottenc.gov; governor.office@nc.gov; Smart, Brian (FTA); christophermcmillan@hotmail.com
Cc: mroberts5@carolina.rr.com; jcollett@ncdot.gov
Subject: FW: Support of Blue Extension and Request for Further Assistance From Legal Blind Charlotte Resident

Dear Honorable Mayor Foxx:

I would like to thank you for the opportunity to speak at the MTC Meeting this week on November 30 2011.

Being that I live in the second largest community of Mecklenburg county here in Old Stone Crossing, I ask that this area continued to be looked at for transportation options.

Once the Blue Line occurs for the area by 2017, this will help greatly but only if Congress provides the funding.

I feel that the UNCC area is an area that is poorly served for the disabled and based on CATS and STS funding at 2005 level my position for transportation assistance will be limited.

I ask for your continued support for funding from the Governor's office and the United States DOT.

I will be faxing this letter to my congressional membership to help get additional funding.

Your loyal Charlotte Resident.

Sincerely

Christopher McMillan, CIO

704 208 4264 Business Line

980 333 7400 Cell Phone

704 973 9969 Fax Line

Web Site: <<http://www.ceektechnology.com/>>

<http://www.ceektechnology.com>

Web Site <<http://www.essentialkneadsconcord.com/>>

<http://www.essentialkneadsconcord.com>

Web Site: <<http://www.kmbmassagtherapy.com/>>

<http://www.kmbmassagtherapy.com>

E-mail: <<mailto:chrismcmillan@ceektechnology.com>>

chrismcmillan@ceektechnology.com

E-mail: <<mailto:info@essentialkneadsconcord.com>>

info@essentialkneadsconcord.com

E-mail <<mailto:webmaster@kmbmassagtherapy.com>>

webmaster@kmbmassagtherapy.com

My status <<http://mystatus.skype.com/balloon/chrismmcmillan>>



James E. Merrifield
Managing Partner

704-561-5241
jmerrifield@mpvre.com

September 28, 2011

Kelly Goforth
Project Development Manager
Charlotte Area Transit System
600 East Fourth Street
Charlotte, NC 28202
Re: Consulting Party Request for the CATS Blue Line Northeast Extension Project

Dear Ms. Goforth,

Merrifield Patrick Vermillion (MPV) on behalf of RM 36th Street Investors, LLC (RM 36th St) formally requests to participate as a consulting party in the review process for the Charlotte Area Transit System (CATS) Blue Line Northeast Extension project, in Charlotte, North Carolina. This request to be a consulting party is per Section 106 of the National Historic Preservation Act (NHPA) pursuant to 36 C.F.R. §§ 800.2(c)(5), 800.3(f)(3).

RM 36th Street owns the Grinnell Manufacturing Building (430 East 36th Street; 399 East 35th Street and 401 East 35th Street), a contributing resource to the National Register North Charlotte Historic District, which is within the Charlotte Area Transit System Blue Line Northeast Extension project Area of Potential Effects.

RM 36th Street and MPV have great interest in the North Charlotte Historic District. This historic district was in its early stages of revitalization when RM 36th Street and MPV saw the opportunity to reinvest in the commercial district. MPV rehabilitated the Nevitt building at 3205 N. Davidson Street. In addition MPV has developed the Lofts 34 building at 3100 N. Davidson Street and the Fat City project at 3123 North Davidson Street. By designing these projects to have ground floor, street-front retail space and upper story residential units, MPV contributed to the revitalization of the North Charlotte Historic District historic district. MPV has helped foster the growth of this dynamic area and has a long term interest in the area.

The Blue Line Northeast Extension has the potential to affect this historic district. RM 36th Street would like the opportunity to consult with CATS, North Carolina State Historic Preservation Office, and other consulting parties to ensure the light rail brings about positive change to the historic district.

We appreciate your consideration of our consulting party request, and we look forward to working with you as the Section 106 review process moves forward with the CATS Blue Line Northeast Extension project.

Respectfully submitted,

RM 36th Street Investors, LLC

A handwritten signature in blue ink that reads "Jim Merrifield".

James E. Merrifield
Manager

C C: Renee Gledhill-Early, NC State Historic Preservation Office



STV/Ralph Whitehead Associates

LYNX Blue Line Extension Northeast Corridor Light Rail Project

Meeting Notes

Date: 11/02/2011 **Contract #:** 08-477 **Job No.:** 2513745
Project: LYNX Blue Line Extension NECLRP **Meeting Name:** MPV/SHPO Meeting - Grinnell

Meeting Location: CMGC - Conf Room 801 **Starting Time:** 10:00 AM

Meeting Date: 11/02/11 **Ending Time:** 11:15 AM

Attendees: Name Representing
Listed below

NOTES:

Attendees:

- Kelly Goforth, CATS
- Jean Leier, CATS (by phone)
- Tina Votaw, CATS
- Dan Thilo, Planning
- Laura Rushing, E&PM Real Estate
- Brian Smart, FTA (by phone)
- Renee Gledhill-Early, SHPO (by phone)
- Jim Merrifield, Merrifield Patrick Vermillion (MPV)
- Kelly Merrifield MPV (by phone)
- Jennifer Schwaller, STV (by phone)
- Brian Query, STV
- Steve Karnis, STV

-K. Goforth gave a brief summary of Section 106 findings relative to the North Charlotte Historic District and the Grinnell Manufacturing Building.

-Relative to MPV's request to be a Consulting Party to the Section 106 process, B. Smart described the two types of consulting that occur with Section 106; namely 1) those of SHPO and local governments and 2) those of other parties, such as those with economic interests. Because MVP has an economic interest in the Grinnell Manufacturing Building and the North Charlotte Historic District, they can be a Consulting Party to the Section 106 process. Parties such as MPV can participate and comments/concerns will be taken into consideration by FTA.

-J. Merrifield provided a summary of his concerns relative to the North Charlotte Historic District and to the Grinnell Manufacturing Building. Relayed concerns that the "tunnel" created by the depression of 36th Street will change the pedestrian character of the historic district. He also expressed concerns relative to street presence and access to the Grinnell Manufacturing Building. J.

Merrifield's overall opinion was that the depression of 36th Street would be an adverse impact on the historic district.

-R. Gledhill-Earley relayed that pedestrian connectivity is maintained since a sidewalk would be built along both sides of 36th Street, and the addition of a retaining wall along a relatively short portion of 36th Street would not constitute an adverse impact to the historic district as a whole. Relative to the Grinnell Manufacturing Building specifically, R. Gledhill-Earley relayed that CATS has avoided adversely impacting the property by addition of the retaining wall and underpinning system. Additionally, the loading dock is remaining intact (though access would be eliminated). L. Rushing noted that MPV would be compensated for the loss of access through the real estate process. R. Gledhill-Earley noted that CATS has made a good case that they could build the LYNX BLE without destroying or adversely altering the building. She re-affirmed the finding of No Adverse Effect for the North Charlotte Historic District.

-J. Merrifield indicated that the long-term plans for the Grinnell Manufacturing property include razing the building and redeveloping the site. He is concerned about potential redevelopment challenges associated with the presence of the 16' retaining wall, the street presence of a future building particularly where 36th Street is depressed, and the potential "mis-match" with pedestrian standards. J. Merrifield relayed concern about MPV's ability to comply with local design standards with the aforementioned development challenges.

-D. Thilo confirmed that MPV would have to comply with urban design guidelines for the station area. He relayed that the Station Area Plan for 36th Street has not yet been completed. The plan would respond to the future existing conditions, including the proposed retaining wall and depression of 36th Street.

-B. Smart suggested that J. Merrifield submit comments on the Final EIS regarding the impact on his property by the November 14th comment close date. CATS will respond to the formal comment letter and will include a commitment to complete the Station Area Plan for 36th Street. The local process, which includes public involvement and the opportunity for interested parties, such as MPV, to provide input will foster a forum for cooperative decisions regarding the requirements for development around the station. This commitment will be included in FTA's Record of Decision (ROD).



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
404-865-5605 (fax)

November 14, 2011

Mr. James E. Merrifield
Managing Partner
Merrifield Patrick Vermillion
521 E. Morehead Street, Suite 400
Charlotte, NC 28202

RE: Consulting Party Request for the CATS Blue Line Northeast Extension Project

Dear Mr. Merrifield:

The Federal Transit Administration (FTA), Region IV, in cooperation with the Charlotte Area Transit System, has received your letter of request to participate as a consulting party in the Section 106 process for the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project in Mecklenburg County, North Carolina, as specified at 36 CFR 800, the implementing regulations for the National Historic Preservation Act (NHPA).

As you know, the Preferred Alternative (also referred to as the *undertaking*) for the Northeast Corridor is the light rail alternative extending from CATS' existing (South Corridor) Blue Line LRT line 7th Street Station to the campus of UNC Charlotte. The northern terminus will be located at UNC Charlotte adjacent to Cameron Boulevard. The project is aligned primarily in existing railroad right-of-way and within the rights-of-way of North Tryon Street to the point it enters new alignment to access the campus of UNC Charlotte. Some portions will be elevated up and over existing freight tracks, roads or other geographic constraints and at least one existing roadway (36th Street) will be depressed below-grade. The project will add approximately 9.4 miles of two-track light rail line with 11 new stations to CATS' existing light rail transit system. Approximately 3,300 parking spaces will be provided at four of these stations.

The FTA agrees that you and your legal business entity, Merrifield Patrick Vermillion, are considered an *additional consulting party* to the Section 106 process under §800.2(c)(5) of the NHPA. Additional consulting parties, as defined in the NHPA, are considered to be "certain individuals and organizations with a demonstrated interest in the undertaking who may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. The objective of this provision is to bring other consulting parties into the process at an early point. However, while §800.3(f) requires that this be done at the initiation of the review, the regulations also state that the Federal agency (FTA) should also be sensitive to the need to involve additional consulting parties at later stages in the process, as potential project impacts become better understood and the interests of other parties become clearer. The objective is to ensure that the Federal agency has adequately consulted with those who have significant interests in historic preservation issues.

FTA understands that Merrifield Patrick Vermillion has an interest in the undertaking due to a concern for potential impacts to a historic property in your ownership, known as the Grinnell Building, overall effects to the North Charlotte Historic District (NoDa) and questions concerning the No Adverse Effect determination for the Grinnell Building and NoDa. FTA, therefore, instructed CATS to respond to your request by inviting you to discuss your concerns with CATS, FTA, and the North Carolina State Historic Preservation Office on November 2, 2011.

During this meeting, it became apparent that with the exception of your concern for the proposed depression of 36th Street, the concerns for potential adverse impacts to the Grinnell Building and NoDa are primarily focused on the potential land use and economic impacts of the undertaking in terms of future use of the property and other parcels within NoDa and not specifically the potential adverse impacts to historic resources. Therefore, FTA suggested that further coordination with local officials regarding the Station Area Concept for the 36th Street Station should be included as a mitigation commitment to resolve the design and pedestrian access concerns resulting from the proposed depression of 36th Street. FTA will ensure that this commitment is included in the Mitigation Commitments and Monitoring Plan for the project. FTA also encouraged you to review the Final Environmental Impact Statement (FEIS) for the project and submit comments during the FEIS public comment period, rather than enter as a Section 106 consulting party. In response to this, on November 14, 2011, FTA received a letter from Merrifield Patrick Vermillion outlining your concerns.

FTA, in cooperation with CATS will provide a response to your letter following our efforts to further coordinate with the local planning agency. All comments received during the FEIS public comment period will be documented in the Record of Decision (ROD) that FTA expects to issue by the end of 2011. Merrifield Patrick Vermillion will be notified once the ROD is issued and you will be provided with further information concerning the public availability for the ROD.

Sincerely,



Brian C. Smart
Environmental Protection Specialist

CC: Yvette Taylor, FTA
Keith Melton, FTA
Kelly Goforth, CATS
Renee Gledhill-Early, NC SHPO

November 14, 2011

Brian Smart
Federal Transit Administration
230 Peachtree Street, NW, Suite 800
Atlanta, GA 30303-1512
Via Email: brian.smart@dot.gov

Re: Comments on CATS Blue Line Northeast extension FEIS

Dear Mr. Smart,

RM 36th Street Investors, LLC, the owner of the Grinnell Building at 430 East 36th Street, is formally submitting comments to the Charlotte Area Transit System (CATS) Blue Line Northeast Extension project Final Environmental Impact Study. The proposed sixteen foot depression of 36th Street causes both direct and indirect adverse effects on the National Register North Charlotte Historic District and a contributing resource within the Historic District, the Grinnell Building. Additionally, the depression causes an adverse economic effect on the Grinnell Building.

The proposed sixteen foot depression on 36th Street causes a direct adverse effect on the North Charlotte Historic District. This depression changes several aspects of integrity for this section of the historic district: the setting, feeling, and design. The North Charlotte Historic District is a large, walkable neighborhood built as a textile manufacturing district in the early twentieth century, designed to have the industrial, commercial, and residential areas easily accessible. The scale and connectivity between these areas by the network of roads and sidewalks is a defining feature of the historic district. As highlighted in the National Register nomination, "the most important visual characteristics are the scale and rhythm of the streetscapes" (North Charlotte Historic District National Register nomination section 7, page 11). The sixteen foot depression changes the design for the historic district because the streetscape will be drastically altered. Cars and pedestrians alike will no longer be at street level, but rather view the historic district from sixteen feet below the original level. While this section of 36th Street is at the edge of the historic district, it is in the heart of the industrial section, as well as "main entrance" to the historic district from the proposed CATS Blue line station. Pedestrians entering the historic district will do so from sixteen feet below the original street-level. This change in design and setting alters the feeling of this section of the historic district.

The CATS Blue Line Northeast Extension project indirectly adversely affects the Grinnell Building, a contributing resource to the North Charlotte Historic District. The 36th Street depression, which runs in front of the Grinnell Building, indirectly alters the integrity of this contributing resource. The sixteen foot depression dramatically diminishes the setting of the Grinnell Building. The building will no longer have a direct relationship with 36th Street as originally designed; the road and the sidewalk will be sixteen feet below the floor of the building. Instead of being able to walk out the front of the building and directly onto the sidewalk, the proposed

plan will cause a substantial drop from the door down to the new street level. As a result, different entrances will have to be used as the main entrance so people can actually enter the building, which will change the orientation of the building. Since the setting of the building will be altered, users of the building will no longer be able to access the road.

The 36th Street depression causes an adverse economic effect on the property. The sixteen foot depression and resulting retaining wall blocks access to the loading dock to the property. Tenants of the building currently use this loading dock. Not having access to the loading dock means they cannot continue to run their business. Additionally, the 36th Street side of the building is the front of the building and is the only street which the building faces. The building will no longer have a street presence because once the street is lowered 16 feet below the original street level, vehicles and pedestrians can no longer access the building. Cutting the property off from vehicular and pedestrian access means it can no longer be used for its current use or be reused for any future project.

Please take into consideration these adverse effects on the Grinnell Building and the North Charlotte Historic District as a result of the 16 foot depression of 36th Street as the Federal Transit Administration finalizes the CATS Blue Line Northeast Extension project with CATS.

Sincerely,

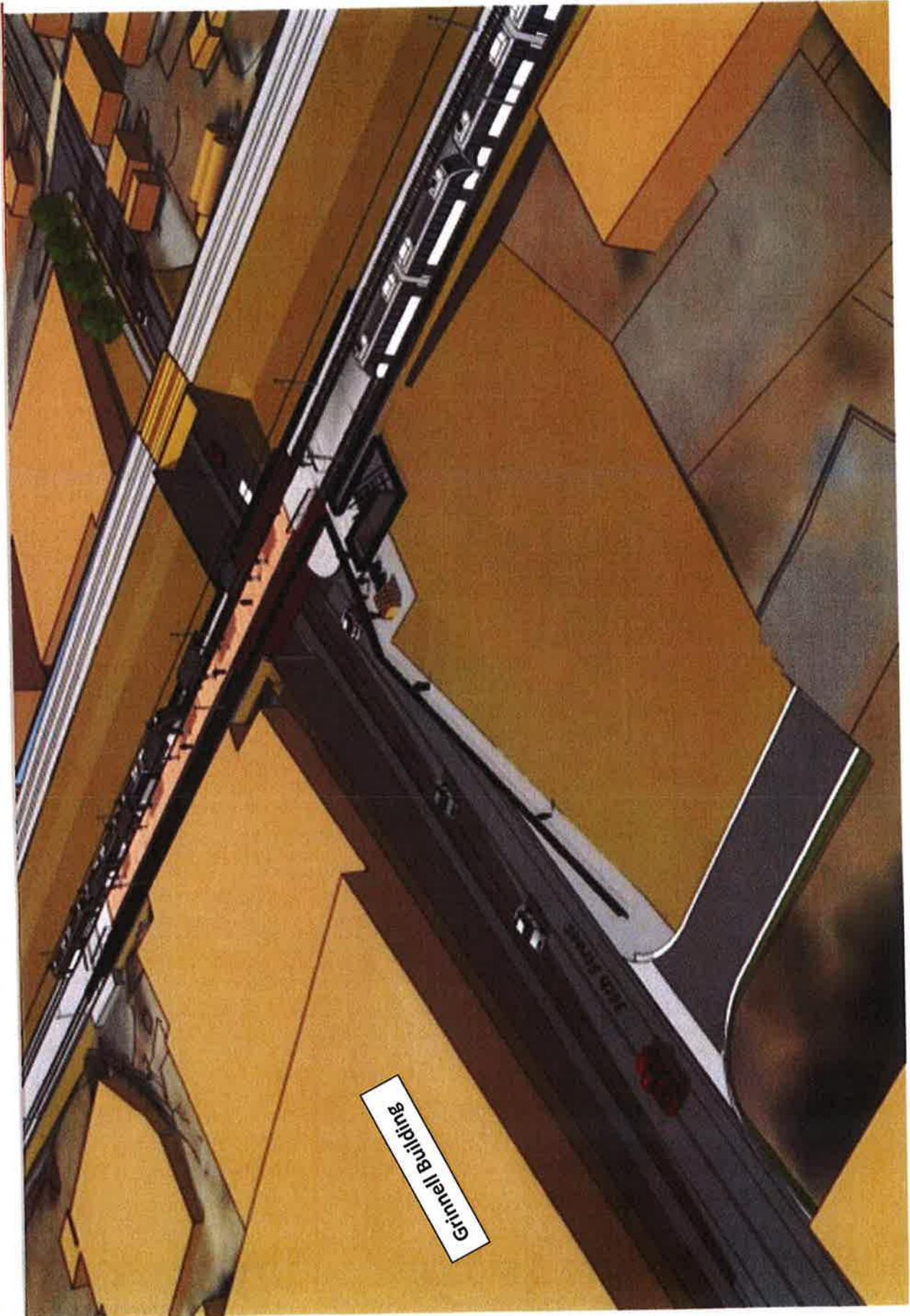
RM 36th Street Investors, LLC

By: Merrifield Partners, LLC, Manager

By: 
James E. Merrifield, Manager

Attachment

CC: Judy Dellert-O'Keef
Charlotte Area Transit System
Via Email bluelineextension@charlottenc.gov



Grinnell Building



November 29, 2011

Mr. James E. Merrifield
Managing Partner
Merrifield Patrick Vermillion
521 E. Morehead St., Suite 400
Charlotte, NC 28202

RE: Response to Comments on the LYNX Blue Line Extension Final EIS

Dear Mr. Merrifield:

Thank you for your letter of November 14, 2011 submitting comments to the Federal Transit Administration (FTA) on behalf of RM 36th Street Investors, LLC regarding the LYNX Blue Line Extension (BLE) Final Environmental Impact Statement. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your concerns, we offer the following:

Regarding your concern about the effect of grade separation of 36th Street from the railroad corridor on the historic district, the North Carolina State Historic Preservation Office (SHPO) has determined that a No Adverse Effect. As a result of your request to be a consulting party in the Section 106 process, a meeting to discuss your concerns with CATS, FTA and the SHPO was held on November 2, 2011. As discussed at the meeting, vehicle and pedestrian connectivity is maintained with 36th Street, which includes sidewalks on both sides of the street; the addition of a retaining wall for a relatively short portion of 36th Street would not constitute an adverse effect on the district as a whole. Through the construction of the retaining wall and proposed underpinning of the Grinnell Building, CATS has avoided direct impacts to the building structure. In addition, the grade separation will improve pedestrian, bicycle and vehicular connectivity and safety across the existing freight and future light rail corridor.

We understand that you also have concerns about the potential impacts on future development of your property from the 36th Street grade separation. As we discussed at our meeting on November 2, 2011, these concerns are best addressed through the station area planning process for the 36th Street station area and through the development process. The Charlotte-Mecklenburg Planning Department will develop station area plans for each of the stations on the BLE, including the 36th Street, beginning in 2012.

Station Area Plans are intended to provide an in-depth look at the current conditions in the area surrounding the LRT station and make recommendations to:

- Facilitate the right mix of development and appropriate infrastructure to complement the transit investment; and
- Optimize the land use and infrastructure within the larger corridor to support its continued ability to accommodate growth.



Continued. . .

www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

The Station Area Plan will identify opportunities and constraints in the station area, and provide recommendations for land use policy, a streetscape plan, and guidance for infrastructure investments. The process will include public involvement and the opportunity for interested parties, including property owners, to provide input.

Regarding your concerns about direct impacts to your property, please refer to the attached exhibit. Regarding the loss of access to the loading dock along 36th Street, the closing of this access will be compensated and cured through the real estate process in compliance with the Uniform Relocation Assistance and Real Estate Acquisition Policies Act. Access for vehicles and pedestrians to the main entrance and parking lot located at the eastern corner of the building on 36th Street, will be maintained. In addition, the existing access to the site from 35th Street is not affected.

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter, will be included in the ROD. In addition, the commitment to complete the station area plan for the 36th Street Station will be included in the Mitigation Commitments and Monitoring Plan for the project, and will be documented in the Record of Decision. It is anticipated that the ROD will be issued in late 2011. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

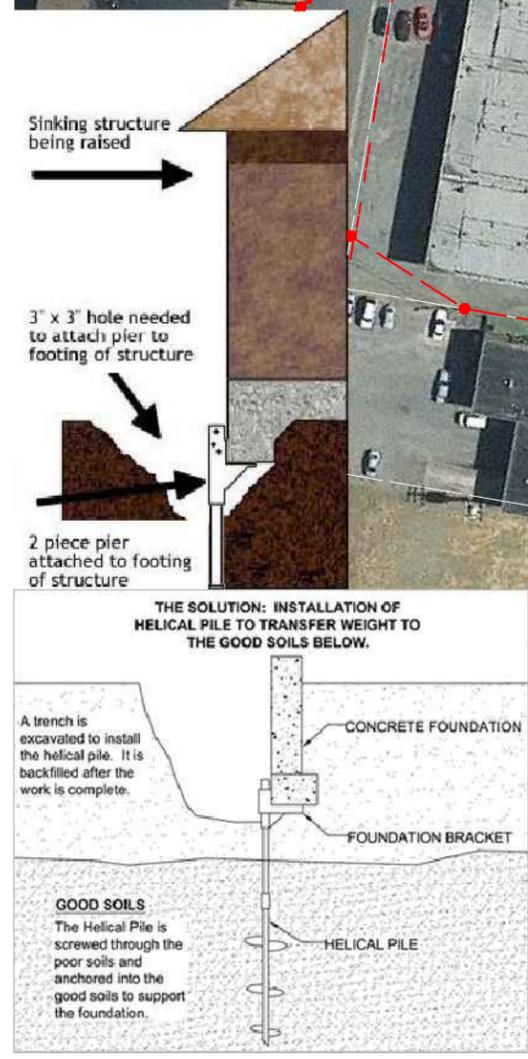
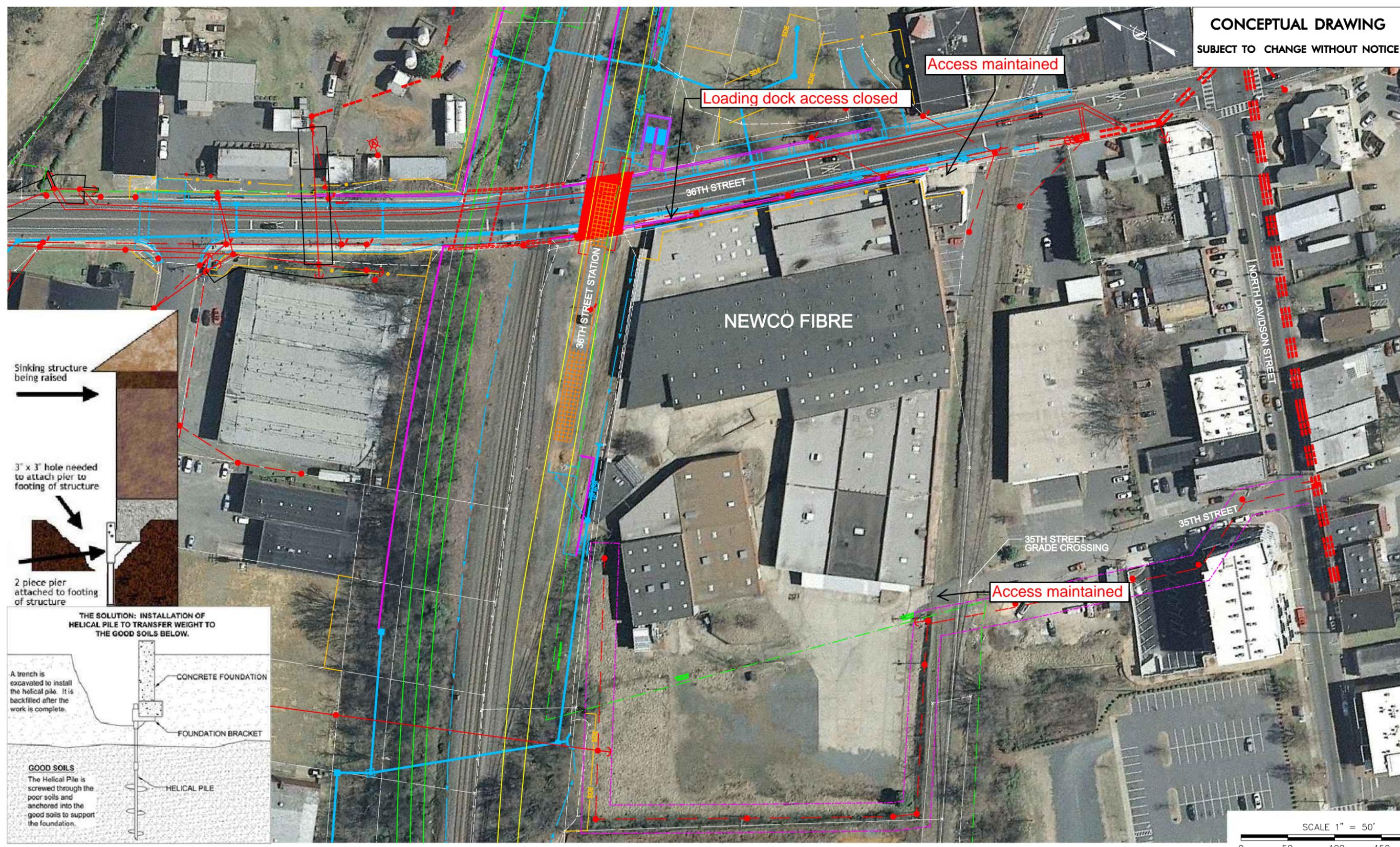
Sincerely,



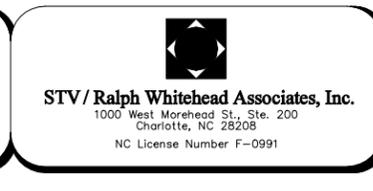
Kelly R. Goforth
Project Development Manager

Cc: Brian Smart, Environmental Protection Specialist, FTA
Keith Melton, Community Planner, FTA Region IV
Danny Rogers, BLE Project Director, CATS
Renee Gledhill-Early, NC State Historic Preservation Office

CONCEPTUAL DRAWING
 SUBJECT TO CHANGE WITHOUT NOTICE



NO.	DATE	REVISION	BY	DWN	CHK	APR



PREPARED BY:	
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	

DATE:	10/10/11
SHEET:	
DRAWING:	
CATS NO.:	08-477

LYNX BLUE LINE EXTENSION
NORTHEAST CORRIDOR LIGHT RAIL PROJECT
 NEWCO FIBRE

Goforth, Kelly

From: Gledhill-earley, Renee [renee.gledhill-earley@ncdcr.gov]
Sent: Wednesday, September 28, 2011 5:08 PM
To: Norwood Thompson
Cc: Goforth, Kelly
Subject: RE: Historical Building?

Mr. Thompson:

I have talked with Kelly Goforth at CATS to ask that she set up a meeting so that we all can talk together. I've given her your contact information and expect that she will be trying to schedule a meeting in the next several weeks.

Have you considered the benefits of being a National Register-eligible property? In Charlotte it seems that folks are actively looking for historic industrial properties to rehabilitate and put to new uses. This is due in part to the federal and state investment tax credits that are available for the rehabilitation of historic buildings. And, as your property was a manufacturing facility, you may want to check and see if it would qualify for the NC Mill Tax Credit. All three tax credits are explained on our webpage at <http://www.hpo.ncdcr.gov/tchome.htm>

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.

This message does not necessarily represent the policy of the Department of Cultural Resources. E-Mail to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law (N.C.G.S. 132) and may be disclosed to third parties.

From: Norwood Thompson [mailto:nthompson@walthomgroup.com]
Sent: Tuesday, September 27, 2011 11:43 AM
To: Gledhill-earley, Renee; Crawford, Rob; Bartos, Ramona
Cc: 'Gray, Stewart'; jrogers@charlottenc.gov; Swallow, Ann; 'George Whiting'
Subject: RE: Historical Building?

It seems to us redevelopment would be smart and that historic determination creates a problem for the city. If you could clarify this as our plans would be to demolish and redevelop in an appropriate manner, either by us or CATS. CATS is telling us the potential historic determination prevents them from developing the property.

We appreciate your help in this matter.

Norwood Thompson

Goforth, Kelly

From: Goforth, Kelly
Sent: Thursday, October 13, 2011 1:30 PM
To: 'Norwood Thompson'
Cc: 'Gledhill-earley, Renee'; 'brian.smart@dot.gov'; Makoid, Meghan; Zeiler, Peter Q.; Votaw, Tina; LYNX BLE Records; Dellert-OKeef, Judy
Subject: Standard Chemical Products Plant Follow Up Information

Mr. Thompson,

It was a pleasure meeting with you Monday to discuss your property located at 600 Sugar Creek Road (former Standard Chemical Products Plant). We appreciate you taking the time to learn more about the Blue Line Extension Light Rail Project as it relates to your property. We hope that this meeting was helpful and that the information Ms. Renee Gledhill-Earley of the State Historic Preservation Office and Mr. Brian Smart of the Federal Transit Administration Region IV office provided about the Federal Regulations for federally funded transportation projects as and historic properties was helpful to understanding CATS' overall approach in locating the Sugar Creek Station and Park and Ride.

As you requested, below please find a link to access the LYNX Blue Line Extension Historic Architectural Survey Report discussed during our meeting:

- [CATS Northeast Corridor Light Rail Project. \(2008\). Phase II Historic Architectural Survey Report.](#) *Prepared by Mattson, Alexander and Associates.*

I am also including a list of City staff contacts to assist you in developing a contacts of local real estate firms, developer and historic rehabilitation/restoration specialists.

Tina M. Votaw, LEED® AP, GGP®
Transit Oriented Development (TOD) Specialist
City of Charlotte | Charlotte Area Transit System (CATS)
(v) 704.432.3013 | (e) tvotaw@charlottenc.gov

Peter Q. Zeiler
Transit Station Area Development Coordinator
City of Charlotte | Neighborhood and Business Services
(v) 704.432.2989 | (e) pzeiler@charlottenc.gov

Should you have any additional questions about the LYNX Blue Line Extension Light Rail Project, please do not hesitate to contact me directly.

Sincerely,

Kelly R. Goforth
Project Development Manager
LYNX Blue Line Extension Light Rail Project
Charlotte Area Transit System
600 East Fourth St.
Charlotte, NC 28202
(704) 336-3513

Goforth, Kelly

From: Goforth, Kelly
Sent: Thursday, November 17, 2011 10:11 AM
To: 'war30@co.henrico.va.us'
Cc: Dellert-OKeef, Judy; 'brian.smart@dot.gov'; LYNX BLE Records; Makoid, Meghan; 'Jennifer Schwaller'; Rogers, Danny
Subject: RE: Northeast BLE Final Public Comment Period (WBS 0631B)

Dear Mr. Ward:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor light rail project. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. We regard to your concerns, we offer the following:

- Tree Protection – The project’s design criteria includes the requirement to preserve mature and healthy existing trees where possible. In addition, the project will comply with the tree protection requirements of the Charlotte Tree Ordinance. CATS is also working with UNC Charlotte staff to develop a plan to reforest areas on campus that are disturbed by BLE construction.
- Building materials and landscaping – Design guidelines called the “Urban Design Framework” have been developed to guide the aesthetic treatments and landscaping in station areas and for project components such as signal houses. The urban design framework considers the context of the surrounding area in its recommendations for design treatments.
- Pedestrian Station Access - A sidewalk is included on both sides of 36th Street. The current design of the 36th Street station allows access to the station from the northeast side of 36th Street only. On the other side, to avoid impacts to the NewCo Fibre / Grinnell Manufacturing building, a contributing resource to the North Charlotte Historic District, it is not feasible to provide access to the station from the southwest side of 36th Street.
- NoDa and UNC Charlotte Design – Generally, the BLE station design includes light rail canopies, benches, and other amenities similar to the stations on the existing LYNX Blue Line. CATS has been working closely with both the NoDa neighborhood and UNC Charlotte staff to ensure that those particular stations fit within the context of these unique communities, by incorporating integrated art into the station design. CATS Art-in-Transit staff has presented the potential art projects to the community for public input, and will continue to refine these concepts in Final Design. The BLE will also progress the design for signage and wayfinding as the project moves forward. As part of this , CATS will work with the NoDa community to obtain input on the design .

The FTA is currently developing the Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this response will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures indentified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,

Kelly R. Goforth
Project Development Manager
LYNX Blue Line Extension Light Rail Project
Charlotte Area Transit System
600 East Fourth St.

Charlotte, NC 28202
(704) 336-3513

From: Dellert-O'Keef, Judy
Sent: Tuesday, November 15, 2011 9:05 AM
To: 'war30@co.henrico.va.us'; Goforth, Kelly; Makoid, Meghan
Cc: LYNX BLE Records; Thomson, Theo
Subject: FW: Northeast BLE Final Public Comment Period (WBS 0631B)

Mr. Ward,

Thank you for your comments on the LYNX Blue Line Extension Final Environmental Impact Statement (EIS). All comments will be reviewed and CATS will forward a response to you.

Thank you,
Judy Dellert-O'Keef
Charlotte Area Transit System
Communications Officer
LYNX Blue Line Extension,
Operations Division, and
Speaker's Bureau
Phone: 704-432-0477
Fax: 704-336-4944

From: Ward, Matthew [mailto:war30@co.henrico.va.us]
Sent: Monday, November 14, 2011 10:26 AM
To: Blue Line Extension
Subject: Northeast BLE Final Public Comment Period

To Whom It May Concern,

I am providing public comment for the Final EIS statement.

See bullet points below:

- **Provide tree protection around stations and along the outer BLE corridor edges to preserve significant trees.**
- **Provide a higher quality building material and landscaping for the stations and signal control houses.**
- **A pedestrian bridge and sidewalk must be constructed along the western edge of 36th street to connect both sides of 36th street with the station.**
- **Station platforms, way-finding signs, art and building materials, etc located in NoDa and UNC-Charlotte/University area should signify Historic North Charlotte and UNC-Charlotte.**

Thank you,

Matt Ward
County Planner, Henrico County Planning Department
Development Review & Design Division
4301 East Parham Road
PO Box 90775
Henrico, Virginia 23273-0775
804.501.5323 **direct line**
804.501.4379 **fax**

Goforth, Kelly

From: Dellert-O'Keef, Judy
Sent: Thursday, October 27, 2011 8:38 AM
To: 'mwheeler4@att.net'
Cc: Goforth, Kelly; Makoid, Meghan; LYNX BLE Records
Subject: FW: Blue Line Extension comments (Final EIS) - 2011 1026 - WBS 0631B

Mr. Wheeler,

Thank you for your comments on the LYNX Blue Line Extension Final Environmental Impact Statement (EIS). All comments will be reviewed and CATS will forward a response to you.

Thank you,
Judy Dellert-O'Keef
Charlotte Area Transit System
Communications Officer
LYNX Blue Line Extension,
Operations Division, and
Speaker's Bureau
Phone: 704-432-0477
Fax: 704-336-4944

From: Martin Wheeler [<mailto:mwheeler4@att.net>]
Sent: Wednesday, October 26, 2011 10:49 PM
To: Blue Line Extension
Subject: Blue Line Extension comments (Final EIS)

Martin Wheeler , Jr.
980 216-1509
CATS Light Rail Operator
mwheeler4@att.net
3131 Westnedge Drive, Apt. 1315
Charlotte, NC 28226

" Plans indicate no skewed or angled grade crossings on the Blue Line Extension. This is very positive, in light of the problem with similar type crossings on the South Corridor. When space is left between crossing gates and the railroad track safety and efficiency are degraded. If there is to be a grade crossing autos should not be able to get in between the gates and the track. "

" I noted a proposed running time of about 22 minutes from 7th Street Uptown to UNCC station. This seems resonable. It should be emphasized that trains are hard pressed to meet the exact schedule on the South Corridor. Time lost to persons holding the doors at stations, autos in front of crossing gates. trepassers on the right of way, crews working on or along the alignment, broken or damaged gates, and numerous other circumstances can really add up. That's why I believe it is extremely important to maximize running speed as much as possible between stations. It should be noted a long stretch of running between Sugar Creek station and Old Concord Road station would be ideal to push running speed to the maximum capable with the Siemens S-70's (65 mph). Amtrak trains that run along this section of right of way already run up to 79 mph with an upgrade to 90 mph in the future. While this is the only segment I have noted on the Blue Line extension, a section on the existing South Corridor between Woodlawn and Tyvola stations could also easily handle 65 mph safely. Another South Corridor section between Arrowood station and Sharon Road West station could also

handle this speed, but four quadrant crossing gates would probably be needed at the Sweden Road and Hebron Street grade crossings."

" Do we need an upgrade in the signal and speed control system with the advent of the Blue Line extension? The existing system supplied by Union Switch and Signal (US&S) on the existing South Corridor is plagued with longstanding problems with cab signal loss requiring numerous braking applications to avoid the train from being stopped automatically. There have also been an increasing number of track circuit problems. With a mandate now from the federal government to increase train safety through Positive Train Control, would it not be prudent to consider this? Perhaps we could be a test market to show off the new safer way of doing things. Of course, we would have to be sure the system works properly and would not be a repeat of the US&S Automatic Train Protection system currently employed. From an operator's point of view perhaps simple Automatic Train Stop (ATS) minus speed control would be the most operator friendly. This would stop trains passing red signals. Speed enforcement could be handled through monitoring of the train's "black box " information, and field supervisors using speed detectors at random. "



November 1, 2011

Mr. Martin Wheeler, Jr.
3131 Westnedge Drive, Apt. 1315
Charlotte, NC 28226

RE: LYNX Blue Line Extension Northeast Corridor Light Rail Project
Final Environmental Impact Statement Comments

Dear Mr. Wheeler:

Thank you for your input regarding the proposed LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE). This letter is in response to your comments on the LYNX BLE Final Environmental Impact Statement (EIS), published by the Federal Transit Administration (FTA) in August 2011. We appreciate your comments and want to ensure that all suggestions, objections and concerns are carefully considered before final project decisions are made. With regard to your comments and concerns, we offer the following:

First, as you have noted, there are no skewed or angled crossings on the LYNX BLE. As indicated in Chapter 16.0 (Safety and Security) of the Final EIS, if the proposed project is approved, vehicle safety provisions would be made to minimize conflicts between automobiles and light rail vehicles. Crossings would be clearly marked with signage and would be limited to dedicated locations. Rail crossing gates would be used to stop vehicles at the railroad tracks.

With regards to run times, our team put a great deal of effort into preparing realistic run time estimates based on the LYNX BLE alignment design, including accounting for the unplanned effects that extend run times, some of which you noted in your comments. Empirical information from existing Blue Line operations was used to develop the LYNX BLE run times and thereby capture many of the routine effects, while not unduly padding the schedule. Appropriate terminal layover times have been established to allow recovery from some of the more significant delays that occur intermittently. The maximum allowable speed on the LYNX BLE will also be limited to 55mph as it is on the existing Blue Line. This is due, in part, to provide interoperability of the current fleet of light rail vehicle's cab signal system. A modification of this would be costly and could have impacts on the configuration of the existing Blue Line signal system. The LYNX BLE alignment has been optimized along its length to maximize speeds, which overall is expected to result in a slightly higher average speed than on the existing Blue Line.

Relative to your comments about the signal and speed control system, we assure you that safety is a primary focus of CATS, and efforts have been made to provide safe and secure operations of its transit services and vehicles for both the existing Blue Line and the proposed LYNX BLE. Utilizing an Automatic Train Stop system would reduce safety (as speed restrictions are not enforced), would reduce capacity and would potentially increase run times as the operator would not see an upgrade in speed until he/she is in clear sight of the next signal. With regards to Positive Train Control (a requirement for FRA-regulated railroads, not Light Rail Transit), it should be noted that the current Automatic Train Protection system contains the majority of the Positive Train Control capabilities, including essential safety components.

Continued . . .



www.ridetransit.org

600 East Fourth Street
Charlotte, NC 28202
PH: 704-336-6917
FAX: 704-353-0797

Mr. Martin Wheeler

Relative to signal and speed control, the system is evaluated regularly and an upgrade is not currently warranted as the system is working properly. However, provisions are being made in the specifications for the LYNX BLE to make minor improvements to the signal system. For example, the maximum length of the main line track circuits has been reduced from 1,200 feet as it exists on the existing Blue Line to a maximum length of 1,000 feet on the LYNX BLE.

The FTA is currently developing a Record of Decision (ROD) for the LYNX BLE. The ROD will take into consideration all comments received on the Final EIS and will include responses to agency and public comments that were received. As such, your comments, as well as this letter will be included in the ROD. It is anticipated that the ROD will be issued in late 2011. If the proposed project is approved, all mitigation measures identified in the Final EIS will be incorporated into the ROD. Subsequent to the ROD, the next steps would be property acquisition and final design, followed by construction. It is currently anticipated that the LYNX BLE would open for revenue service in late 2016 / early 2017.

Again, thank you for your comments on the LYNX BLE and for your interest in this project. If you have any questions, please contact me at kgoforth@charlottenc.gov or 704-336-3513.

Sincerely,



Kelly Goforth
Project Development Manager

C: Danny Rogers, Senior Project Manager, CATS
Brian Smart, Environmental Protection Specialist, FTA Region IV
Keith Melton, Community Planner, FTA Region IV