



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)

Ms. Kelly R. Goforth
Project Development Manager
LYNX Blue Line Extension Light Rail Project
Charlotte Area Transit System
600 East Fourth Street
Charlotte, North Carolina 28202

JUL 11 2013

**RE: Charlotte Area Transit System LYNX Blue Line Extension Record of Decision (ROD)
Reevaluation**

Dear Ms. Goforth:

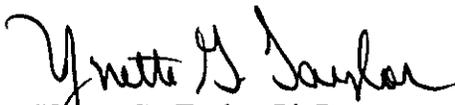
The Federal Transit Administration (FTA) has completed the subject ROD reevaluation. The FTA requested the reevaluation because refinements in project design led to project changes.

Based on our review of the Environmental Reevaluation Consultation Worksheet provided by email on June 28, 2013, the FTA concurs with your determination that the project changes will result in no significant change in effects documented in the ROD dated December 5, 2011.

Please be aware that at any time, if there are changes to the Project, you must notify FTA in writing. FTA will determine whether or not any additional environmental review will be required.

Please scan and pin this signed reevaluation concurrence letter from FTA, the reevaluation documentation and its related correspondence to the TEAM grant NC-03-0082-02. If we can be of further assistance, please contact Keith Melton, Community Planner of my staff at 404-865-5614.

Sincerely,


Yvette G. Taylor, Ph.D.
Regional Administrator

ENVIRONMENTAL RE-EVALUATION CONSULTATION

Note: The purpose of this worksheet is to assist sponsoring agencies in gathering and organizing materials for re-evaluations required under the National Environmental Policy Act (NEPA). It is designed to provide FTA with information needed to do a re-evaluation. In lieu of the worksheet, the sponsoring agency may submit the same information in a different format. Submission of the worksheet by itself does not meet NEPA requirements. FTA must concur in writing with its determination and/or the sponsoring agency's NEPA recommendation. Contact the FTA Region 4 Planner if you have any questions regarding this worksheet. We strongly encourage you to contact us to discuss your project changes before you fill out this worksheet.

<i>For Agency Use</i> Date Received:	
Recommendation by Planner or Engineer: <input checked="" type="checkbox"/> Accept <input type="checkbox"/> Return for Revisions <input type="checkbox"/> Not Eligible	Reviewed By: <i>Keith Melfer</i> Date: <i>7-9-13</i>
Comments: <i>Recommend Approval</i>	
Concurrence by Regional Counsel: <input checked="" type="checkbox"/> Accept Recommendation <input type="checkbox"/> Return with Comments	Reviewed By: <i>[Signature]</i> Date: <i>7/23/13</i>
Comments:	
Concurrence by Approving Official: <i>[Signature]</i>	Date: <i>7-29-13</i>

Please answer the following questions, fill out the impact chart and attach project area and site maps. Using a site map from the previously approved NEPA document, show project changes using a different color. Include additional site maps to help reviewer understand project changes.

PROJECT TITLE LYNX Blue Line Extension Northeast Corridor Light Rail Project
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LIST CURRENT, APPROVED ENVIRONMENTAL DOCUMENTS (e.g. EIS/ROD, EA/FONSI, BA, RE-EVALUATION, etc.) If Re-evaluation, briefly describe.		
Title: LYNX Blue Line Extension Final Environmental Impact Statement	Date: October 14, 2011	
Type and Date of Last Federal Action Record of Decision, December 5, 2011		
Title:	Date:	Type and Date of Last Federal Action
Title:	Date:	Type and Date of Last Federal Action

HAS THE MOST CURRENT AND OTHER PERTINENT APPROVED ENVIRONMENTAL DOCUMENTS BEEN RE-READ TO COMPARE PROPOSED PROJECT CHANGES?

NO (STOP! The most current approved environmental document MUST be re-read prior to completing a re-evaluation.)

YES **NAME:** Meghan Makoid **DATE:** June 28, 2013

IS THE PROJECT CURRENTLY UNDER **DESIGN** **OR** **CONSTRUCTION?**

REASON FOR RE-EVALUATION

On October 16, 2012, CATS was awarded a Full Funding Grant Agreement for the LYNX Blue Line Extension Light Rail Project, a 9.3 mile double-track light rail line with 11 new stations. The extension of the existing LYNX Blue Line light rail line will provide service from Center City Charlotte, through the North Davidson historic arts district and the University City area to a terminus on the University of North Carolina at Charlotte (UNC Charlotte) campus. This extension connects with the existing LYNX Blue Line at the existing 7th Street Station in Center City Charlotte and will create an 18.6 mile north/south rapid transit line. This project is referred to herein as the “LYNX BLE.”

The LYNX BLE will include 11 new light rail stations, with approximately 3,100 parking spaces at four stations with parking facilities. The LYNX BLE also includes approximately 20 at-grade crossings of streets and approximately 11 grade separation structures over or under roads, railroads, and streams. CATS will acquire approximately 22 light rail vehicles as part of the LYNX BLE. A new vehicle storage yard will be constructed along North Brevard Street, including a new daily services/dispatch facility. The LYNX BLE also includes modifications to the existing South Boulevard Light Rail Facility. The project also includes train control and signals, traffic signals and crossing gates, substations, an overhead catenary system, communications, fare collection and central control.

Since the approval of the Record of Decision (ROD) in December 2011, CATS entered into Final Design. Refinements in project design have resulted in project changes. The project layout approved for Final Design is further described in Attachment A – Project Description. The purpose of this re-evaluation is to: review the approved Federal Action and the associated environmental review documentation completed as part of the LYNX BLE; evaluate the existing conditions; review the refined project design; and, identify if any new environmental consequences, not previously disclosed would result from the LYNX BLE. The findings of the re-evaluation will determine if supplemental environmental documentation is required. If the effects are not significantly different from the approved environmental documentation, no further action will be required. – **See Attachment A**

DESCRIPTION OF PROJECT CHANGES OR NEW INFORMATION

The current LYNX BLE design includes the following changes:

- **Toby Creek Greenway connector** – As described in the Final EIS, Mecklenburg County and UNC Charlotte had previously informed CATS that the Toby Creek Greenway Connector easement on UNC Charlotte’s campus would be relocated due to UNC Charlotte expansion plans. However, in meetings in 2012, Mecklenburg County informed CATS that it intends to preserve this greenway easement, as well to maintain its connection to N. Tryon Street. CATS informed Mecklenburg County Parks and Recreation (MCPR) that the LYNX BLE construction would require a temporary closure and reconstruction of the Toby Creek Greenway Connector access point due to the shift in the North Tryon Street lanes to accommodate light rail in the median. CATS and MCPR developed a solution to preserve permanent access to the greenway and ensure a temporary access to the greenway during construction. Due to right-of-way constraints, the greenway cannot be reconstructed to MCPR design standards, which require a five foot shoulder. MCPR and CATS have agreed that CATS will reconstruct the greenway to include a two foot shoulder with handrail. CATS will also construct a set of stairs from North Tryon Street to access the greenway. MCPR and UNC Charlotte agreed to modify the easement to accommodate the relocation of the greenway. In

addition, during the temporary closure of the greenway access at North Tryon Street during construction, temporary routing to the Toby Creek Greenway will be provided using the sidewalks along JW Clay Blvd Extension and Phillips Road. CATS will require the contractor to notify CATS and MCPR 48 hours in advance of the temporary closure. CATS will work with MCPR to communicate the temporary closure to greenway users. In addition, CATS has agreed to ensure that pedestrian access across the North Tryon Street/JW Clay Blvd intersection will be maintained during construction. On 10/22/12, MCPR, as the appropriate official with jurisdiction over the resource, reviewed and concurred with the FTA recommended findings that the temporary impact and planned changes to the Toby Creek Greenway Connector does not constitute a Section 4(f) use.– **See Attachment B**

● **DETREX Property** – Refinements in drainage design have led to the need for additional property easements along the railroad near Cullman Ave. CATS completed Phase I Environmental Site Assessments (ESAs) and subsequent Phase II work for property acquisitions with significant risk of hazardous contamination. The Phase I and Phase II work revealed contamination on the property known as Detrex (located at 3114 and 3124 Cullman Avenue).

CATS notified Mecklenburg County who is in the process of acquiring adjacent parcels along Cullman Avenue with a FEMA grant. CATS is working with the County to coordinate the BLE property acquisition timing with the FEMA grant acquisition. Management of the contamination of the Detrex property is being coordinated with the property owner (Detrex), the North Carolina Department of Environmental Natural Resources (NCDENR) Waste Management Division, Norfolk Southern and the NCDENR Division of Water Quality (DWQ).

CATS has held discussions with NCDENR regarding drainage from the Detrex property. It was identified that a liner may be needed for the drainage ditch to prevent groundwater contamination. Subsequent modifications in CATS drainage design have been made to avoid further contamination or disruption to contaminated property. In addition, NCDENR identified that a NPDES permit would be required for dewatering during construction of the retaining wall due to the presence of contamination.

● **Duke Utility Transmission Tower Relocation** – The re-routing of the Duke Transmission lines south of Shopping Center Drive will require additional right-of-way acquisition. Due to this utility relocation, CATS will need to acquire property and relocate a transmission tower on a Mecklenburg County owned property located at 7738 North Tryon Street. While the majority of the property was surveyed as part of the natural resources review with the FEIS, a few of the proposed relocated tower locations would be located just outside of the previously surveyed area. CATS reviewed this area again for natural resources, and the parcel was determined to be disturbed by an electric substation; it does not support any jurisdictional waters of the U.S., does not contain hydric soils, and does not have habitat that would support any animals or vegetation considered to be rare, threatened or endangered. While the substation/tower location is buffered by trees, this area is considered fragmented and is not representative of a forest community. Therefore, there would not be an increase in impacts to forests.

This property was not included in the previous survey for historic archaeological resources. During real estate coordination meetings with the County, County staff stated that there were potential pauper graves located on the site, although the county had no documentation. CATS completed a field survey to investigate and found no surface evidence of a cemetery and no documentary evidence. CATS also reviewed deed chains, maps, local history sources, including meetings with a local genealogist with knowledge of cemeteries in the county. The genealogist believes that there may have been confusion with the county home cemetery, which is located further north of the parcel, which was previously documented in CATS' technical reports as part of the Final EIS. CATS consulted with the SHPO regarding this to inquire as to whether an archaeological survey would be recommended for this site in relation to Section 106, to which the SHPO advised a survey would not be necessary. The SHPO advised that CATS should communicate to Duke that a stop work order should be issued if human remains are discovered during the relocation. CATS has supplied this information to Duke.

During the archaeological field survey investigation of the property, a well was located. This well was previously located as part of the EIS, but located outside of the project area at the time of the ROD. CATS contacted Mecklenburg County regarding the well. The County is currently in the process of closing the well and provided CATS with a copy of the abandonment/closure permit. No further permits will be necessary for this well.

This change in design was also reviewed related to construction noise impacts, and the nearest noise-sensitive receptor (hotel) is approximately 200 feet from the closest new transmission tower. Given the hotel's close proximity to construction/relocation activities, a review of potential noise and vibration concerns during construction/relocation was completed. As determined during the detailed noise analysis for the LYNX BLE, distances to construction noise impact range between 31 feet and 132 feet (Table 15, Detailed Noise and Vibration Technical Report, 2011); and distances to vibration impact range between 1 foot and 72 feet (Table 16, Detailed Noise and Vibration Technical Report, 2011). Therefore, at a distance of 200 feet, it is not expected that noise and/or vibration impacts at the hotel would occur during construction/relocation of the transmission towers. – **See Attachment C**

- **Clark Drive Interlocking** – Refinements in design resulted in a shift in the location of a number 10 diamond crossover (interlocking) from Clark Boulevard (near Station No. 3037+00) to south of Shopping Center Drive (Station No. 3026+00 to 3028+02).. The impact assessment included in the FEIS was based on the 65% preliminary engineering design drawings which located the crossover near Clark Boulevard. The result of the FEIS assessment showed that there would be no noise or vibration impact at sensitive receptors near the interlocking location.

Land use near the relocated interlocking is primarily commercial, which is not considered sensitive to noise or vibration from transit operations. Land use which is sensitive to noise and vibration according to FTA guidelines includes the Intown Suites Hotel at 7706 N. Tryon Street/US-29 (station No. 3020+00). The interlocking will be located adjacent to the Duke Power Company site and Walmart parking lot which are not considered sensitive to noise and vibration.

Special trackwork (crossovers and turnouts) generally increase noise generated by light rail vehicles up to 6 dBA and vibration levels up to 10 VdB for receptors within 300 feet of the track centerline. With the relocation of the interlocking to between Station No. 3026+00 and 3028+02, the Intown Suites will be farther than 300 feet away and there would be no increased noise or vibration due to the special trackwork. – **See attachment D**

- **JW Clay Park and Ride Deck** – At the time of the Final EIS, the JW Clay Park and Ride Deck was sized at 690. Since the time of the ROD, CATS has designed an option for an additional floor that would bring the number of parking spaces to 810. The threshold for a Transportation Facilities Air Quality Permit is 750 spaces; therefore, Mecklenburg County Air Quality (MCAQ) determined that a transportation facilities permit would be required for the JW Clay Park and Ride Deck. At the time of the ROD, CATS anticipated that it would need to apply for a transportation facilities permit for the University City Blvd Park and Ride Deck, but not the JW Clay Park and Ride Deck. CATS will now need to apply for an additional transportation facilities permit for the JW Clay Park and Ride Deck.

A traffic analysis was completed and determined that this option would add 60 additional cars in the peak period. The conclusion of the analysis determined that there would be no change to the Level of Service (LOS) between the build and no build alternatives. The proposed project will maintain LOS D or better at the intersections along North Tryon Street except for the intersection of North Tryon Street and Mallard Creek Church Road in the a.m. build scenario and all three p.m. peak hour scenarios. In these four scenarios, the North Tryon Street and Mallard Creek Church Road intersection would operate at LOS E. The change from LOS D to LOS E in the a.m. peak period would be approximately 13 seconds. In addition, the p.m. peak hour would increase approximately 8 seconds between the No Build and Build scenarios. The change in delay between the build and no build represents a minor increase in delay for this intersection; therefore no mitigation is warranted for transportation impacts. However, for any intersection with LOS E or F, Mecklenburg County Air Quality (MCAQ) requires the completion of a microscale air quality analysis to satisfy the requirements for the Transportation Facilities Permit as outlined by the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).

CATS completed the microscale analysis, which revealed that no violations of the 1-hour or 8-hour National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) are expected due to the operation of the proposed JW Clay Park and Ride Deck. These results are consistent with the results of the analysis in the previous Air Quality Technical Report for the LYNX BLE, in which no violations of the NAAQS for CO were found. The emissions from the operation of this parking facility would also be in compliance with the local transportation conformity plan, since the proposed LYNX BLE is an element of MUMPO's adopted 2035 LRTP, and is included in the County's conformity document as a regionally significant project. – **See attachment E**

● **Business signage** – CATS has been working with City Real Estate to identify the number of potential business signage impacts during construction. In some cases, due to the fact that the permanent location of the signage may be within temporary construction easements, relocation during construction may not be feasible. At this time, CATS anticipates that approximately 60 of 100 signs that need to be relocated will not be able to be relocated during the construction period. Since a temporary impact is not compensable to business owners through the Uniform Act, CATS will mitigate this impact through NEPA. As noted in the ROD, to mitigate for business signage impacts CATS will provide temporary signage during construction. CATS is working with the City’s Neighborhood and Business Services Department and City Real Estate to develop the signage plan, which may include temporary business signage, consolidated business signage, and directional signage.

● **Herrin Brothers Coal and Ice** – As disclosed in the Draft and Final EIS and in correspondence with the SHPO, right-of-way and easements are needed at the Herrin Brothers Coal and Ice Company (NR-Eligible). During real estate negotiations, the property owner requested that CATS reconsider the elimination of an existing driveway along 36th Street, caused by the addition of the retaining wall that was included as part of the design evaluated in the Final EIS. In order to keep the existing driveway open, design changes to the retaining wall along 36th Street are necessary.

Through this analysis and additional design refinements, CATS was able to eliminate some of the retaining wall and right-of-way requirements along 36th Street, though a Temporary Construction Easement (TCE) area is required. CATS provided an exhibit to the SHPO to illustrate the changes to the retaining wall and driveway, as well as the previous right-of-way and easement requirements and the revised right-of-way and easement required along 36th Street.

Though the retaining wall configuration changed slightly, the retaining wall would protect the existing building structures on the Herrin Brothers Coal and Ice Company property, as previously intended. And as previously committed, CATS will ensure that measures are implemented during construction to ensure that the construction of the project does not result in vibrations that could damage the historic structures. In addition, CATS plans to relocate the existing business signage approximately 2 feet east of its existing location in order to prevent damage to the sign during construction of the retaining wall. CATS reviewed these minor design changes with the SHPO and property owner. The SHPO concurred that the previous No Adverse Effect determination remains valid. – **See Attachment F**

● **Standard Chemical Products Plant** – As Final Design is progressing, minor adjustments to right-of-way and temporary construction easements have occurred. CATS provided a letter and figure to the SHPO regarding the minor adjustments as they relate to the Standard Chemical Products Plant property (NR-Eligible), located at 600 East Sugar Creek Road.

As presented previously, the Sugar Creek Station, located adjacent to the Standard Chemical Products Property will include a park-and-ride facility comprised of a parking lot directly west of the Standard Chemical Products property and a parking lot across Raleigh Street, and a station platform directly south of the property. As before, the parking lot and station platform will be located outside the National Register boundaries.

The Final Design plans result in further refinements and minor adjustments to the right-of-way needs and temporary construction easements on the Standard Chemical Products plant property. Right-of-way needs are less than previously anticipated, namely at the southeastern boundary where right-of-way is no longer needed to accommodate a sidewalk and ramp for the station platform. However, temporary construction easement needs are slightly higher, specifically along the southeastern and western boundaries of the property. Additional temporary construction easements are needed in these areas to accommodate site grading for a pedestrian emergency refuge area (southeastern boundary) and site grading for the parking lot (western boundary).

As before, no buildings or other significant features will be demolished; and the characteristics which make this property eligible for the National Register will remain unchanged. Additionally, a modern storage shed at the western edge of the property (previously determined to be non-contributing) has been removed by the current property owner for reasons unknown. As such, this structure was also removed from the exhibit submitted to the SHPO. The SHPO has signed a letter of concurrence, stating that the previous finding of No Adverse Effect on the Standard Chemical Products property still remains valid. – **See Attachment G**

● **Grinnell/Newco Fiber Building** – Since the Final EIS, the property owner for the Grinnell/Newco Fiber building has contacted CATS and the City of Charlotte to discuss impacts to property access. Impacts are limited to eliminating access at the rear of the loading dock on the property; other access points will be maintained and the building will be protected by underpinning, as discussed in the Final EIS.

In October 2011, the property owner sent a request to be a consulting part per Section 106 of the National Historic Preservation Act. It was determined by FTA that the property owner's concerns were of economic nature and not historic. A mitigation commitment was included in the ROD to include the property owner in the station area planning process.

On December 13, 2011, the property owner sent another request that FTA make a determination on the potential adverse impacts to the North Charlotte Historic District. In addition to the impacts cited in their October 2011 letter, the property owner raised concerns that the BLE plans would make a large part of the building unusable due to not meeting fire and life safety code requirements.

On January 20, 2012 CATS, FTA and SHPO met with the property owner. These impacts were identified by the property owner as direct impacts to pedestrian access to the Grinnell/Newco Fiber building from 36th Street; sight lines; disturbance of existing streetscape; and indirect impact to the building relative to the street orientation. After reviewing impacts with FTA and CATS, the SHPO maintained concurrence with the previous finding that the impacts do not adversely affect the North Charlotte Historic District. CATS, city staff, FTA and the property owner discussed ingress and egress concerns to the building relative to the potential for fire code violations, particularly along 36th Street. CATS developed a proposal to address concerns by providing a path/sidewalk between the building and the proposed retaining wall on 36th Street to retain pedestrian access to the door, as approximately 5.5 feet exists between the building and retaining wall. In subsequent meetings with the Fire Marshall and Mecklenburg County Code Enforcement, they indicated that this would be a reasonable solution. The property owner reviewed this proposal. FTA concluded that the property owner's concerns are of an economic nature and not historic/Section 106. Loss of access to the loading dock will be mitigated through the real estate compensation process per the ROD. The City also will include the property owner in the station area planning process.

The station area plan development process began in October 2012, and City staff invited the property owner to attend the station area planning meetings and provided a website link to the station area planning process, as per the mitigation commitments in the ROD; the property owner has not attended any of the station area planning meetings to date.

Additionally, as described in the EIS, in an effort to protect this historic resource, the BLE project will install an underpinning system. Previously, CATS planned to acquire a temporary construction easement for the installation of the underpinning system. Currently, CATS plans to acquire permanent easements to ensure long-term protection of the building and retaining wall. In addition, a temporary construction easement is needed for the entire area to conduct a pre-construction survey to document the condition of the building. Other minor changes in property acquisition include a temporary construction easement for a temporary utility pole. In a phone conversation on 2/25/13, SHPO indicated that the previously-determined finding of No Adverse Effect remains valid for these minor easement changes. CATS sent a letter to SHPO on 3/5/13 to describe the minor changes in easements on the Grinnell property and to document the conversation with SHPO stating that the previous finding of No Adverse Effect remains valid. CATS received a signed letter of concurrence from SHPO on 3/21/13. – **See Attachment H**

● **Business Relocation** – As noted in the ROD, the number of relocations identified in the FEIS referred to parcels, and some parcels contain multiple units with potentially affected tenants or lessees. As such, the refinements in design and the real estate process have identified 20 businesses that qualify for relocation. Fifteen of the 20 businesses are located within Environmental Justice (EJ) communities of concern. The acquisitions would be considered significant and adverse, as these acquisitions would result in displacement. However, there is no evidence that these displacements are businesses that provide a unique or special service to a community of concern. Ten of the businesses will relocate located within the project corridor, two will relocate outside of the project corridor but within the Charlotte area, four have not yet determined a location, and four businesses will not re-establish. Since these businesses are not unique services and many of the businesses will be relocated within the project corridor, the relocation of these businesses would not result in a disproportionately high or adverse effect to the EJ communities in the project corridor.

● **Acquisitions** – Since the issuance of the ROD, 40 additional properties have been identified for full or partial acquisition. These changes are primarily minor, partial acquisitions or slivers of parcels necessary for permanent utility or temporary construction easements. These changes were identified as a result of the final design plans. No additional environmental impacts are expected to occur with these changes.

The property owners have been notified as part of the real estate public outreach processes. Real estate agents have made contact with all affected properties. Initial contact was made via letter. Agents followed up contact with additional letters and phone calls to ensure the affected property owner was notified. – **See Attachment I.**

HAVE ANY NEW OR REVISED LAWS OR REGULATIONS BEEN ISSUED SINCE APPROVAL OF THE LAST ENVIRONMENTAL DOCUMENT THAT AFFECTS THIS PROJECT? If yes, please explain.

- NO
 YES

WILL THE NEW INFORMATION HAVE THE POTENTIAL TO CAUSE A CHANGE IN THE DETERMINATION OF IMPACTS FROM WHAT WAS DESCRIBED IN THE ORIGINAL ENVIRONMENTAL DOCUMENT FOR ANY OF THE AREAS LISTED BELOW? For each impact category, please indicate whether there will be a change in impacts. For all categories with a change, continue to the table at the end of this worksheet and provide detailed descriptions of the impacts as initially disclosed, new impacts and a discussion of the changes. The change in impact may be beneficial or adverse.

Transportation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Land Use and Economics	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Acquisitions, Displacements, & Relocations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Neighborhoods & Populations (Social)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Visual Resources & Aesthetics	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Air Quality	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Noise & Vibration	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Ecosystems (Vegetation & Wildlife)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Water Resources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Energy & Natural Resources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Geology & Soils	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Hazardous Materials	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Public Services	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Utilities	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Historic, Cultural & Archaeological Resources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Parklands & Recreation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Construction	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Secondary and Cumulative	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Will the changed conditions or new information result in revised documentation or determination under the following federal regulations?

Endangered Species Act	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Magnuson-Stevens Act	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Farmland Preservation Act	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Section 404-Clean Water Act	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Floodplain Management Act	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Hazardous Materials	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Section 106 National Historic Preservation Act	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Uniform Relocation Act	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Section 4(f) Lands	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Section 6(f) Lands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Wild & Scenic Rivers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Coastal Barriers	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Coastal Zone	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Sole Source Aquifer	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
National Scenic Byways	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other N/A	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you checked yes to any of these, describe how the changes impact compliance and any actions needed to ensure compliance of the new project: The description of project changes are described above. Attachments are provided to document agency coordination and/or determinations.

Will these changes or new information likely result in substantial public controversy?

Yes No

Comments: None.

COMMENTS: None.

CONCLUSIONS AND RECOMMENDATIONS: Potential new impacts or changes in impacts due to the refinements in design of the LYNX BLE have been re-evaluated. Expected impacts are of a similar magnitude of those evaluated in the Final EIS and documented in the ROD. The necessary agency consultation has been completed. One additional mitigation commitment has been added to the project for impacts to the Toby Creek Greenway Connector. Two additional permits will be required; one MCAQ Transportation Facilities Permit for the JW Clay Park and Ride Deck, and one NPDES Permit for dewatering during construction on the DETREX site.

LIST OF ATTACHMENTS:

- ATTACHMENT A – PROJECT DESCRIPTION
- ATTACHMENT B – TOBY CREEK GREENWAY CONNECTOR
- ATTACHMENT C – DUKE UTILITY TRANSMISSION TOWER RELOCATION
- ATTACHMENT D – CLARK DRIVE INTERLOCKING
- ATTACHMENT E – JW CLAY PARK AND RIDE DECK
- ATTACHMENT F – HERRIN BROTHERS COAL AND ICE
- ATTACHMENT G – STANDARD CHEMICAL PRODUCTION PLANT
- ATTACHMENT H – GRINNELL/NEWCO FIBER BUILDING
- ATTACHMENT I – REAL ESTATE ACQUISITION NOTIFICATION

SUBMITTED BY:

By signing this, I certify that to the best of my knowledge this document is complete and accurate.

Name 	Date 6/28/2013
Title TRANSPORTATION PLANNER II	

Submit two paper copies of this form, attachments, and a transmittal letter recommending a NEPA finding to the address below. Or you may submit one electronic version to the appropriate FTA Region 4 Planner. When the document is approved, FTA may request additional copies.

Federal Transit Administration, Region 4
230 Peachtree Street, Suite 800
Atlanta, GA 30303-1512

phone: (404) 865-5600
fax: (404) 865-5605

Impact Category	Impacts as Initially Disclosed	New Impacts	Change in Impacts
Transportation	No change to previously disclosed impacts.	A traffic analysis was completed and determined that this option would add 60 additional cars in the peak period. The conclusion of the analysis determined that there would be no change to the Level of Service (LOS) between the build and no build alternatives. The proposed project will maintain LOS D or better at the intersections along North Tryon Street except for the intersection of North Tryon Street and Mallard Creek Church Road in the a.m. build scenario and all three p.m. peak hour scenarios. In these four scenarios, the North Tryon Street and Mallard Creek Church Road intersection would operate at LOS E.	The intersection of North Tryon Street and Mallard Creek Church Road would change its operations from LOS D to LOS E in the a.m. peak period. This change represents a delay of approximately 13 seconds in the a.m. peak period. In addition, the p.m. peak hour would increase approximately 8 seconds between the No Build and Build scenarios. The change in delay between the build and no build represents a minor increase in delay for this intersection; therefore no mitigation is warranted for transportation impacts.
Land Use and Economics	No change to previously disclosed impacts.	N/A	No change.
Acquisitions, Displacements, & Relocations	A total of 269 parcels were previously identified for full or partial acquisition. This includes 224 parcels identified in the Final EIS and 45 additional parcels identified in the ROD.	Since the ROD, 40 additional parcels have been identified for full or partial acquisition. All property owners have been notified.	These changes are primarily minor, partial acquisitions or slivers of parcels necessary for permanent utility or temporary construction easements. These changes were identified as a result of the final design plans. No additional environmental impacts are expected to occur with these changes.
Neighborhoods & Populations (Social)	No change to previously disclosed impacts.	N/A	No change.
Visual Resources & Aesthetics	No change to previously disclosed impacts.	N/A	No change.

<p>Air Quality</p>	<p>At the time of the Final EIS, the JW Clay Park and Ride Deck was sized at 690 spaces.</p>	<p>Since the time of the ROD, CATS has developed a design option for the deck design, which would include an additional floor and result in 810 spaces.</p> <p>The results of the traffic analysis (described further in the Transportation section above), revealed the intersection of North Tryon Street and Mallard Creek Church Road in the a.m. build scenario and all three p.m. peak hour scenarios would operate at LOS E. While the change in delay between the build and no build represents a minor increase in delay for this intersection, for any intersection with LOS E or F, Mecklenburg County Air Quality (MCAQ) requires the completion of a microscale air quality analysis to satisfy the requirements for the Transportation Facilities Permit as outlined by the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).</p> <p>The microscale analysis revealed no violations of the 1-hour or 8-hour NAAQS for CO are expected due to the operation of the proposed JW Clay Park and Ride Deck. These results are consistent with the results of the analysis in the previous Air Quality Technical Report for the LYNX BLE, in which no violations of the NAAQS for carbon monoxide were found.</p>	<p>The threshold for a permit is 750 spaces; therefore MCAQ determined that a transportation facilities permit would be required for the JW Clay Park and Ride Deck. At the time of the ROD, CATS anticipated that it would need to apply for a transportation facilities permit for the University City Blvd Park and Ride Deck, but not the JW Clay Park and Ride Deck. CATS will now need to apply for an additional transportation facilities permit for the JW Clay Park and Ride Deck</p> <p>The microscale analysis revealed no violations of the 1-hour or 8-hour NAAQS for CO are expected, which is consistent with the results of the analysis in the previous Air Quality Technical Report for the LYNX BLE. Therefore there is no change to previously disclosed impacts.</p>
<p>Noise & Vibration</p>	<p>The impact assessment included in the FEIS was based on the 65% preliminary engineering design drawings which located the crossover near Clark</p>	<p>Refinements in design resulted in a shift in the location of a number 10 diamond crossover (interlocking) from Clark Boulevard (near Station No. 3037+00) to</p>	<p>With the relocation of the interlocking to between Station No. 3026+00 and 3028+02, the Intown Suites will be farther than 300 feet away and there would be no increased noise or</p>

	<p>Boulevard. The result of the FEIS assessment showed that there would be no noise or vibration impact at sensitive receptors near the interlocking location.</p>	<p>south of Shopping Center Drive (Station No. 3026+00 to 3028+02). Special trackwork (crossovers and turnouts) generally increase noise generated by light rail vehicles up to 6 dBA and vibration levels up to 10 VdB for receptors within 300 feet of the track centerline.</p> <p>Land use near the relocated interlocking is primarily commercial, which is not considered sensitive to noise or vibration from transit operations. Land use which is sensitive to noise and vibration according to FTA guidelines includes the Intown Suites Hotel at 7706 N. Tryon Street/US-29 (station No. 3020+00). The interlocking will be located adjacent to the Duke Power Company site and Walmart parking lot which are not considered sensitive to noise and vibration.</p> <p>Construction and operation of the LYNX Blue Line Extension Northeast Corridor Light Rail Project (LYNX BLE) will necessitate the relocation of electric transmission towers that currently intersect the project corridor (per the attached exhibit). A hotel (Comfort Suites located at 7735 University City Boulevard), is located near to where the relocation efforts would occur. Specifically, the hotel is located approximately 200 feet from the closest transmission tower to be relocated. Given the hotel's close proximity to construction/relocation activities, a review of potential noise and vibration concerns during construction/relocation was</p>	<p>vibration due to the special trackwork. No change to impacts or previously disclosed mitigation.</p>
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		<p>completed. As determined during the detailed noise analysis for the LYNX BLE, distances to construction noise impact range between 31 feet and 132 feet (Table 15, <i>Detailed Noise and Vibration Technical Report, 2011</i>); and distances to vibration impact range between 1 foot and 72 feet (Table 16, <i>Detailed Noise and Vibration Technical Report, 2011</i>). Therefore, at a distance of 200 feet, it is not expected that noise and/or vibration impacts at the hotel would occur during construction/relocation of the transmission towers.</p>	
Water Resources	<p>Stream Impacts: 3,304 Wetland Impacts: 0.462</p> <p>----- Surface Waters → Wells</p>	<p>Stream Impacts Increased to 3,312 Wetland Impacts Increased to 0.524</p> <p>-----</p> <p>The re-routing of the Duke Transmission lines south of Shopping Center Drive will require additional right-of-way acquisition. Due to this utility relocation, CATS will need to acquire and relocate a transmission tower on a Mecklenburg County owned property located at 7738 North Tryon Street.</p> <p>During the field survey investigation of the property, a well was located. This well was previously located as part of the EIS, but located outside of the project area at the time of the ROD. CATS contacted Mecklenburg County regarding the well. The County is currently in the process of closing the well and provided CATS with a copy of the abandonment/closure permit.</p>	<p>Minor change. 404 Permit issued on 12/27/12.</p> <p>-----</p> <p>No change to previously disclosed impacts. No further permits will be necessary for this well.</p>

Energy & Natural Resources // Ecosystems (Vegetation & Wildlife)		<p>The re-routing of the Duke Transmission lines and reconfiguration of the Duke substation south of Shopping Center Drive will require additional right-of-way acquisition. Due to this utility relocation, CATS will need to relocate a transmission tower on a Mecklenburg County owned property located at 7738 North Tryon Street. While the majority of the property was surveyed as part of the natural resources review with the FEIS, a few of the proposed relocated tower locations would be located just outside of the previously surveyed area.</p> <p>CATS reviewed this area again for natural resources, and the parcel was determined to be disturbed by an electric substation; it does not support any jurisdictional waters of the U.S., does not contain hydric soils, and does not have habitat that would support any animals or vegetation considered to be rare, threatened or endangered. While the substation/tower location is buffered by trees, this area is considered fragmented and is not representative of a forest community. Therefore, there would not be an increase in impacts to forests.</p>	<p>No change to impacts or previously disclosed mitigation.</p>
Geology & Soils	<p>No change to previously disclosed impacts.</p>	<p>N/A</p>	<p>No change.</p>
Hazardous Materials		<p>Refinements in drainage design have led to the need for additional property easements. As called for in the ROD, CATS completed</p>	<p>Management of the contamination of the Detrex property is being coordinated with the property owner (Detrex), the North Carolina Department</p>

		environmental site assessments for property acquisitions with significant risk of hazardous contamination. The ESA revealed contamination on the property known as Detrex (located at 3114 and 3124 Cullman Avenue).	of Environmental Natural Resources (NCDENR) Waste Management Division, Norfolk Southern and the NCDENR Division of Water Quality (DWQ). CATS has held discussions with NCDENR regarding drainage from the Detrex property. It was identified that a liner may be needed for the drainage ditch to prevent groundwater contamination. Subsequent modifications in CATS drainage design have been made to avoid further contamination or disruption to contaminated property. In addition, NCDENR identified that a NPDES permit would be required for dewatering during construction of the retaining wall due to the presence of contamination.
Public Services	No change to previously disclosed impacts.	N/A	No change.
Utilities		The re-routing of the Duke Transmission lines and reconfiguration of the Duke substation south of Shopping Center Drive will require additional right-of-way acquisition. Due to this utility relocation, CATS will need to relocate a transmission tower on a Mecklenburg County owned property located at 7738 North Tryon Street.	No change to impacts or previously disclosed mitigation.
Historic, Cultural & Archaeological	No change to previously disclosed impacts.	The re-routing of the Duke Transmission lines south of Shopping Center Drive will	No change to impacts or previously disclosed mitigation, which included the following: CATS

Resources

require additional right-of-way acquisition. Due to this utility relocation, CATS will need to relocate a transmission tower on a Mecklenburg County owned property located at 7738 North Tryon Street. This property was not previously surveyed for historic archaeological resources.

During real estate coordination meetings with the County, County staff stated that there were potential pauper graves located on the site, although the county had no documentation. CATS completed a field survey to investigate and found no surface evidence of a cemetery and no documentary evidence. CATS also reviewed deed chains, maps, local history sources, including meetings with a local genealogist with knowledge of cemeteries in the county. The genealogist believes that there may have been confusion with the county home cemetery, which is located further north of the parcel, and was previously documented in CATS' technical reports as part of the Final EIS. CATS consulted with the SHPO regarding this to inquire as to whether an archaeological survey would be recommended for this site in relation to Section 106, to which the SHPO advised a survey would not be necessary. The SHPO advised that CATS should communicate to Duke that a stop work order should be issued if human remains are discovered during the relocation. CATS has supplied this information to Duke.

will include in the contractor standard specifications and provision procedures to stop construction activities immediately upon the discovery of any new cultural resources.

No change to impacts or previously disclosed mitigation.

		<p>Since the Final EIS, the Grinnell/Newco Fiber building, as described in the EIS, in an effort to protect this historic resource, the BLE project will install an underpinning system. Previously, CATS planned to acquire a temporary construction easement for the installation of the underpinning system. Currently, CATS plans to acquire permanent easements to ensure long-term protection of the building and retaining wall. In addition, a temporary construction easement is needed for the entire area to conduct a pre-construction survey to document the condition of the building. Other minor changes in property acquisition include a temporary construction easement for a temporary utility pole. In a phone conversation on 2/25/13, SHPO indicated that the previously-determined finding of No Adverse Effect remains valid for these minor easement changes. CATS sent a letter to SHPO on 3/5/13 to describe the minor changes in easements on the Grinnell property and to document the conversation with SHPO stating that the previous finding of No Adverse Effect remains valid. CATS received a signed letter of concurrence from SHPO on 3/21/13.</p>	
Parklands & Recreation		<p>The LYNX BLE construction would require a temporary closure and reconstruction of the Toby Creek Greenway Connector access point due to the shift in the North Tryon Street lanes to accommodate light rail in the median.</p>	<p>Additional mitigation commitments were developed for impacts to the greenway. CATS and MCPR developed a solution to preserve permanent access to the greenway and ensure a temporary access to the greenway during construction. Due to right-of-way constraints, the greenway cannot be reconstructed to MCPR design standards, which require a five foot</p>

			<p>shoulder. MCPR and CATS have agreed that CATS will reconstruct the greenway to include a two foot shoulder with handrail. CATS will also construct a set of stairs from North Tryon Street to access the greenway. MCPR and UNC Charlotte agreed to modify the easement to accommodate the relocation of the greenway. In addition, during the temporary closure of the greenway access at North Tryon Street during construction, temporary routing to the Toby Creek Greenway will be provided using the sidewalks along JW Clay Blvd Extension and Phillips Road. CATS will require the contractor to notify CATS and MCPR 48 hours in advance of the temporary closure. CATS will work with MCPR to communicate the temporary closure to greenway users. In addition, CATS has agreed to ensure that pedestrian access across the North Tryon Street/JW Clay Blvd intersection will be maintained during construction. On 10/22/12, MCPR, as the appropriate official with jurisdiction over the resource, concurred with the FTA recommended findings that the temporary closure does not constitute a Section 4(f) use.</p>
<p>Construction</p>		<p>CATS has been working with City Real Estate to identify the number of potential business signage impacts during construction. In some cases, due to the fact that the permanent location of the signage may be within temporary construction easements, relocation during construction may not be feasible. At this time, CATS anticipates that approximately 60 of 100 signs that need to be relocated will not be able to be relocated during the construction</p>	<p>CATS is working with the City's Neighborhood and Business Services Department and City Real Estate to develop the signage plan, which may include temporary business signage, consolidated business signage, and directional signage.</p>

		<p>period. Since a temporary impact is not compensable to business owners through the Uniform Act, CATS will mitigate this impact through NEPA. As noted in the ROD, to mitigate for business signage impacts CATS will provide temporary signage during construction.</p> <p>-----</p> <p>The re-routing of the Duke Transmission lines south of Shopping Center Drive will require additional right-of-way acquisition and construction. The change in design was reviewed related to construction noise impacts. The Comfort Suites hotel is located approximately 200 feet from the closest transmission tower; therefore, it is not expected that noise and/or vibration impacts at the hotel would occur during construction/relocation of the transmission towers. Therefore, construction-related noise impacts are not anticipated.</p>	<p>-----</p> <p>No change to impacts or previously disclosed mitigation.</p>
Secondary and Cumulative	No change to previously disclosed impacts.	N/A	No change.
Other	N/A	N/A	N/A