

From: Higgins, Sara SHiggins@a2gov.org 

Subject: RE: Ann Arbor Station Update

Date: April 20, 2018 at 3:33 PM

To: Eaton, Jack JEaton@a2gov.org

Cc: Lazarus, Howard HLazarus@a2gov.org, Frost, Christopher CFrost@a2gov.org, Hupy, Craig CHupy@a2gov.org, Slotten, Cresson CSlotten@a2gov.org, Nearing, Michael MNearing@a2gov.org, Cooper, Eli ECooper@a2gov.org, Bannister, Anne ABannister@a2gov.org, Lumm, Jane JLumm@a2gov.org, Kailasapathy, Sumi SKailasapathy@a2gov.org

SH

Councilmember Eaton,

Staff's response is below.

Below please find two emails from FRA. The Feb. 7 email is the FRA's response to the Initial EA review process and a draft FONSI statement. The Feb. 28 email is the direction to address the archaeological inventory. Also attached a PDF file with the summary of a phone conversation regarding the archaeological inventory.

Sara Higgins, Strategic Planning Coordinator

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From: Hatcher, Melissa (FRA) [<mailto:melissa.hatcher@dot.gov>]

Sent: Wednesday, February 07, 2018 10:52 AM

To: Cooper, Eli <ECooper@a2gov.org>; martinj23@michigan.gov

Cc: robert.gorski@aecom.com; nobletl@michigan.gov; Kachadoorian, Lydia (FRA) <lydia.kachadoorian@dot.gov>

Subject: RE: Ann Arbor Station Draft FONSI

Jeff and Eli,

FRA provides the following comments on draft EA and draft FONSI. FRA is not providing a mark-up of the draft FONSI as we are requiring MDOT to revise the public draft EA, which FRA would release for public review as a Final EA. The comments and guidance below are a compilation of previous FRA comments on the draft EA and based on the agency and public comments received in response to the draft EA.

General

- Revise the EA to consistently describe the study areas & methodologies for all resource types. Some of the public comments relate to uneven coverage in these areas, as well as prior FRA comments.

- Strengthen the analysis of the no build alternative in the relevant sections throughout the document (including visual, socioeconomic, vibration, indirect impacts where it is absent); uneven treatment was identified by both FRA staff and the public.
- Greater effort should be made to link existing legal requirements under various laws to mitigation commitments on a resource by resource basis in a clear way in both the EA and in the revised draft FONSI. It isn't always clear why certain commitments are being proposed and what they are supposed to remedy.

Ch 1-2

- Station Size - Provide documentation that better supports/justifies/explains the station size calculations. The public has concerns about the rationale used.
- Existing Parking – Presenting an objective evaluation that there is inadequate space for intermodal connectivity. Was the supporting information mainly gathered from Amtrak station employees? Present a critical examination of that evidence, as well as, the supporting documentation on those interviews such as names, dates, position title, summary of interview. Parking is a theme in public comments.
- Parking Structure – Recommend strengthening this discussion especially since the public expressed many concerns about this portion of the project. Present a well-reasoned justification for the size of the proposed parking structure, including why storage lockers and a café are necessary since they expand the size of the structure. Documentation to support this should be included as an appendix. Clearly present any phasing plans should the parking be developed over time.
- Existing Station – Provide details on what happens to the existing station since there were quite a few public comments on this. We suggest reviewing the public comments again to see if specific recommendations can be discussed in the EA.

Ch 3

- 3.1.2 Property Acquisition
 - The errata in Appendix B of the draft FONSI on page 56, last paragraph, “In total, 6.87 acres would need to be acquired for Build Alternative 2C.” *should read: “In total, 5.91 acres would need to be acquired for Build Alternative 2C.”*
- 3.3 Transportation
 - Fully describe the disruption of freight & passenger rail service during construction. Include discussion on nature of disruption and length of time so that the significance of the disruption can be clearly assessed and demonstrated.
- 3.8 Cultural resources
 - Recommend that the EA clarify how the MI SHPO's request for further consultation and need for research design/desktop analysis, and potential investigation for archaeological resources have been considered. Recommend revising the EA to demonstrate a commitment to proceed with continued consultation with the MI SHPO in the event of anticipated construction to address the appropriate level of identification & evaluation efforts for subsurface archaeological deposits and the next steps. This commitment needs to be carried through into the revised draft FONSI as well.
 - Explain the significance of Division Street Historic District under Criterion C. The text does not explain what specifically makes this eligible for listing on the NRHP so understanding the effects analysis is not possible.
 - Pages 117, 119, & 220, the draft EA needs to be revised to include the dates of

letters sent to the MI SHPO and the dates that concurrence was issued by them. Letters need to be included in an appendix.

- 3.9 Visual Resources
 - Revise the EA to address public concerns on even-handed assessment of the severity of visual impacts. This section is light on analysis, physical views are described, but both FRA staff and the public felt the discussion lacked analytic details to support the arguments presented. This is a theme in public comments.
- 3.10 Socioeconomic
 - As with the previous section, include more analysis to support the conclusions made. Existing conditions are described, but the impact assessment on socioeconomics is underdeveloped and a prime concern for the public.
- 3.11 Environmental Justice
 - Recommend strengthening the presentation on outreach to EJ communities. Make it clear what specific steps were taken to gather their input. Specifically clarify how Hispanic/Latino populations were accounted for since the DOT Order on EJ includes these populations as “minority”.
 - Recommend including a commitment for Alternative 3A for access to be maintained during construction; this commitment was made for Alternatives 2A-C so this looks like an oversight. These commitments need to clearly be documented in the revised draft FONSI as well (as with all commitments).
- 3.13 Air Quality
 - Recommend revising the draft EA text to include analysis that a modal shift would not worsen air quality; this was a concern expressed by the public and it needs to be better addressed. The presentation is inconsistent between whether trips to the station would increase or whether trips to the station would be diverted from other modes/destinations. The table in the FONSI that summarizes these types of impacts doesn’t offer enough clarification. The lines appear blurred between station access and transportation demands (i.e., impacts resulting from getting to/from the station vs impacts resulting from change in travel pattern to rail from another mode).
 - EPA 11/01/17 requested changes to the draft EA language that have not been reflected in their entirety in the draft FONSI. FRA recommends augmenting the draft EA text starting on page 153. 1) It should be revised to include additional disclosure of potential sources specifically related to material hauling & demolition. 2) It should be revised to address the EPA request for the City to commit to reduced construction emissions, such as through the use of the Construction Emission Control Checklist. 3) It should be revised to reflect consideration of EO 13045 with regard to material hauling routes. While the checklist & EO 13045 were mentioned under commitments in the FONSI (Section I) the prior table (Section F 1.1 of FONSI) was incomplete under air quality and listed no commitments. Best to address EPA concerns in a final EA and to directly tie the specific mitigation commitments in the final EA and revised FONSI accordingly.
- 3.14 Energy Use
 - EPA 11/01/17 requested greater consideration of their suggested options to use 30% renewable energy on pages 154-155. FRA recommends revising this section of the draft EA if any of the EPA suggestions can be integrated; it is important to at least acknowledge that they will be considered as the project

important to at least acknowledge that they will be considered as the project evolves.

- 3.18 Indirect and Cumulative Impacts/3.19 Summary
 - Recommend providing as much supporting documentation for cost estimates as is feasible since cost was identified as a big issue by the public. Addressing these concerns would improve the draft EA.
- 3.19 Summary
 - The errata in Appendix B of the draft FONSI on page Table 3.27: Comparison of Environmental Factors of the Build Alternatives, Build Alternative 3A column, and last row for Cost *should read: \$86,192,278.71*

Ch 4

- Reexamining the presentation of the constructive use/proximity impacts across resources. The presentation doesn't provide sufficient substantiation that resources are not impaired. This is a theme in public comments.

Ch 5

- FRA recommends adding a new section (5.3 Agency and Public Comments and Responses) to this chapter of the draft EA to strengthen the document and reduce the length of the FONSI. The City provided a draft FONSI with response to comments as an attachment, but due to the nature of the public comments and lack of adequate analysis in some areas of the draft EA it is important that the draft EA be revised and improved in key areas. It is critical to demonstrate that public participation did improve the process, methods selected, spectrum of resources & alternatives considered, the analysis approaches taken, and the documentation used by FRA to make a decision.

We look forward to discussing these comments and the approach to preparing a Final EA for FRA review during our conference call next week.

Melissa

Melissa Hatcher

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From: Hatcher, Melissa (FRA) [<mailto:melissa.hatcher@dot.gov>]
Sent: Wednesday, February 28, 2018 3:55 PM
To: Cooper, Eli <ECooper@a2gov.org>; martinj23@michigan.gov
Cc: robert.gorski@aecom.com; Kachadoorian, Lydia (FRA) <lydia.kachadoorian@dot.gov>; noble1l@michigan.gov
Subject: Ann Arbor Station

Jeff and Eli,

Lydia is working on the Section 106 letter to the State Historic Preservation Office and the letter to the City regarding FRA's Section 4(f) determination and she has hit a snag regarding archaeology. Can we set up a call to take through the findings for archaeology and figure out how best to proceed specifically with the SHPO consultation? Please

and figure out how best to proceed specifically with the SHPO consultation. I would provide me some availability this week and next for a 30-minute call (or 60 minutes if you think we will need more time).

Cultural Resources Assessment concludes by recommending a Phase 1 archaeological survey and a geomorphological study within the APE of Preferred Alternative 3A (and for all of the alternatives). The text is excerpted below. Has this work occurred? Or did the report recommendations change (they are not included in the Cultural Resources section of the EA). Is this activity planned to occur during PE/NEPA or is the intent to prepare a Section 106 agreement document in order to complete Section 106 consultation and coordination? We are not sure if an approach was worked out with the SHPO.

3.3.1 Design Alternative 3A

The station building would be located above the tracks with other site facilities located within the area of the existing surface parking lot, with the exception of station access features. Multi-modal access would be provided on-site north of the tracks and along adjacent streets. Station parking would be provided in a structure.

Potential Aboveground Historic Resources Concerns

The proposed historic aboveground (viewshed) APE for Design Alternative 3A does not contain any previously-inventoried historic structures. Neither the archival research nor the concurrent site visit identified any extant aboveground historic structures within the proposed APE. The location will be constructed utilizing the existing parking lot for the Fuller Park and UMMC employees. The Alternative is recommended to have no effect on any previously-inventoried or newly identified cultural resources.

Based on the data outlined above, AECOM recommends that no further consultation of potential impacts to aboveground resources is required for Alternative 3A, should construction move forward on this Project option.

Potential Archaeological Concerns

The archival research conducted for the Project does not indicate the presence of any inventoried resources within the proposed footprint of Alternative 3A. Based on a review of the available mapping and Project-related information, there is a potential for premodern archaeological materials and/or features at Alternative 3A, particularly under the existing parking lot; historic-period mapping of this location indicated the potential presence of residential structures at this general location from the late nineteenth century through the early/mid-twentieth century. Further, Design Alternative 3A is situated atop a landform defined by the MDOT as displaying a high potential for containing deeply buried cultural deposits. Should construction activities move forward at Alternative 3A, Phase I-level archaeological survey will likely be warranted in order to assess the potential for/presence of archaeological deposits within any areas of ground disturbance.

This survey would likely need to consider both surface/near-surface impacts, as well as deeply-buried impacts (a geomorphological study), given the potential depth of proposed disturbance and location of the alternative within an area defined by MDOT as high potential for deeply-buried cultural deposits. The Phase I survey could involve shovel-test excavations across any mown lawns accessible for hand-excavation within the direct APE, and a combination of remote sensing, backhoe trenching and coring within the paved parking lot. Based on the results obtained from that survey work, archaeological monitoring of any subsurface excavation work (either below street level or below the level

of existing buildings/foundations, whichever is deeper), should be implemented, to assess for the presence of any intact archaeological deposits or features during construction.

Melissa

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From: Eaton, Jack
Sent: Thursday, April 19, 2018 12:58 PM
To: Lazarus, Howard <HLazarus@a2gov.org>
Cc: Higgins, Sara <SHiggins@a2gov.org>; Bannister, Anne <ABannister@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>; Kailasapathy, Sumi <SKailasapathy@a2gov.org>
Subject: Re: Ann Arbor Station Update

Mr. Lazarus,

May I have a copy of the FRA's comments to the City that prompted the need for this additional spending?

Thank you,
Jack

On Apr 19, 2018, at 8:04 AM, Lazarus, Howard <HLazarus@a2gov.org> wrote:

Mayor and Council Members:

I am writing to inform you that I have authorized the use of \$69,200 from the City Administrator's contingency in the FY18 budget for use on the Ann Arbor Station project. The funding is needed to support additional effort the Federal Railroad Administration's (FRA) most recent requirement for

additional archeological services which will be performed during the preliminary engineering (PE) phase. The requirement stems from changes in staff at FRA, which City staff could not have foreseen. Although no Council action is required at this time, I am providing notification so that complete transparency on this project is maintained.

As an update, the City submitted a revised Environmental Assessment (EA) to FRA at the beginning of April in response to input received during last falls' public comment period. Staff believes that we have fully complied with FRA guidance, and that FRA will put the revised EA out for an additional public comment period once it's review is completed. We all appreciate the continued support and oversight of Council on this effort, and will continue to keep you abreast of the project's status.

As always, please do not hesitate to contact me if I can be of further assistance.

Howard S. Lazarus

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Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act



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