



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

Region II
Connecticut (Rail Operations)
New Jersey
New York

One Bowling Green
Room 429
New York, NY 10004-1415
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May 7, 2009

Mr. Edgar T. Hurle
Transportation Planning Director
Bureau of Policy and Planning
Connecticut Department of Transportation
2800 Berlin Turnpike
P.O. Box 317546
Newington, CT 06131-7546

Subject: New Haven Rail Maintenance Facility Improvements FONSI

Dear Mr. Hurle:

The Federal Transit Administration (FTA) has completed its review of the Environmental Assessment and Section 4(f) Evaluation (EA) for the New Haven Rail Maintenance Facility Improvements project. Based on our review, the FTA has issued the enclosed Finding of No Significant Impact (FONSI). In addition, we concur with the Section 4(f) evaluation and find that there is no feasible and prudent alternative to the proposed action and that all possible planning to minimize harm to the Section 4(f) resources have been made. Please also see enclosed the FONSI and Section 4(f) finding.

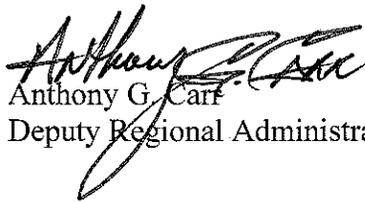
As required under the FTA's National Environmental Policy Act implementing regulations, upon issuance of a FONSI an applicant shall comply with the following paragraph at 23 CFR 771.121(b): "After a FONSI has been made by the Administration, a notice of availability of the FONSI shall be sent by the applicant to the affected units of Federal, State and local government and the document shall be available from the applicant and the Administration upon request by the public. Notice shall also be sent to the State intergovernmental review contacts established under Executive Order 12372." Please provide a notice of availability to the appropriate parties, including the offices that commented on the EA of the U.S. Department of Interior (DOI) and Army Corps of Engineers.

Mr. Edgar T. Hurle
May 7, 2009
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The project must be carried out in accordance with the mitigations discussed in the EA, all conditions specified in the associated permits, and in the enclosed FONSI and Section 4 (f) Finding. If there are any design changes to the project, the FTA must be notified before the changes are implemented to determine the need for possible additional environmental studies.

Should you have any questions, please contact Donald C. Burns, AICP at (212) 668-2203.

Sincerely,


Anthony G. Carr
Deputy Regional Administrator

cc: Ms. Marianne Latimer, CTDOT
Cynthia Holden, CTDOT
Keith Hall, CTDOT

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

FINDING OF NO SIGNIFICANT IMPACT

Project: New Haven Rail Yard Maintenance Facility Improvements

Applicant: Connecticut Department of Transportation

Project Location: City of New Haven, New Haven County, Connecticut

1.0 INTRODUCTION

The Connecticut Department of Transportation (CTDOT) proposes to improve the New Haven Rail Maintenance Facility, a commuter rail yard in New Haven, Connecticut. Based on the *New Haven Rail Maintenance Facility Improvements Environmental Assessment and Section 4(f) Evaluation* dated March 2009 (the EA) prepared in compliance with the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.) and Federal Transit Administration’s implementing regulations (23 CFR Part 771), the Federal Transit Administration (FTA) finds, in accordance with 23 CFR Section 771.121, that the New Haven Rail Maintenance Facility Improvements (hereinafter referred to as the Proposed Action), will result in no significant impact on the environment.

The EA included a Section 106 analysis and an evaluation pursuant to Section 4(f) of the Department of Transportation Act of 1966, codified at U.S.C. 303, which resulted in a “de minimis” impact finding. CTDOT is the owner and commuter rail authority for the New Haven Rail Line, which is the Connecticut portion of the Metro-North Railroad (MNR). MNR operates the New Haven Line and its engines and rolling stock under a service agreement with CTDOT. CTDOT is responsible for the programming and funding, as well as maintenance and upkeep, of the New Haven Line's facilities, engines, and rolling stock.

2.0 BACKGROUND

The New Haven Rail Yard (NHRY) is located on approximately 74 acres of land owned by CTDOT in the Long Wharf section of the City of New Haven, in close proximity to New Haven harbor to the east and downtown New Haven to the northwest. Interstate 95 (I-95) and Interstate 91 (I-91) are two major interstate transportation corridors located east and northeast of the NHRY. The rail yard is bounded by Union Avenue to the west, Cedar and Hallock Streets to the South, Church Street Extension to the east and Route 34 to the north. See **Attachment A** for the location map.

Train sets for the New Haven Rail Line service are stored and dispatched from rail yards at Grand Central Terminal, Stamford, Bridgeport, and New Haven. New Haven is the eastern/northern terminus of the MNR rail line in Connecticut and is a strategic location for providing storage, dispatching, inspection, maintenance, cleaning and support functions. CTDOT’s Shore Line East service is also maintained at NHRY. Commuters can transfer from MNR to connecting Shore Line East and Amtrak services at New Haven Station, which is attached to the yard complex.

3.0 PURPOSE AND NEED

The purpose of the Proposed Action is to develop a fully functional facility to store, dispatch, inspect,

maintain, and clean the rail car fleet that will increase with the purchase of the M-8 fleet.

The goals and objectives for the Proposed Action are to:

- provide maintenance shops and facilities for new fleet of M-8 rail cars;
- provide yard space for acceptance and storage of new fleet of M-8 rail cars;
- improve existing facilities at the rail yard by providing a coordinated yard complex
- continue operations at the rail yard
- maximize safety and efficiency of storage, dispatching, inspection, maintenance, and cleaning of rail cars; and
- support the provision of reliable MNR and Shore Line East services and encourage commuter use of rail.

4.0 PROJECT DESCRIPTION

The New Haven Rail Maintenance Facility Improvements, (Proposed Action) is the construction of new facilities, the incorporation of existing facilities and the demolition of existing facilities at the New Haven Rail Yard to serve the existing and future fleet of rail cars. The facilities are proposed to be built on approximately 74 acres of state-owned land that comprises the existing NHRY site. The Proposed Action will provide the facilities to service the new M-8 fleet of rail cars, as well as the existing M-2, M-4, and M-6 rail cars. The M-2 rail cars date back to the 1970's and are well passed their useful life since they were designed to last 30 years. The new M-8 cars require different maintenance facilities than the M-2 cars. The Proposed Action will develop new facilities and improve existing facilities within the NHRY. See **Attachment A** for the location map and proposed site plan.

The Proposed Action is comprised of 18 components of which nine (9) components are new construction:

1. **New Storage Yard Tracks (Component #1)** - Twenty-five new storage tracks are proposed to be constructed within the loop track west of the Church Street Overpass:
 - a. Eight non-electrified tracks used to store and dispatch diesel-powered train sets,
 - b. Thirteen tracks powered by AC overhead catenary, and
 - c. Four tracks (two electrified and two non-electrified) in the middle of the yard for new M-8 rail car acceptance activities. Space at the west end of these tracks will be reserved for temporary office and storage.
2. **Component Change-out Shop with Support Shops (Component #2)** – Construction of a new 48,000 square foot shop area of component change-out is configured as a three-track “run through” facility. The facility will provide the capability to lift 13 rail cars for repairs and component replacements. The new 26,600 square foot stores area will be constructed within the component change-out shop will serve as the distribution point in the main maintenance and repair facility for repairing, cleaning, and servicing. The area will also include loading docks for highway vehicles.
3. **Service and Inspection (S&I) Shop (Component #3)** – This 85,200 square foot facility is proposed to be located immediately north of the component change-out shop. Two tracks, each with 10-car capacity, will be used for mandated inspections and routine maintenance tasks. The facility will include a stores area for parts storage, restrooms, locker rooms, and break rooms, administrative offices, common work areas, and building services.
4. **Independent Wheel True Shop (Component #4)** – This facility will provide for redundancy and function to fully meet the requirements of the New Haven Line fleet. The wheel true machine returns

wheel diameter parity and profile from the stresses of track wear, drift, spalling, and wheel flat spots. In addition to the shop area, the facility includes storage areas, restrooms, administrative offices, and building services.

5. **Maintenance-of-Way Building (Component #5)** – This 23,600 square foot facility will provide headquarters, offices, shops, common work areas, and storage for the engineering departments. The facility will also include restrooms, locker rooms, and break rooms, and building services.
6. **Material Distribution Warehouse (Component #6)** – This new warehouse, attached to the component change-out shop, will be an automated facility. An automated storage and retrieval system (ASRS) allows for compact storage of standardized shipping pallets and bins by reducing the circulation aisle that is 60 feet wide by 120 feet long by 70 feet high and would contain 3,640 pallet storage positions with a capacity of 2,500 pounds each.
7. **Rail Car Wash Facility (Component #7)** – This 12,800 square foot facility includes a restroom, administrative offices, wash equipment and tanks, and building services.
8. **Heavy Repair/Paint Shop (Component #8)** – This 39,500 square foot facility will include heavy repair shop and a paint shop to be constructed within the existing car shop. The facility will include a stores area, restrooms, locker rooms, and break rooms, administrative offices, common work areas, and building services.
9. **Parking Structure (Component #9)** – A new 348 space employee parking garage will be constructed east of the component change-out shop. A pedestrian overpass will be constructed to safely connect pedestrians to the other facilities.
10. **Incorporate Existing Facilities** – The following existing structures will be retained and incorporated into the operations of the improved New Haven Rail Maintenance Facility:
 - a. Rail Storage Yards (**Component #10**),
 - b. EMU Shop (**Component #11**),
 - c. the Car Shop (**Component #12**), and
 - d. Diesel Shop (**Component #13**).
11. **Demolish Existing Facilities** – The following facilities will be demolished:
 - a. Building 10/Stores Building (**Component #14**)— one of the last structures to be demolished to provide additional track space,
 - b. Dewatering Facility (**Component #15**) will be used during construction, and then demolished,
 - c. Wheel True Mill (**Component #16**),
 - d. aboveground diesel tanks (**Component #17**), and
 - e. aboveground propane tanks (**Component #18**).

4.1 OTHER ALTERNATIVES CONSIDERED

The EA analyzes two alternatives, the Proposed Action—which is the proposed New Haven Rail Maintenance Facility Improvements project—and the No Action Alternative. Two other alternatives were considered in the development of the Proposed Action. These include constructing a new rail yard at Grand Central Terminal in New York City and Cedar Hill Rail Yard, in New Haven, Connecticut. These alternatives were screened out based on their lack of consistency with the Proposed Action’s purpose and need and its goals and objectives as presented in Chapter 2, “Purpose and Need,” of the EA. The Proposed

Action was determined to have the most appropriate location, for the new rail maintenance facility, as it would best meet the purpose and need and goals and objectives.

5.0 AGENCY COORDINATION AND PUBLIC OPPORTUNITY TO COMMENT

Notice of availability for this EA was published in the New Haven Register on March 2, 2009 and the 30-day review period closed on April 2, 2009. Two (2) comment letters were received during the review period. Correspondence from the U.S. Army Corps of Engineers (USACE), dated March 18, 2009 and correspondence from the US Department of the Interior (USDO I) dated April 6, 2009. The USACE letter affirmed their original correspondence of May 31, 2007 that indicated that the wetlands on the NHRY site were isolated and not jurisdictional for the purposes of the Clean Water Act Section 404 permit requirements. CDOT has applied for and secured the appropriate State Wetland permits for the Proposed Action.

The USDO I concurred: 1) with the No Adverse Effect finding under Section 106, 2) with the proposed Section 4(f) finding that there are no prudent and feasible alternatives to the Proposed Action, and 3) that there will not be adverse impacts to Wild and Scenic Rivers. Copies of both correspondences are located in **Attachment B** of this Finding of No Significant Impact (FONSI).

6.0 MEASURES TO MINIMIZE HARM

CTDOT will implement the mitigation measures described in the EA and in this FONSI. The CTDOT will design and incorporate into the project the mitigation measures presented in the EA and this FONSI. The FTA will require in any grant documents for the Project that it be built in a manner consistent with that described in the EA and that all committed mitigation be implemented in accordance with the EA and this FONSI. FTA will require CTDOT to periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor this progress through quarterly reviews of the project's progress. The Measures to Minimize Harm are fully described in the EA and are summarized in **Attachment C** of this FONSI.

7.0 DETERMINATION AND FINDINGS

1. Land Acquisitions and Displacements

Utility easements will be moved adjacent to Brewery Street within the Rail Yard property to accommodate the proposed facilities. No other property acquisitions or displacements would be required for the construction or operations of the Proposed Action.

2. Land Use and Zoning

The Proposed Action will not have an adverse land use or zoning impacts.

3. Consistency with State, Regional, and Local Plans

The construction and operations of the Proposed Action are consistent with the vision, goals, and recommendations expressed in local, regional, and state plans for future development of the City of New Haven and the Proposed Action site. The Proposed Action would provide for the efficient and effective storage, dispatching, inspection, maintenance, and cleaning of the fleet, including the new generation of M-8 rail cars.

4. Environmental Justice/Title VI

The construction and operations of the Proposed Action will not have any adverse impacts to low-income or minority Environmental Justice populations. The project will remain in the existing

footprint of the rail yard, and no property acquisition will take place.

5. Socio-Economic Conditions

The construction and operations of the Proposed Action will not result in any adverse socio-economic impacts, but rather will have beneficial impacts with the potential of providing employment.

6. Community/Neighborhoods

The operations of the Proposed Action will not result in any adverse impacts to community or neighborhoods as the project will remain in the existing footprint of the rail yard.

7. Air Quality

The Environmental Protection Agency (EPA) has developed National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. The Proposed Action will not substantially change emission sources or quantities. The proposed project was evaluated to determine that construction and operations of the NHRV will not result in new violations, exacerbate existing violations, or interfere with the attainment of NAAQS.

8. Noise

The operations of the Proposed Action will not result in any adverse noise impacts to nearby noise sensitive receptors as determined by the Federal Transit Administration guidance on noise analysis conducted for this project.

9. Traffic, Transit and Parking

There are no adverse impacts on Traffic, Transit or Parking from the construction and operations of the Proposed Action. Rather, the ultimate goal of the project is to create an improved rail yard, better equipped to service the public transportation system.

10. Section 106 Resources

Pursuant to Section 106, FTA has determined that the Proposed Action will have No Adverse Effect to historic resources in the NHRV. After reviewing the potential effects of the Proposed Action on the stores facility referred to as Building 10, which entail demolition of the building, the State Historic Preservation Office (SHPO) issued a conditional determination of no adverse effect, meaning there would be No Adverse Effect if mitigation is implemented. The mitigation stipulated by SHPO was the historic documentation of the building to the professional standards of SHPO (correspondence from SHPO dated November 28, 2006).

Due to an adverse effect for the prior FTA NHRV investment in 1998, FTA projects in the NHRV are conducted in accordance with the 1998 Section 106 Memorandum of Agreement (MOA) among FTA, the Advisory Council on Historic Preservation, the Connecticut Department of Transportation and the Connecticut State Historic Preservation Office.

The CTDOT submitted the historic documentation to SHPO (April 2007.) The SHPO subsequently approved the documentation and, in its correspondence dated May 31, 2007, stated “This office believes the submitted materials are consistent with our documentation standards and succinctly record the historic and architectural aspects of the Stores Facility-Building 10” and “This office believes that the CTDOT has satisfied the mitigative measures stipulated in our previous review, dated November 28, 2006, for the proposed undertaking.”

The mitigation required by SHPO for a determination of no adverse effect has been satisfied. t All

supporting documentation may be found in **Appendix A** of the EA document.

11. Public Safety and Security

The Proposed Action will have an overall beneficial impact on safety and security.

12. Critical Environmental Areas and Threatened and Endangered Species

The operations of the Proposed Action will not result in any adverse impacts to Critical Environmental Areas and Threatened and Endangered Species.

13. Water Resources and Water Quality

The operations of the Proposed Action will not result in a decrease in water quality.

14. Wetlands

Correspondence from the U.S. Army Corps of Engineers, dated March 18, 2009, affirmed their correspondence of May 31, 2007 that indicated that the wetlands on the NHRY site were isolated and not jurisdictional for the purposes of the Clean Water Act Section 404 permit requirements. CTDOT had applied for and secured the appropriate State wetland permits for the Proposed Action.

15. Floodplains

The Proposed Action site encroaches on the 100-year floodplain zone. Due to the size of the large coastal floodplain, this impact will be negligible. New structures will be constructed to the 500-year floodplain level (see **Attachment C**).

16. Wild and Scenic Rivers, Navigable Waterways and Coastal Resources

The operations of the Proposed Action will not result in any adverse impacts to Wild and Scenic Rivers or Navigable Waterway, as these resources do not exist in the area. The NHRY lies entirely within the coastal flood hazard area (CFHA), as such any construction within this area is considered an impact to coastal resources that must be coordinated to reduce impacts from development, erosion, and sedimentation. Since development in a CFHA is sensitive, coastal consistency review will be requested from the Connecticut Department of Environmental Protection for each construction phase of the Proposed Action.

17. Public Utilities and Services

The Proposed Action will result in some impacts to public utilities and services (water, gas, electric, and sewer) due to temporary, short-term utility service disruptions will potentially occur during the project construction period. However, customers will be notified in advance of these potential service disruptions.

18. Environmental Risk Sites and Hazardous Materials

The NHRY has been an active rail yard since 1869. Based on previous site investigations for hazardous substances and historic land use at the rail yard, there is a potential for encountering contamination during construction. Construction of the improvements will involve demolition of existing buildings and rail facilities as well as excavation and grading to prepare the site for foundations, new track placement, and utility connections among other improvements. Detailed investigations are being carried out by the Department under the supervision of a Licensed Environmental Professional as the project continues. Where contaminated media are encountered as a part of the planned construction projects, they will be managed, treated and/or disposed in accordance with applicable state and federal regulations.

19. Construction Impacts

Construction will be planned, phased, and sequenced to minimize adverse impacts on Community and Neighborhoods, Air Quality, Traffic, Water Resources and Water Quality, Public Utilities and Services, and from Noise. Rail service interruptions will also be minimized.

20. Secondary and Cumulative Impacts

There will be a secondary, beneficial impact to the state's rail transportation system. There will be a cumulative, beneficial impact to Socioeconomic Conditions.

8.0 SECTION 4(f)

FTA's approval of the New Haven Rail Maintenance Facility Project must comply with Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303. Investigations for this EA identified one contributing historic resource within the NHRY that will be affected by the Proposed Action and that was not previously documented and mitigated. This resource, the Stores Facility, is also known as Building 10, was built in 1947. It was one of the long narrow structures in the area of the historic Lamberton Street Shops. It is a contributing feature of the National Register-eligible NHRY, which is significant under Criterion A for its contribution to the development of the national transportation system 1869-1969 and a key link to the development of industry in New England. The proposed demolition of the Stores Facility (Building 10) was recognized as a potential Section 4(f) use.

8.1 De Minimis Section 4(f) Coordination

Under Section 774.5 (b), the Section 4(f) de minimis coordination requirements for historic properties are:

- (i) The consulting parties identified in accordance with 36 CFR part 800 must be consulted; and
- (ii) The Administration must receive written concurrence from the pertinent State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and from the Advisory Council on Historic Preservation (ACHP) if participating in the consultation process, in a finding of "no adverse effect" or "no historic properties affected" in accordance with 36 CFR part 800. The Administration shall inform these officials of its intent to make a de minimis impact determination based on their concurrence in the finding of "no adverse effect" or "no historic properties affected, and
- (iii) Public notice and comment, beyond that required by 36 CFR part 800, is not required.

CTDOT and FTA met the abovementioned Section 4(f) de minimis requirements by coordinating with CT SHPO and USDOJ as recoreded in the following supporting documentation. The supporting documents for the Proposed Action indicate that no consulting paries were identified, CT SHPO issued a No Adverse Effect finding, and FTA indicated its intent to use the no adverse effect finding to support a de minimis Section 4(f) finding. This coordination meets the requirements of 23 C.F.R. Section 774.5 (b). The following supporting documents are located in **Attachment B**:

1. Correspondence from CT SHPO dated November 28, 2006 proposing a conditional no adverse effect to the NHRY if CTDOT documents the Stores Facility (Building 10) to the professional standards of the SHPO.
2. Correspondence from CT SHPO dated May 31, 2007, stating, "This office believes the submitted materials are consistent with our documentation standards and succinctly record the historic and architectural aspects of the Stores Facility-Building 10" and "This office believe that the CTDOT has satisfied the mitigative measures stipulated in our previous review, dated November 28, 2006, for the proposed undertaking."
3. Corrspondence dated March 20, 2009 from FTA to CT SHPO indicating the intent to use the no adverse effect finding to support a de minimis Section 4(f) finding for the Proposed Action. The FTA

correspondence also confirmed with SHPO that no consulting parties were identified for the Proposed Action.

4. Correspondence dated April 6, 2009 from the US DOI offering, "our concurrence on the primary proviso of Section 4(f) that there are no feasible and prudent alternatives."

8.2 De Minimis Section 4(f) Recommendation

The CTDOT recommended the Proposed Action for consideration of a Section 4(f) de minimis impact finding. Based upon the information presented in the EA, extensive coordination with the CT SHPO, the proper mitigation measures and coordination have been undertaken and the determination that the use of the NHRV or its contributing features the Stores Building (Building 10) is not affected by this project. Moreover, FTA concurs that there is no prudent and feasible alternative to the Proposed Action.

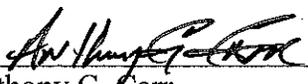
FTA has approved the de minimis Section 4(f) request by CTDOT since the impacts are minimal based upon the coordination and supporting documentation and there is no feasible and prudent alternative to the Proposed Action.

8.3 De Minimis Section 4(f) Finding

Based upon the Federal Transit Administration's (FTA) review of the project description and supporting documentation on the Proposed Action as described in the EA, it is FTA's determination that the de minimis Section 4(f) requirements set forth in 23 C.F.R. Section 774. 3(b) have been met and that sufficient documentation exists to demonstrate that the impacts are de minimis.

9.0 FTA NEPA FINDING

FTA has reviewed the *New Haven Rail Maintenance Facility Improvements and Section 4(f) Evaluation* and finds that the Proposed Action will have no significant impact on the environment.



Anthony G. Carr
Deputy Regional Administrator, Region II
Federal Transit Administration

5/7/09
Date

Attachments:

- Attachment A** – Location Map and Site Plan
- Attachment B** – Correspondence
- Attachment C** – Measures to Minimize Harm

ATTACHMENT A

LOCATION MAP AND SITE PLAN



NEW HAVEN RAIL YARD FACILITIES IMPROVEMENTS

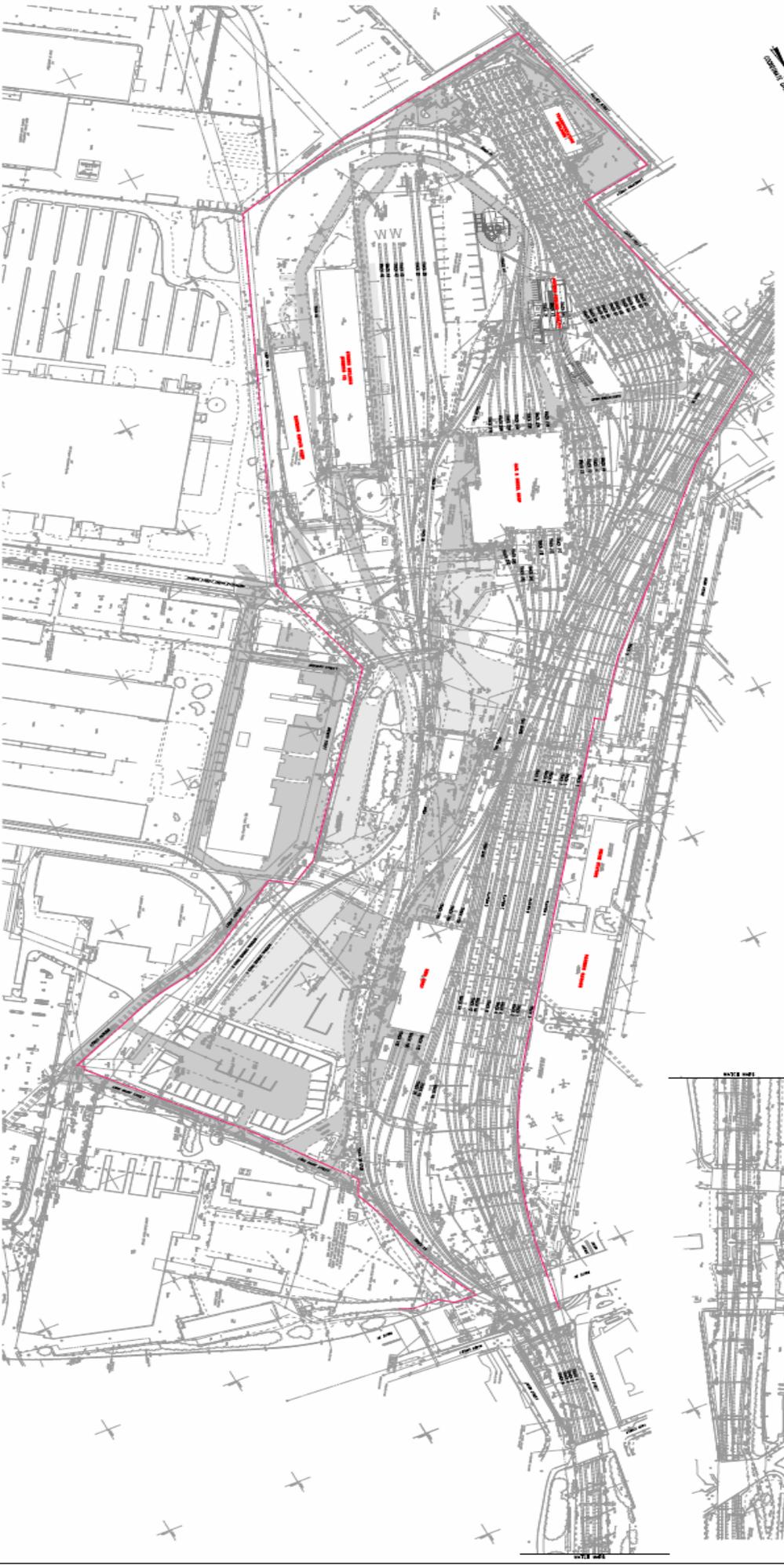
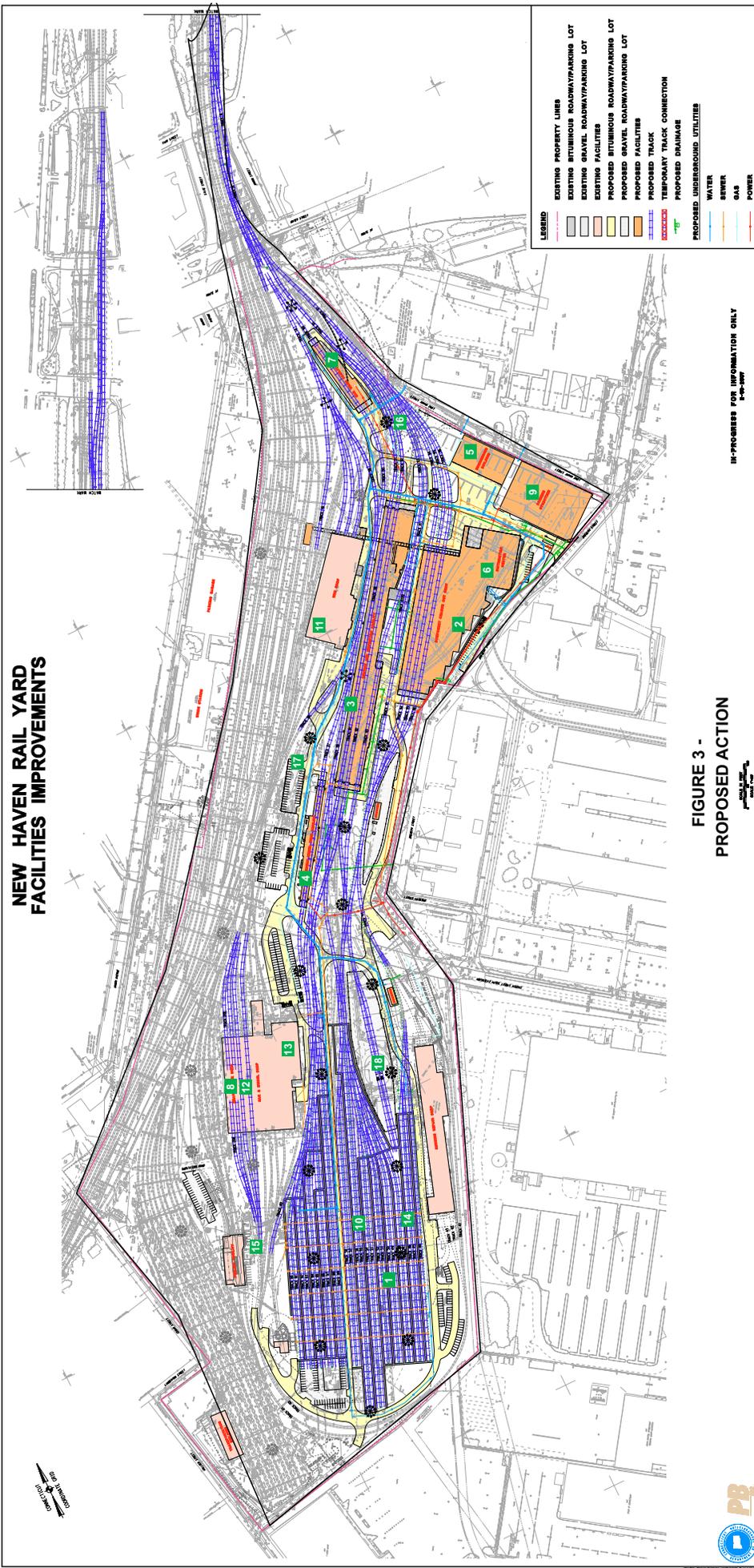


FIGURE 2 -
EXISTING CONDITIONS

IN PROGRESS FOR INVESTIGATION ONLY

- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING RETIRED RAILROAD/STATION LOT
 - EXISTING GRAVE, ROADWAY/PARKING LOT

NEW HAVEN RAIL YARD FACILITIES IMPROVEMENTS



IN-PROCESS FOR INFORMATION ONLY
REVISED 10/20/2011

**FIGURE 3 -
PROPOSED ACTION**



ATTACHMENT A

COMPONENTS OF THE PROPOSED ACTION

The Proposed Action is comprised of 18 components:

1. **New Storage Yard Tracks (Component #1)** - Twenty-five new storage tracks are proposed to be constructed within the loop track west of the Church Street Overpass:
2. **Component Change-out Shop with Support Shops (Component #2)** – Construction of a new 48,000 square foot shop area of component change-out is configured as a three-track “run through” facility. The facility will provide the capability to lift 13 rail cars for repairs and component replacements. The new 26,600 square foot stores area constructed within the component change-out shop will serve as the distribution point in the main maintenance and repair facility for repairing, cleaning, and servicing. The area will also include loading docks for highway vehicles.
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4. **Independent Wheel True Shop (Component #4)** – This facility will provide for redundancy and function to fully meet the requirements of the New Haven Line fleet.
5. **Maintenance-of-Way Building (Component #5)** – This 23,600 square foot facility will provide headquarters, offices, shops, common work areas, and storage for the engineering departments.
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10. **Incorporate Existing Facilities** – The following existing structures will be retained and incorporated into the operations of the improved New Haven Rail Maintenance Facility:

- a. Rail Storage Yards (**Component #10**),
- b. EMU Shop (**Component #11**),
- c. the Car Shop (**Component #12**), and
- d. Diesel Shop (**Component #13**).

11. **Demolish Existing Facilities** – The following facilities will be demolished:

- a. Building 10/Stores Building (**Component #14**)– one of the last structures to be demolished to provide additional track space,
- b. Dewatering Facility (**Component #15**) will be used during construction, and then demolished,
- c. Wheel True Mill (**Component #16**),
- d. aboveground diesel tanks (**Component #17**), and
- e. aboveground propane tanks (**Component #18**).

ATTACHMENT B

CORRESPONDENCE



Connecticut Commission on Culture & Tourism

November 28, 2006

Mr. James H. Norman
State Design
ConnDOT
2800 Berlin Turnpike
Newington, CT

Historic Preservation
& Museum Division

Subject: Stores Facility – Building 10
New Haven Rail Yard
New Haven, CT
ConnDOT #301-0088

59 South Prospect Street
Hartford, Connecticut
06105

(v) 860.566.3005
(f) 860.566.5078

Dear Mr. Norman:

The State Historic Preservation Office has reviewed the above-named project. This office notes that the Stores Facility (Building 10) possesses historic importance as a contributing resource to the New Haven Rail Yard, which is eligible for the National Register of Historic Places.

In the opinion of the State Historic Preservation Office, the proposed modification and subsequent demolition will effect the historic integrity of the Stores Facility (Building 10). However, this office believes that the proposed actions will constitute no adverse effect on Connecticut's cultural heritage. This comment is conditional upon the professional implementation of the following mitigative measure:

- o Prior to project-related activities, ConnDOT shall document the Stores Facility (Building 10) to the professional standards of the State Historic Preservation Office. Documentation shall consist of narrative text, photographs and/or high-quality digital images (exterior and interior perspectives and pertinent details), an index of photographs, and a photographic site plan. Final documentation shall be provided to the State Historic Preservation Office for permanent archiving and public accessibility.

For further assistance please contact Dr. David A. Poirier, Staff Archaeologist.

Sincerely

J. Paul Loether
Division Director and Deputy
State Historic Preservation Officer

cc: Ms. Cynthia Holden/ConnDOT

RC

Connecticut Commission on Culture & Tourism



May 31, 2007

Historic Preservation
& Museum Division

Mr. James H. Norman
State Design
ConnDOT
2800 Berlin Turnpike
Newington, CT

59 South Prospect Street
Hartford, Connecticut
06106

Subject: Stores Facility - Building 10
New Haven Rail Yard
New Haven, CT
ConnDOT #301-0088

(v) 860.566.3005
(f) 860.566.5078

Dear Mr. Norman:

The State Historic Preservation Office acknowledges receipt of the narrative text and digital photographs provided by Fitzgerald & Halliday Inc. concerning the above-named project. This office believes that the submitted materials are consistent with our documentation standards and succinctly record the historic and architectural aspects of the Stores Facility - Building 10.

The State Historic Preservation Office has transferred the documentation materials to the Thomas J. Dodd Research Center at the University of Connecticut (Storrs) for permanent archiving and public accessibility.

This office believes that ConnDOT has satisfied the mitigative measure stipulated in our previous review, dated November 28, 2006, for the proposed undertaking. We appreciate ConnDOT's efforts to professionally manage and document Connecticut's cultural heritage.

This comment updates and supersedes all previous correspondence for the proposed undertaking.

For further information please contact Dr. David A. Poirier, Staff Archaeologist.

Sincerely,

Karen Senich
Deputy State Historic Preservation Officer

cc: Ms. Cynthia Holden/ConnDOT



REPLY TO:
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

RECEIVED

MAR 20 2009

March 18, 2009

ENVIRONMENTAL PLANNING
DIVISION

Regulatory Division
CENAE-R-PEB
File Number: NAE-2007-1580

Attn: Mr. Edgar T. Hurle
Connecticut Department of Transportation
P.O. Box 317546
2800 Berlin Turnpike
Newington, Connecticut 06131-7546

Dear Mr. Hurle:

This responds to your request for comments on the Federal Environmental Assessment/Section 4(f) De Minimus Finding (EA) document, dated March 2009, prepared for the Federal Transit Authority and the Connecticut Department of Transportation regarding the proposed New Haven Rail Maintenance Facility Improvements New Haven Connecticut.

The Corps of Engineers provided a jurisdictional determination regarding wetlands areas identified within the limits of the New Haven Rail Yard (NHRY) site (MEMORANDUM FOR THE RECORD dated May 31, 2007, attached). At that time, we concluded that the wetlands on the NHRY site were isolated wetlands and not jurisdictional for purposes of the Clean Water Act Section 404 permit requirements.

Our review of the wetlands/waters resources information presented in the March 2009 EA indicates that the wetlands information has not changed since our initial determination. Our May 31, 2007 jurisdictional determination remains valid.

If you have any questions regarding this matter, please contact Susan Lee of my staff at 978-318-8494. Thank you for the opportunity to comment.

Sincerely,

Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Divisio

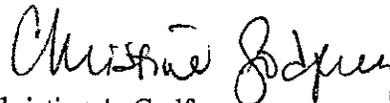
Attachment

May 31, 2007

MEMORANDUM FOR THE RECORD

SUBJECT: Jurisdictional Determination: CT DOT – New Haven Rail Yard – Facilities Improvements; New Haven, Connecticut; File No. NAE-2007-1580

1. CT DOT applied to fill 0.23 acres of wetland to construct a rail yard test track facility at the existing New Haven Rail Yard facility in New Haven, Connecticut. A review of wetlands delineation and wetlands functions and values assessment information by Susan Lee, Project Manager, CENAE-R-PEB, in coordination with Michael Sheehan, Sr. Wetlands Scientist, CENAE-R-PT on March 21, 2007 and May 24, 2007 verified that the PEM (marsh) wetland is isolated with no defined inlet or outlet. It is not hydrologically connected to any other wetland areas. There are no adjacent, bordering, contiguous or neighboring waters or wetlands at the site.
2. The determination of isolation was based on the following information: WETLANDS REPORT (attached) dated MARCH 2007 prepared by PB Americas, Inc., Fitzgerald & Halliday, Inc., supplemental information provided by e-mail (attached) dated May 24, 2007 from Fitzgerald & Halliday, Inc., aerial photos, and historic and current development information.
3. The Court ruling concerning Clean Water Act jurisdiction over isolated waters was Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001) ("SWANCC"). The court concluded, "the 'Migratory Bird Rule' is not fairly supported by the CWA." The Corps should not rely on the use of waters or wetlands as habitat by migratory birds as the only basis for jurisdiction.
4. The New Haven Rail Yard - Facilities Improvements wetlands site is clearly non-navigable, isolated and intrastate. In this particular case, there does not appear to be a reasonable nexus with interstate commerce. Also, the use, degradation or loss of this wetland will not affect other waters of the United States or affect interstate or foreign commerce.
5. This wetland should not be considered a water of the United States and there are no other jurisdictional waters or wetlands on the site. The file should be closed because there is no Federal jurisdiction.



Christine A. Godfrey
Chief, Regulatory Division

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: NEW ENGLAND DISTRICT
 FILE NUMBER & APPLICANT: NAE-2007-1580

REGULATORY PROJECT MANAGER: Susan Lee Date: 05/31/2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y Date: 05/31/2007
 At the project site N Date: _____

PROJECT LOCATION INFORMATION:

State: CT
 County: New Haven
 Center coordinates of site by latitude & longitudinal coordinates: 41.2954598, -72.9251003
 Approximate size of site/property (including uplands & in acres): 100 acres +/-
 Name of waterway or watershed: Quinnipiac

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Is or would be used as habitat by other migratory birds that cross state lines?	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Is or would be used as habitat for endangered species?				<input checked="" type="checkbox"/>	
Is used to irrigate crops sold in interstate commerce?		<input checked="" type="checkbox"/>			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X
 ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



Datum: NAD-83
UTM Zone: 18
UTM Northing: 4573633
UTM Easting: 673726

Latitude: 41.295459792
Longitude: -72.9251003344

State: Connecticut
County: New Haven COUNTY
Township:
Range:
Section: -99999999
Congressional District: 903

Watershed: 1100004
Waterway:
Baseline:
Meridian:

Action ID: NAE-2007-1580--2

Description:

Comments: New Haven Rail Yard - JD

5/24/07 - ERS reviewed initial info; confirming isolated status; need additional wetlands assessment info.

5/24/2007 - ERS concurs isolated.

Begin Date: 5/16/2007



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



APR 6 2009

9043.1
PEP/NRM

ER 08/556

Mr. Edward T. Hurle
Transportation Planning Director
Office of Intermodal and Environmental Planning
Department of Transportation
2800 Berlin Turnpike, P.O. Box 317546
Newington, Connecticut 06131-7456

Dear Mr. Hurle:

This responds to follow up inquiries to the Department of the Interior's review of the original (May 2008) Draft Environmental Assessment (DEA)/Section 4(f) De Minimis Finding (4(f)DeMF), and your request of March 2, 2009, for review and comment of the revised document for Improvements to the **New Haven Rail Yard (NHRY), New Haven, Connecticut.**

It is apparent that due and proper Section 106 compliance of the National Historic Preservation Act of 1966 has been the basis of 4(f)DeMF, "Since there are no other Section 4(f) resources in the [project] study area, the NHRY Improvements will not incur other Section 4(f) impacts" (page 96), and "...will have no adverse effects on ...historic, architectural or archeological resources listed on or eligible for the National Register"(page 96), and, "None of the watercourses within the region of the NHRY Improvement are included in the Wild and Scenic Rivers System or are currently under study/consideration for designation to the...System"(page 117).

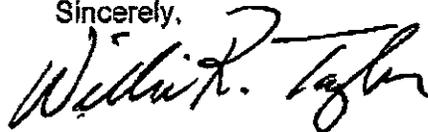
In a letter of July 8, 1994, to the Connecticut Department of Transportation (CONNDOT), the State Historic Preservation Officer (SHPO) concurred there were no feasible or prudent alternatives that would allow retention or rehabilitation of the historic NHRY. However, proposed undertakings would constitute an adverse effect and, therefore, the SHPO recommended that a Memorandum of Agreement (MOA) with six (6) specific stipulations would provide for appropriate mitigation actions regarding the historic resources to be impacted by the undertaking. The SHPO also asked for other preliminary design plans, all seemingly indicating that early or advance planning could reasonably minimize the ultimate impacts. That MOA was prepared in line with SHPO's 1994 letter and was initially signed by the CONNDOT Rail Administrator July 22, 1996, then the SHPO on August 6, 1996, followed by three responsible government entities including the Federal Transit and Railroad Administrations and, ultimately, by the Advisory Council on Historic Preservation on December 12, 1999.

Cultural resource preservation work pursuant to the MOA and additional concerns raised anew for total demolition of Building 10 progressed well through 2007 and into 2008. In an April 4, 2008, letter, the SHPO recognized the accomplishment of the cultural preservation compliance work in December 1999 and declared that, "...no further historical preservation coordination concerning the NHRY is required vis-à-vis the National Historic Preservation Act." Your CONNDOT letter of February 17, 2009 (Appendix H) to the Federal Transit Administration, documents the 4(f)DeMF as being based on the accomplishment of Section 106 compliance as affirmed by the SHPO. Subsequent cultural resource preservation efforts concerning Building 10 were also accomplished satisfactorily as acknowledged in the SHPO letter of May 31, 2007, to your James H. Norman. This compliance work was achieved well before the physical project could actually start. Such preservation efforts serve as pre-mitigation of clearly perceived impacts thus reducing the probable affects to below the level of adversity through early, responsible and effective cultural resource preservation. This allows the de minimis feature of Section 4(f) to forgo the deliberative processing of a conventional Section 4(f) Evaluation.

Therefore, we are pleased to offer our concurrence in the primary proviso of Section 4(f) that there are no feasible and prudent alternatives. Furthermore, we agree with the status of mitigation as indicated on page 96, "No additional mitigation under Section 4(f) is required and none is proposed;" on page 99, "Because the NHRY Improvement will have no adverse impacts on visual and aesthetic appearances of the site [as now planned], mitigation is not required or proposed;" and on page 125, "Since there are no adverse impacts to Wild and Scenic Rivers..., mitigation is not required or proposed..." For any further information on these comments please contact David Clark at 617-223-5141 or dave_clark@nps.gov.

We appreciate the opportunity to review and provide input to this undertaking.

Sincerely,



Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

CC:
Ms. Brigid Hynes-Cherin
Federal Transit Administration
One Bowling Green, Room 429
New York, New York 10004-1415



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

Region II
Connecticut (Rail Operations)
New Jersey
New York

One Bowling Green
Room 429
New York, NY 10004-1415
212-668-2170
212-668-2136 (fax)

March 20, 2009

Karen Senich
State Historic Preservation Officer
Connecticut Commission on Culture & Tourism
Historic Preservation and Museum Division
One Constitution Plaza, 2nd Floor
Hartford, CT 06103

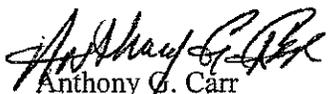
Subject: New Haven Rail Yard – Stores Facility (Building 10), New Haven, CT
ConnDOT #301-0088

Dear Ms. Senich:

This letter concerns the New Haven Rail Yard, a National Historic Register-eligible property in New Haven Connecticut. The Federal Transit Administration intends to use your no adverse affect finding for the New Haven Rail Yard dated November 28, 2006 and affirmed on April 4, 2008 to make a de minimis Section 4(f) finding under 23 CFR 774.5(b). In a letter dated May 31, 2007, you acknowledged receipt of the documents and photos recording the historic and architectural aspects satisfying the mitigation measures for demolishing Building 10. According to our records, no consulting parties were identified for this New Haven Rail Yard Stores Facility (Building 10) project.

The de minimis Section 4(f) finding will include the Stores Facility (Building 10) a contributing historic resource located within the New Haven Rail Yard that will be demolished as a result of the project. If you have any questions, please contact Donald Burns, AICP of our staff at 212-668-2203.

Sincerely,


Anthony G. Carr
Deputy Regional Administrator

cc. David Poirier, CT SHPO
Edgar Hurle, ConnDOT
Cynthia Holden, ConnDOT
Keith Hall, ConnDOT

ATTACHMENT C

MEASURES TO MINIMIZE HARM

ATTACHMENT C

MEASURES TO MINIMIZE HARM

Connecticut Department of Transportation (CTDOT) will implement the mitigation measures described in the *New Haven Rail Maintenance Facility Improvements and Section 4(f) Evaluation* dated March 2009 (the EA) and in this Finding of No Significant Impact (FONSI). The CTDOT will design and incorporate into the project the mitigation measures presented in the EA and this FONSI. The Federal Transit Administration (FTA) will require in any grant documents for the Project that it be built in a manner consistent with that described in the EA and that all committed mitigation be implemented in accordance with the EA and this FONSI. FTA will require the project team to periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor this progress through quarterly reviews of the project's progress.

The following measures will be taken to avoid adverse effects to the resource areas:

Water Quality

1. Ensure that water services are equipped with water meters and backflow preventers.
2. Employ a water recycling system in the car wash facility.
3. Provide chemical neutralizing tanks and PH treatments as required.
4. Install industrial waste drainage systems, associated sand interceptors, oil/water separators, and sewage ejector systems, as required.

Floodplains

1. Raise the floor level for new structures built within the 100 year floodplain to the elevation of the 500 year floodplain of 10.4 feet NGVD 1929.
2. Flood-proof all utilities (i.e., water, sewers, floor drains, man-holes, piping) to the base flood elevation to prevent back-water flow.
3. Facilities used for outdoor storage of hazardous and/or flammable materials are also to be set above the 500-year floodplain level.

Utilities

1. Wastewater discharges will go into holding tanks that will be pumped out and contents disposed of at an off-site facility by a licensed hauler, or will be treated and discharged into the sanitary sewer system.

Hazardous Materials

1. The nature and extent of hazardous materials contamination at the New Haven Rail Yard (NHRY) site is being investigated and documented on a per project basis. Each project has specifications that manage, document and properly dispose of hazardous materials.

Measures to Minimize Construction Impacts

Traffic

1. A Maintenance and Protection of Traffic (MPT) plan to ensure that temporary traffic impacts are minimized. Techniques that may be employed include signage, detours, and employment of officers to direct traffic.

Air Quality

1. Dust prevention methods to reduce particulate matter will include:
 - a. Minimization of exposed erodible earth to the greatest extent possible.

- b. Stabilization of exposed earth with grass, pavement, or other cover as early as possible. In the rail yard environment, ballast is typically used for these purposes.
 - c. Application of stabilizing agent, (i.e., calcium chloride, water) to the work areas and haul roads to prevent dust.
 - d. Covering, shielding, or stabilizing stockpiled material as necessary.
 - e. To minimize drag out, the incidental transport of soil by construction equipment from unpaved surfaces, rinsing of construction equipment with water or other equivalent method.
2. Eliminating any unnecessary idling of construction vehicles to no more than three minutes.

Noise

- 1. Noise abatement measures in accordance with CTDOT Form 816 are included in construction specifications as form 816 is considered part of every ConnDOT construction project. Such measures include appropriate mufflers on all construction vehicles and restrictions on hours of operations. Nighttime activities will be minimized to the extent possible. Any nighttime construction will be coordinated with the City and surrounding residents and businesses.
- 2. Truck traffic will be routed onto street with the fewest homes. Construction vehicles and equipment will enter the site from Long Wharf Avenue and Brewery Street entrance, which has good access to I-95, I-91, and Route 34. The Hallock Avenue entrance (adjacent to several residences) will be restricted from use for construction.
- 3. Erect temporary noise barriers around the work site where such barriers are deemed effective at buffering adjacent land uses from construction noise.
- 4. Ensure muffler devices on construction equipment are installed and properly maintained.
- 5. The CTDOT will conduct ongoing coordination with the City of New Haven to employ other measures that may be effective to minimize noise disturbance to nearby residents.

Section 106 - Archaeological Resources

Due to an adverse effect for the prior FTA NHRY investment in 1998, FTA projects in the NHRY are conducted in accordance with the 1998 Section 106 Memorandum of Agreement (MOA) among FTA, the Advisory Council on Historic Preservation, the Connecticut Department of Transportation and the Connecticut State Historic Preservation Office. One of the requirements from the MOA was for CTDOT to develop an archaeological monitoring plan. Key elements of the monitoring plan are:

- a. Any chance encounters of important archaeological resources, construction contractors will be held to specifications for the Protection of Archaeological and Paleontological Remains and Materials, as detailed in Section 1.010.06 of the CTODT Standard Specifications for Roads, Bridges and Incidental Construction (Form 816, revised July 2008). These specifications will be written into construction documents and include:
 - i. If archaeological or paleontological materials are uncovered, the contractor shall immediately halt operations in that location and will immediately notify CTDOT.
 - ii. The contractor shall make every effort to preserve archaeological or paleontological materials intact in their original positions, to preserve the archaeological or paleontological nature and importance of such materials in relation to one another and to the enclosing soil.
- b. In the event of such encounter of “cultural” materials under “A” above, CTDOT will proceed as follows:
 - i. CTDOT will consult with FTA and SHPO to ensure appropriate treatment, which may entail evaluating, recording, and salvaging the archaeological or paleontological materials.
 - ii. CTDOT will take steps to protect the site from vandalism and unauthorized investigations, from accidental damage and from dangers such as heavy rainfall or

runoff.

- c. In the event that human remains or grave-associated artifacts are encountered, construction will be halted and the discovered resources will be flagged or fenced-off to protect them from further construction-related impacts. CTDOT will act in accordance with the Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects of the Advisory Council on Historic Preservation and with applicable Connecticut state laws. In accordance with state laws, Medical Examiner, State Archaeologist, Connecticut Historical Commission, and Native American Heritage Advisory Council will be informed immediately in the case of human remains. In the case of burial ground artifacts, the Connecticut Commission on Culture and Tourism will be consulted.

Soil Erosion and Stormwater

1. Erosion and Sediment Control and Stormwater Pollution Prevention Plans will be developed specifically for the NHRY. These plans will be implemented and maintained in conformance with the Connecticut *Guidelines for Soil Erosion and Sediment Control* (ConnDEP, 2002) and other federal, state, and Department policies. Silt fences, hay bales, and other controls will be properly installed adjacent to the construction activities disturbance limits and around catch basins if warranted, and will be maintained throughout the period of active construction until exposed soils have become stabilized.

Utilities

1. Minimize utility service disruptions through close coordination of construction activities and scheduling with any utility providers (water, gas, electric, and sewer) and giving advanced notice to nearby customers of anticipated outages.

Hazardous Materials

1. A site specific Health and Safety Plan for construction workers will be developed in accordance with Occupational Safety and Health Administration (OSHA) guidelines.
2. All demolition debris will be segregated and tested. The following is proposed based on separating the different waste streams:
 - a. Asbestos Containing Materials (ACM): As required by U.S. Environmental Protection Agency (EPA) National Emission Standard for Hazardous Air Pollutants, regulated ACM will be removed from buildings slated for demolition prior to commencement of activities that could disturb the material or preclude the access to the material for subsequent removal. All ACM will be disposed of as special waste. If there will be more than three (3) linear feet or three (3) square feet of ACM, abatement will be performed by a licensed abatement contractor. Any removal of ACM from buildings will proceed in accordance with CT Department of Public Health, EPA, and OSHA regulations and guidelines.
 - b. Lead-Based Paint: Renovation/demolition activities associated with lead-based paint will be performed using safe work practices, and workers will be trained at a minimum according to OSHA lead standard (29 CFR 1910.1025 and 1926.62). Abatement will be performed by a licensed contractor and/or contractor with the required OSHA training.
 - c. Polychlorinated biphenyls (PCB's): It is understood that PCB's have been removed from the NHRY; however, the potential for trace PCB's may still exist. Any PCB suspected materials will be tested and disposed of at an appropriate waste handling facility by a licensed hazardous materials contractor.

Safety and Security

CTDOT is in the process of developing safety and security measures throughout the MNRR corridor.

1. This project will allow the Department to hire a consultant to conduct a study that will enhance previous security and emergency preparedness plans and develop a comprehensive Security and Emergency Preparedness Plan (SEPP) for the Connecticut Commuter Rail system. The SEPP will define roles and responsibilities for security and emergency management include protocols and procedures addressing implementation of 17 TSA/ FTA security action items for transit agencies. The consultant will also produce a Safety and Security Management Plan (SSMP) model. SSMPs are required as part of Project Management Plans (PMP) for Federal Transit Administration (FTA) funded capital projects and will address safety and security for major capital projects.

A specific project was completed in 2008 for the NHRY that addressed security by installing fencing, gates, guard booths, and swipe cards along the perimeter of the NHRY. Provisions are included in all current and future projects requiring the Contractor to maintain the security perimeter and to adhere to security measures (ie, all employees must have ID badges and must pass through the guard booths to enter the premises, etc).