

Type I and II Ground Disturbing Categorical Exclusion Action Classification Form

STIP Project No.	P-5705B
WBS Element	44475.1.2
Federal Project No.	

- A. Project Description: (Include project scope and location, including Municipality and County. Refer to the attached project location map and photos.)

The North Carolina Department of Transportation (NCDOT) proposes to construct the railroad infrastructure required to support the relocation of intercity passenger rail operations to the proposed Charlotte Gateway Station (CGS), a new multimodal passenger station in uptown Charlotte, Mecklenburg County. Intercity passenger rail operations are currently conducted at the N. Tryon Street Station, which is in the Norfolk Southern (NS) Charlotte Yard. The Charlotte Gateway Station and Track Access Improvements Project (the Project) extends for approximately 3,500 feet from north of Bank of America Stadium to W. 7th Street and includes 21 acres of NCDOT-owned property that parallels the east side of the NS mainline (see Exhibit 1). The Project consists of three primary components: (1) Track, Structures and Signals (TS&S); (2) Interim Passenger Rail Station, and Platform (IPR Station and Platform), and (3) Decommissioning the N. Tryon Street Station. These components are described below and shown in Exhibit 2,

Track, Structures, and Signals (TS&S):

- Construction of two 2,000-foot long station tracks paralleling the NS mainline primarily on NCDOT-owned right of way.
- Construction of bridges elevating the station tracks and a new platform over W. 4th, W. Trade, W. 5th, and W. 6th Streets.
- Construction of a new bridge over the former Piedmont and Northern Railway (P&N) corridor
- Construction of a track connecting both station tracks to the Charlotte Locomotive and Railcar Maintenance Facility (LRMF) to be located south of the station site, which NCDOT is constructing under a separate project.
- Construction of two railroad control points and related signal infrastructure on the NS mainline to manage the movement of freight and passenger trains in the vicinity of the station.
- Construction of a new concourse shell to provide future grade-separated access for baggage and passengers from the station to the center island platform.
- Although not included in the near-term plan for CGS, the Project includes provisions for a future third station track and platform on the east side of the two new station tracks to support additional passenger train arrivals and departures. The future station track and platform will also require the construction of new bridges over W. 4th, W. Trade, W. 5th, and W. 6th Streets.

Interim Passenger Rail (IPR) Station and Platform:

IPR Platform

- Construction of a new IPR Platform.
- Construction of an approximately 1,100-foot long, elevated, Americans with Disabilities Act (ADA) compliant, level-boarding center island platform that will be approximately of 40-feet wide and extend between 4th and 5th Streets.
- Construction of an approximately 600-foot long canopy oriented to the north end of the platform.
- Construction of supporting infrastructure for platform lighting, amenities, and non-mechanical access to the future intercity passenger rail station.

IPR Station

- Construction of a new IPR Station.

- Future IPR station component of the larger CGS Multimodal Center. The IPR Station phase includes final up fit of the IPR Platform with an extended canopy, Passenger Information Display System (PIDS), shelter amenities, lighting, and mechanical access (i.e. elevator/escalator).
- Modification or relocation of the Greyhound Depot to enable intercity bus operations.

Decommissioning of the N. Tryon Street Station

- Demolition of the N. Tryon Street Station (also called the Southern Railway Station) canopy and platform.
- Removal of the underground concourse connecting the station building to the platform.
- Realignment of approximately 3,300 feet of the NS mainline tracks through the Charlotte Yard.

B. Description of Need and Purpose:

The purpose of the Project is to construct railroad track and station facilities required to support the relocation of intercity passenger rail operations to the CGS, from the current Charlotte Amtrak station (N. Tryon Street Station), located in the NS Charlotte Yard.

NCDOT and the City of Charlotte identified the need to relocate passenger service to Uptown Charlotte over two decades ago. The size, configuration, and location of the N. Tryon Street Station is inadequate for the existing and projected intercity passenger rail ridership volumes and is in direct conflict with NS' freight operations. Current initiatives by NCDOT and Federal Railroad Administration (FRA) will result in additional Amtrak patronage, exacerbating the limitations of the station. The station's location, nearly two miles north of Uptown Charlotte in NS' Charlotte yard, limits the modal connections available for Amtrak patrons and results in conflicts with freight trains as passenger trains are operating in and around the station.

The need for the Project is described in more detail below:

Current and Future Ridership

- Four Amtrak round-trips currently serve Charlotte each day; the Charlotte to New York City *Carolinian*, the twice daily Raleigh to Charlotte *Piedmont*, and the New Orleans to New York City *Crescent*. NCDOT in partnership with Amtrak is proposing to add two *Piedmont* round-trips in the near future, providing a total of six round-trip trains at CGS. Ridership studies estimate that the combined ridership for the four *Piedmont* round-trips and the *Carolinian* will be over 733,000 annually, not including Amtrak's *Crescent* long distance service.
- Charlotte is the busiest intercity passenger rail station in North Carolina with ridership growing from 181,566 in 2011 to 194,115 passengers in 2014. Ridership peaked at 201,481 passengers in 2013, resulting in Charlotte having the second highest Amtrak ridership in the Southeast after Staples Mill Road Station in Richmond, VA.
- Charlotte is located at the southern end of the first phase of the Federally-designated Southeast High-Speed Rail (SEHSR) Corridor between Washington, DC and Charlotte, NC via a new connection between Richmond, VA and Raleigh, NC. The long-term vision of the SEHSR Corridor extends south from Charlotte to Atlanta, GA, and points beyond. Up to eight round-trips between Charlotte and Raleigh are proposed as part of the first phase of the corridor with four of the round-trips extending to Richmond and Washington, DC. Ridership studies conducted as part of the SEHSR Tier I EIS estimate that the combined ridership for the full build scenario of the SEHSR service and the *Piedmont/Carolinian* Service will be over 1.8M annual passengers.

Existing Facilities

- The N. Tryon Street Station was constructed in 1962 by the Southern Railway Company to house their freight and passenger operations. The waiting area was enlarged by NCDOT and Amtrak in 2002 and a second ticketing window was added to support the increase in ridership resulting from the addition of the first *Piedmont* round-trip.
- The current station waiting area is 1,200 square feet and can only accommodate 100 seated

patrons. During peak travel periods, passengers are forced to wait outside the station while waiting to board. Through investments by FRA and NCDOT, additional intercity round-trips will begin in 2018, but the size of the station waiting and administration areas limit the expected ridership growth. The current station configuration also limits space for checking, storing, and loading baggage.

- The station is located within a low spot along N. Tryon Street. During severe storm events, the station, concourse, and parking lot are prone to flooding, rendering the station inoperable and inaccessible.
- The parking layout only provides 78 spaces. This includes two dedicated handicap parking spaces. The current parking lot configuration does not support existing demand for short and long-term parking. The layout also results in conflicts between parking, vehicles picking up and dropping off passengers, taxis, and CAT buses serving the station.
- The Americans with Disabilities Act (ADA) required Amtrak to make all existing intercity rail station facilities, for which Amtrak is responsible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, by July 26, 2010. The N. Tryon Street Station does not have ADA compliant facilities.

Freight Rail Impacts

- The N. Tryon Street station is located within the confines of the NS Charlotte Yard and the passenger platform is situated between the two NS mainline tracks. NCDOT analyzed the effects from a predicted doubling of NS freight along the NS Mainline in the Charlotte region over the next 20 years using Rail Traffic Control (RTC) modeling software as part of the engineering and planning studies for the recently completed Raleigh to Charlotte track improvement projects. The existing station track layout results in major conflicts between existing and projected freight train volumes and existing and proposed intercity passenger trains.
- The two station tracks also serve as the NS Atlanta, GA to Washington, DC mainline (NS mainline) freight route. Dwell time for passenger trains serving the station range from 25 minutes (*Crescent*) to 1 hour and 30 minutes (northbound *Piedmont*), which limits capacity for passenger and freight service along the NS mainline.

Modal Connections

- The location of the current station limits multimodal connections resulting in inconvenience to passengers and travel delays which limit ridership growth.

C. Categorical Exclusion Action Classification: (Check one)

- TYPE I A
- TYPE I B
- TYPE II A
- TYPE II B

D. Proposed Improvements – Delete Action Classifications that do not apply.

18. Track and rail bed maintenance and improvements when carried out within the existing right of way.
22. Projects, as defined in 23 U.S.C. 101, which would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic

control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

E. Special Project Information: (Provide a description of relevant project information, which may include: vicinity map, costs, alternative analysis (if any), traffic control and staging, and resource agency/public involvement).

Alternatives

In addition to the NCDOT-preferred Alternative, the following alternative was considered:

- o No-Build Alternative: Continue to operate intercity passenger rail service at the N. Tryon Street Station.

The No-Build Alternative would not provide a station that could meet the current and future ridership demand. Nor would it reduce the impacts of intercity passenger rail service on NS Charlotte-area rail operations. Finally, the No-Build Alternative does not improve modal connections for intercity passenger rail users.

Public Involvement Summary

On November 5, 2015, NCDOT mailed newsletters to property owners within a 500-foot wide buffer around the project study area. The mailing list consisted of 364 identified property owners and residents.

Local government meetings providing an opportunity for the public to provide comments on the Project were held on the following dates:

- o April 2016: Metropolitan Transit Commission Meeting
- o May 2016: Metropolitan Transit Commission Meeting
- o July 2016: Charlotte City Council Meeting
- o September 2016: Charlotte Planning Commission Meeting
- o May 2017: Metropolitan Transit Commission Meeting
- o May 2017: Charlotte City Council Meeting

Estimated Construction Costs

Project Component	Construction Cost
Track, Structures, and Signals	\$55,000,000
Interim Passenger Station and Platform	\$30,000,000
N. Tryon Street Station Demolition	\$ 6,000,000
Total Construction Cost	\$91,000,000

F. Project Impact Criteria Checklists:

<u>Type I & II - Ground Disturbing Actions</u>			
<u>FHWA APPROVAL ACTIVITIES THRESHOLD CRITERIA</u>			
If any of questions 1-7 are marked "yes" then the CE will require FHWA approval.		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Does the project require an Individual Section 4(f) approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If any of questions 8 through 31 are marked "yes" then additional information will be required for those questions in Section G.			
<u>Other Considerations</u>		Yes	No
8	Does the project result in a finding of "may affect not likely to adversely affect" for listed species, or designated critical habitat under Section 7 of the Endangered Species Act (ESA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project impact waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include a Section 106 of the NHPA effects determination other than a no effect, including archaeological remains?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other Considerations (continued)		Yes	No
15	Does the project involve hazardous materials and/or landfills?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP or the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) (where applicable)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29	Is the project considered a Type I under the NCDOT's Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F

Question # 14: Section 106 Coordination

Identification of Historic Resources: The Area of Potential Effects (APE) which shares the same limits as the project study area extends approximately 3,500 feet along the NS Mainline from north of Bank of America Stadium to W. 7th Street in Uptown Charlotte and approximately 3,300 feet along the NS Mainline through the NS Charlotte Yard (see Exhibit 3). Correspondence received from the North Carolina State Historic Preservation Office (NCSHPO) identified two historic resources adjacent to the

APE, which shares the same boundaries as the Project Study Area.

Elmwood/Pinewood Cemetery: Determination of Eligibility: 2011

N. Tryon Street Station (Southern Railway Station): Determination of Eligibility: 2015

Effects Determination: On March 10, 2017, the NCSHPO concurred with FRA's effects determinations for the Southern Railway Station and Cemetery, which are as follows:

Property and Status	Effect Determination	Comments
Elmwood/Pinewood Cemetery	No Adverse Effect	The Project will only involve construction activities along the east side of the Norfolk Southern right of way.
Southern Railway Station	Adverse Effect	The Project includes demolition of the station platform, platform canopy, and concourse tunnel.

The Effects Determination Summary is included in Appendix A.

Memorandum of Agreement (MOA): On June 13, 2017, the North Carolina State Historic Preservation Officer signed the MOA defining the mitigation for the "Adverse Effect" on the Southern Railway Passenger Station is included in Appendix A.

Question # 15: Hazardous Materials

The Hazardous Materials Evaluation Site Assessment (included in Appendix B) identified the following geo-environmental concerns within the project area:

- o Twenty-eight (28) potential underground storage tanks (USTs) and potential soil contamination.
- o Three (3) industrial hazardous waste sites, one of which is a brownfield.
- o One (1) former dry cleaner which is also a UST site.
- o One (1) additional site of geoenvironmental concern

Recommendations: The Phase 1 Site Assessment recommends additional studies to determine the potential impacts associated with the identified hazardous material sites. The impact of the Project on the identified sites will not be fully known until the development of the final plans. Once, the impacts of the Project on the identified sites are known, NCDOT will submit a detailed work plan to the NC Department of Environmental Quality addressing how hazardous materials will be handled and disposed of.

Question # 28: Section 4(f) Evaluation

Based on the proposed action, the Project will result in an Adverse Effect to the Southern Railway Station. The Project will result in "No Adverse Effect" to the Elmwood-Pinewood Cemetery. FRA concluded that the Project will result in a "use" of the Southern Railway Station, which is a Section 4(f) resource, but that there is no feasible and prudent alternative that fully satisfies the Project purpose and need. FRA has determined that the Project will result in a de minimis 4(f) use of the cemetery and has informed the NCSHPO of the de minimis determination. The Final Section 4(f) Evaluation was signed by the FRA and forwarded to the US Department of Interior on June 21, 2017. The Final Section 4(f) Evaluation is included in Appendix C.

H. Project Commitments

Charlotte, Mecklenburg County
Charlotte Gateway Station and Track Assess Improvements
Federal Project No.
WBS No. 44475.1.2
TIP No. P-5705B

NCDOT Rail Division - Cultural Resources

To mitigate for the Adverse Effect on the Southern Railway Station (N. Tryon Street Station), NCDOT will prepare contextual study of the former railroads and the railroad infrastructure that served the Charlotte region from 1850 to 1965 in accordance with the Memorandum of Agreement among NCDOT, the City of Charlotte, the Federal Railroad Administration, and the North Carolina Department of Natural and Cultural Resources – State Historic Preservation Office (see Appendix B).


NCDOT Geotechnical Engineering Unit - Hazardous Materials

If hazardous material sites are directly impacted by the Project, NCDOT will submit a work plan to the North Carolina Department of Environmental Quality addressing how hazardous materials will be handled and disposed of.

I. Categorical Exclusion Approval

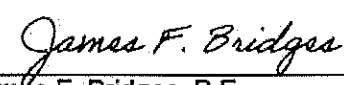
STIP Project No. P-5705B
WBS Element 44475.1.2
Federal Project No. _____

Prepared By:

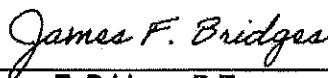
1/8/2018
Date 
Ryan L. White, P.E.
Senior Transportation Engineer
Stantec Consulting

Prepared For: North Carolina Department of Transportation – Rail Division


Reviewed By:

1/8/18
Date 
James F. Bridges, P.E.
Rail Project Development Manager, Rail Division
North Carolina Department of Transportation

- Approved** If all of the threshold questions (1 through 7) of Section F are answered "no," NCDOT approves this Categorical Exclusion.
- Certified** If any of the threshold questions (1 through 7) of Section F are answered "yes," NCDOT certifies this Categorical Exclusion.

1/8/18
Date 
James F. Bridges, P.E.
Rail Project Development Manager, Rail Division
North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

1/8/18
Date 
John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration