

**Multi-Modal Transportation Station
Davidson County, North Carolina**

**United States Department of Transportation
Federal Railroad Administration (FRA)
and
City of Lexington**

**Administrative Action
Finding of No Significant Impacts
and
Final Section 4(f) Evaluation**

**Submitted Pursuant to the
National Environmental Policy Act
42 U.S.C. 4332 (2)(c)
and
Section 4(f) of the DOT Act
49 U.S.C. 303**

**Prepared in accordance with FRA's Environmental Procedures
(64 Fed. Reg. 28545 May 26, 1999)**

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1 GENERAL DESCRIPTION AND BACKGROUND INFORMATION

1.1 Project Description

The City of Lexington (“City”), in coordination with the Federal Railroad Administration (FRA), proposes to construct the Lexington Multi-modal Transportation Station (“MMTS” or “Project”). The Project will re-establish passenger rail service, along with providing multi-modal access for all citizens, within the Piedmont Triad¹ region of North Carolina.

The Project is located in the City’s Depot District in Davidson County, North Carolina (see **Figure 1 in Appendix A**) The Depot District is approximately 125 acres with planning areas designated by the City for transit-oriented development (TOD) and Traditional Neighborhood Development (TND) revitalization. The Depot District is defined by up to 35 blocks bounded by East Center Street to the north, South Talbert Boulevard to the east, East 8th Avenue to the south, and South Main Street to the west, as shown on **Figure 2 in Appendix A**. The Depot District is within and adjacent to Uptown Lexington, and includes the Lexington Home Brands (LHB) Plant 1 furniture manufacturing facility (now owned by City), the Lexington Farmers Market, existing residential neighborhoods, and several blocks of underutilized industrial properties. North Carolina Railroad Company (NCRR) right of way crosses the district.

The National Register-listed Uptown Lexington Historic District includes shops, restaurants, and art galleries. The City envisions the Depot District as a mixed-use extension of Uptown Lexington and surrounding neighborhoods that can provide a gathering place for both residents and visitors within a multi-modal environment.

The Project limits for the Lexington MMTS (see **Figure 3 in Appendix A**) consist of the components needed for the construction and operation of a new intercity passenger rail and transit center, including:

- the Lexington MMTS at 3rd Avenue and Railroad Street,
- Complete Street² improvements along portions of Railroad and Elk Streets, and 3rd, 2nd, and 5th Avenues, to allow for vehicular, transit and pedestrian access to the Lexington MMTS,
- platforms and canopies along the NCRR/Norfolk Southern (NS) railroad corridor, and
- track work extending approximately 5,700 feet.

Construction of the Project is expected to encourage and complement surrounding redevelopment and attract substantial private investment to the area, resulting in continued leveraging of local, state and federal dollars. The surrounding Depot District is positioned for several privately financed development opportunities consistent with the community’s directives for a vibrant mixture of affordable housing, locally-grown retail, innovative light manufacturing and new startup space, food and entertainment, and anchored by an amphitheater for cultural productions and live music. Adherence to the Station Area Plan (SAP), along with the future Depot District Master Plan, will ensure architectural standards, innovative

¹ The Piedmont Triad Region is named for the three largest cities in the region: Greensboro, Winston-Salem, and High-Point; Piedmont Triad Regional Council (PTRC), <http://www.ptrc.org>

² See North Carolina Department of Transportation Complete Streets policies and guidelines at <http://completestreetsnc.org/>

green methods, accessibility compliant with the Americans with Disabilities Act (ADA) of 1990, walkability, and bicycle friendly streetscapes are applied coherently among the related improvements that are planned within the district. **Figure 3 in Appendix A** shows the boundaries of the Depot District and the Project Limits.

1.2 Project Background

On March 28, 2006, Richard Thomas, then Mayor of the City, wrote a letter to Amtrak requesting that Amtrak consider adding Lexington as a permanent station stop along the Raleigh-to-Charlotte passenger railroad corridor. Amtrak responded on April 17, 2006, with a letter acknowledging the request and confirming that Amtrak had begun the process to evaluate Lexington as a potential stop. Subsequently, Amtrak confirmed that Lexington would support an estimated ridership of 10,300 passengers annually. These ridership results prompted a decision by Amtrak and North Carolina Department of Transportation (NCDOT) Rail Division to approve re-establishing permanent passenger rail service in Lexington with a new passenger train stop that would fill a regional gap in service along the Raleigh-to-Charlotte corridor. In March 2015, Amtrak released the results of a Route & Service Evaluation for the Lexington Station, which increased the estimated ridership to 10,700 passengers annually and projected a positive financial impact of \$220,150 annually.

In 2010, the City was awarded a grant under the U.S. Department of Transportation's (USDOT) Transportation Investment Generating Economic Recovery (TIGER) II program³ to assist with funding the planning and design for a new Lexington MMTS. The proposed Project would include the MMTS station building, associated passenger platform, concourse and track infrastructure, and focus upon these goals:

- the re-introduction of passenger rail service to Lexington in concert with activities to improve and expand passenger rail service between Raleigh and Charlotte, and
- the redevelopment of the area that encompasses the former LHB Plant #1 furniture manufacturing facility, now owned by the City, within the Depot District.

Accordingly, in November 2011, the City hired a Consulting Team to coordinate master planning and urban design for the SAP including primary access street improvements following *Complete Streets* policies and architectural design for the Lexington MMTS building, passenger platform and concourse. The consultant contract also included preparation of preliminary engineering plans for the passenger platform and associated track work and completion of planning and environmental documentation under the National Environmental Policy Act of 1969⁴ (NEPA).

In 2012, the NCDOT Rail Division recommended the location for the proposed passenger rail station within the Depot District. Based upon this recommendation, the City pursued planning and NEPA work with evaluation of alternatives for the proposed station.

Subsequently, for each fiscal year since 2012, a top goal established by the City continues to be the "Planning, design, and redevelopment of Depot District including restoration of passenger rail service in new multi-modal transportation station on City owned [LHB] Plant 1 property."⁵ The City and its partners

³ <https://www.transportation.gov/sites/dot.gov/files/docs/TIGER%202%20Planning%20GRANTS%20Highlights.pdf>

⁴ 42 U.S.C. § 4321, et seq.

⁵ City Council Goals Fiscal Year 2012-2013. <http://www.lexingtonnc.net/index.aspx?page=405>

continue to support the re-introduction of passenger rail service including construction of the Lexington MMTS.

1.3 Procedural History and NEPA Compliance

In 2010, USDOT awarded the City a TIGER II Planning Grant to complete the station area planning and NEPA documentation for the Project.

The Project is included in the High Point Metropolitan Planning Organization (MPO) adopted Strategic Planning Office of Transportation (SPOT) 4.0 Projects list and is currently being evaluated by NCDOT for inclusion in the 2018-2027 State Transportation Improvement Plan (STIP). The Project is also included in the November 2010 adopted Regional Transit Development Plan prepared by the Piedmont Authority for Regional Transportation (PART).

The FRA is the lead Federal agency for the Project under NEPA, and the City is the lead State agency. FRA and City published the Lexington Multi-Modal Transportation Station Environmental Assessment (EA) and Draft Section 4(f) Evaluation on the City's website on September 23, 2016.⁶ The EA and this Finding of No Significant Impact (FONSI) were prepared in accordance with NEPA. The contents of the EA and this FONSI conform with the Council on Environmental Quality (CEQ) guidelines⁷ regarding the implementation of NEPA, as well as FRA's Procedures for Considering Environmental Impacts⁸ and the Federal Highway Administration (FHWA) Environmental Guidebook.⁹

⁶ <http://www.lexingtonnc.net/index.aspx?page=616>; <https://www.fra.dot.gov/Page/P0981>

⁷ 40 C.F.R. Parts 1500-08. <https://ceq.doe.gov/index.html>

⁸ Federal Railroad Administration Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999). <http://www.fra.dot.gov/eLib/details/L02561>

⁹ <https://www.environment.fhwa.dot.gov/guidebook/index.asp>

2 STATEMENT OF PURPOSE AND NEED

2.1 Purpose of the Lexington MMTS

The purpose of the Project is to develop a multi-modal facility to serve the community's transportation needs and support redevelopment within the Depot District to further revitalize the City's uptown area. As a multi-modal facility, the Project will serve passenger rail, local and regional transit services, taxi, bicycle, and pedestrian networks. As a community resource, the Project will create an anchor for redevelopment and economic revitalization of the Depot District by transforming a vacant and dormant warehouse district into a viable mixed-use activity center.

2.2 Need for the Lexington MMTS

The Project will address the following needs:

Intercity Rail Service: Along the Raleigh to Charlotte portion of the Southeast High Speed Rail (SEHSR) corridor, there are existing passenger rail stations approximately every 20 miles, except for the 40-mile section between the High Point and Salisbury stations. Adding a station in Lexington will fill in this missing gap along the corridor. NCDOT has recommended adding a stop in Lexington as part of the recently-adopted Comprehensive State Rail Plan¹⁰, and projections from Amtrak indicate that adding the station in Lexington will have a net positive impact in ridership and revenue for the *Piedmont* and *Carolinian* services by generating 10,700 passenger trips per year. In addition, adding an intercity passenger rail station in Lexington will make passenger rail service available to more than 513,000 residents living in the region. The transportation investment will provide alternatives for travel to Charlotte and Raleigh, North Carolina, as well as all other destinations along the *Carolinian* and *Piedmont* Amtrak passenger rail routes.

Transportation Hub: The Davidson County/City of Lexington Comprehensive Transportation Plan includes the goals of adding passenger rail service as well as expanded and connected regional transit, bicycle and pedestrian networks. The Project will establish a new central location for direct transfers between other transit and transportation services within the City and region, including Davidson County Transportation Services (DCTS) and PART bus routes, taxi service, and bicycle and pedestrian networks, as well as serving as a potential end-point for vanpool services. PART service will also provide residents in Winston-Salem (216,000 population, 20 miles to the north) a means to access passenger rail service in Lexington, thereby likely increasing Amtrak ridership.

Connections to Employment and Services: The transportation need for the area comes from a disconnected transportation network, which affects citizens' ability to reach much needed jobs and education opportunities within the region and may deter prospective new residents from relocating to Lexington. Currently, a cycle of high unemployment compounded by the lack of connected transportation services has contributed to economic decline within the City and continual population loss. Only 50 percent of Lexington residents both live and work within the City. The City must find ways to enable residents to commute to jobs and return home to Lexington via safe, affordable, and readily accessible services. Over 5,400 jobs in Lexington have been lost since 2000 (NC Bureau of Labor Statistics) and the

¹⁰ NCDOT Rail Division. North Carolina Comprehensive State Rail Plan (2015).
<http://www.ncbytrain.org/projects/rail-plan.html>

City's population decreased from 19,953 to 18,931 over the last ten years (US Census). With a poverty rate of 26.4 percent and 13.3 percent of citizens not having access to cars (US Census, American Community Survey 2005-2009 Average), connecting people to jobs, education, and goods and services through public transportation choice is a critical need. A centralized transit and rail hub that serves regional transit, as well as that connects to a growing pedestrian and bicycle network will help with this access. Additionally, recent transit planning efforts by City have identified that homeless veterans in the region are unable to access the Veteran's Administration Medical Facility in Salisbury, 19 miles southwest of Lexington. Improved rail and transit services to Salisbury would help with this problem.

Job Creation and Economic Competitiveness: The Federal government has designated the Lexington area as an Economically Distressed Area and by the State as an Urban Progress Zone. According to ridership estimates from Amtrak and NCDOT, the Project is expected to result in 27 hours of travel time savings for existing Lexington-area Amtrak customers in the first year, since those riders will no longer need to drive to High Point, Salisbury or elsewhere to ride Amtrak. Despite the annual Lexington Barbeque Festival and two National-Register historic districts in Lexington, Davidson County ranks last in tourism spending in the Raleigh-to-Charlotte corridor. The Project will also support the local tourism industry by creating a transportation hub within walking distance of Uptown Lexington and could help attract riders to the annual Lexington Barbecue Festival. The Project is expected to eventually create three full-time positions at the station plus 317 jobs for design and construction. Moreover, the Project is expected to create secondary growth in tourism employment from the additional visitors. The Project is a major component of the redevelopment of the Depot District, which consists of several vacant buildings adjacent to Uptown Lexington.

3 ALTERNATIVES CONSIDERED

The City considered a reasonable range of alternatives for the Project. The alternatives included the No-Build Alternative and various Build Alternatives for station locations within the Depot District, and for size and configuration of platforms, passenger platform access, station layout, and station building programming. The City assessed each alternative with respect to its ability to meet the Project's purpose and need, as well as the Project's potential impacts on both the human and natural environment.

3.1 Build Alternative (Alternative C)

The City, Consultant Team and other partners evaluated various components of the proposed Lexington MMTS, which culminated in the development of a Build Alternative (Alternative C) consisting of:

- Construction of the new Lexington MMTS building
- Lexington MMTS Plaza
- Surface parking
- Two tracks (relocation of the existing tracks), with provisions to allow for the future installation of two additional tracks under a separate project
- Dual low-level side passenger platforms with canopies
- Below grade passenger concourse connecting the Lexington MMTS building and the platforms with ramps and elevators
- Baggage tunnel and baggage ramps to the platforms
- New public access pedestrian tunnel connecting the MMTS and Elk Street
- Complete street improvements to primary access streets around the proposed Lexington MMTS building

All SAP key components for the Build Alternative are organized within three core Project Sections that together comprise the Project, as shown in **Figure 4 (Appendix A)**:

- Section A – SAP Site and Lexington MMTS building
- Section B – Concourse, Platform and Track
- Section C – Primary Access Streets

Modification to Alternative Station Site Design

During planning of the Lexington MMTS building layout and site plan, the City received a letter from the North Carolina State Historic Preservation Office (SHPO), dated November 4, 2013, explaining that SHPO considered several structures, existing streetscapes, and the tunnel within the Dixie Furniture Company site as contributing resources to the SHPO-proposed Lexington Industrial Historic District (see SHPO letter in **Appendix B**). As a result, the City and Consultant Team developed modifications to the Build Alternative in part to avoid impacts to some of the contributing resources by eliminating surface parking at the proposed lower level transit plaza. Additional parking is available in other locations to the east and north of the proposed station building.

The following pages describe the primary components and function of the Build Alternative. The City is committed to ensure that each of these primary components shall be incorporated within the Project.

3.1.1 SECTION A: SAP SITE AND LEXINGTON MMTS BUILDING

SAP Site Boundary and Project Limits: The SAP Site Area is approximately 25.5 acres defined by the combined total land area required to implement the proposed key components comprising each SAP Project Section. The Project Limits for the Lexington MMTS is approximately 18.5 acres located within the greater SAP Site Boundary and overlaps most of the SAP including the area of track work and portions of primary access streets necessary to serve the Lexington MMTS.

Lexington MMTS Building Site: Site preparation for the Lexington MMTS building will include the selective demolition and shoring of existing buildings currently occupying the required limits of construction. The Lexington MMTS Site will be designed to take advantage of the unique existing topography characterized by a 12 to 14-foot grade change along South Railroad Street between East 3rd Avenue and the existing Tunnel Street. East 3rd Avenue will include surface parking, transit and taxi connections, and the station entrance. The lower level will access the below-grade passenger concourse connecting the station and the platforms. The City expects that this proposed site configuration will facilitate the ordered site integration, construction, and functional operation of the multilevel Lexington MMTS building.

Lexington MMTS Building: The new Lexington MMTS building will be the primary facility for train passengers, enabling connections to other transit modes including pedestrian, bicycle, automobile, taxicab, and bus with local and regional service. The Lexington MMTS building is a multi-level facility with an interior gross floor area of 15,292 SF and outdoor covered gross floor area of 5,135 SF for a total gross floor area of 20,427 SF.

The Lexington MMTS building will consist of three levels:

- **Level 100:** Provides a secondary, lower level entrance to the building with direct access to the station office space, primary passenger waiting area and restroom facilities, and connection to the passenger concourse leading to the platform.
- **Level 200:** Provides the building primary entrance with an at-grade connection from the Station Plaza and future Depot Square to the grand hall – galleria consisting of the upper lobby, passenger waiting area (rail and bus), and potential incidental and station-related commercial space.
- **Level 300:** Provides a small observation gallery on the north end of the building, along with flanking outdoor balconies, with views down into the grand hall and out to Depot Square, and will be open to the public and available for special events. This area is designed to accommodate the potential connection to future redevelopment buildings via pedestrian bridge structure(s).

Station Plazas: The Station Plazas (Upper and Lower) will be the public spaces serving as the transition or gateway thresholds between the Lexington MMTS building and the City. Given the proposed Lexington MMTS building integration with the existing sloped topography of the site, an Upper (Level 200) and Lower (Level 100) Station Plaza will be constructed.

Station Amenity Area: As permitted by NCRR, the Station Amenity Area will be located adjacent to the Lexington MMTS building along the east side fronting the railroad corridor and constructed as a simple lawn defined by a perimeter hardscape pathway. The Station Amenity Area will function as the front lawn for the Lexington MMTS, providing an outdoor waiting area for passengers and visitors as well as opportunities for staging special public and private outdoor events.

Depot Square: Depot Square will be a monumental public open space, for use by citizens and visitors alike, functioning as both a gateway to the City and a central gathering space within the Depot District.

Station Parking: Initially, only surface and on-street parking types are necessary to provide adequate capacity within the SAP Site area; however, the City anticipates that structured parking types will be necessary for subsequent future phases to meet the capacity increases determined by the correlating demand of passenger ridership and redevelopment of the Depot District. Surface parking will be accommodated primarily within six locations: Depot Square, around the Freight Depot, the City-owned gravel parking lot along Railroad Street, the realigned Elk Street, and the proposed construction staging area south of Elk Street (subject to agreement with the existing property owner).

3.1.2 SECTION B: CONCOURSE, PLATFORM, AND TRACK

Passenger Concourse: The Passenger Concourse will be designed and constructed to facilitate continuous underground, passenger and baggage access and connection between the Lexington MMTS building (passenger waiting area and station office/baggage room) and the boarding platform. Although baggage service will not be provided with initial Lexington MMTS operations, the baggage concourse will be designed and constructed to meet the functional requirements for expected future service and demand.

Existing Tunnel Structure: The existing vehicular Tunnel Street and structure will be abandoned for use as a vehicular access below the NCRR ROW. Upon review and subsequent letter by SHPO on November 4, 2013, the existing tunnel structure is a “contributing resource” to the SHPO-proposed National Register-eligible historic district located within the property. Accordingly, the current plan for the existing tunnel structure is to avoid and/or minimize impacts by incorporating the structure into the SAP site and building design. The impacts would include abandonment of the current use of the existing tunnel structure as a vehicular only access below the NCRR railroad ROW along with the removal (total or partial) and/or filling in place in order to build the Project components including new track alignment, dual low-level side platforms, passenger concourse, and pedestrian underpass tunnel for public access below the NCRR corridor.

Pedestrian Underpass: A new, open (non-gated) pedestrian tunnel structure (underpass) connection crossing below the NCRR ROW, providing safe public access for pedestrians and cyclists only, will be designed and constructed to replace current use of the existing vehicular Tunnel Street and structure.

Dual Side Passenger Platforms: Two low-level side passenger platforms will be constructed in a dual side load configuration 700 feet long to provide adequate frontage for expected passenger train lengths and 16 feet wide to provide safe circulation area for passenger queuing, boarding, and alighting while also accommodating baggage handling equipment. The platforms will be constructed at a height of eight inches above the top of rail as defined by current ADA regulations. The dual side platform configuration will enhance operational efficiency and safety within this location on the corridor by facilitating the ability to dispatch trains to either track as needed. The platforms will be accessed in three locations (passenger elevator, passenger stair, and baggage ramp) to accommodate access from the concourse below.

Platform Canopies: Canopies will be constructed over both platforms to provide weather protection and circulation clearance for passengers, passenger accessibility equipment, and future baggage equipment. The dimensions and height of the canopies will be defined during preliminary design and will comply with NS and Amtrak design criteria.

Track Configuration – Mainline Track Realignment: Common railroad practice for construction of passenger stations prefers placement of station platforms on tangent track for the full length of the trains

serving the station. The existing track configuration at the site of the Lexington MMTS includes a curve, which does not provide a tangent sufficient to accommodate the full length of the *Carolinian* or *Piedmont* trains that will serve the station. To remediate the curve and provide a corridor width sufficient to support a future four-track railroad with two side platforms, the tracks must be repositioned through the Project area. The existing two mainline tracks will be reconstructed on a new tangent alignment parallel to each passenger platform. The realigned mainline tracks will extend beyond the platform and tie into existing track alignment approximately one-half mile to the north and one-quarter mile to the south.

Center Street Bridge Improvements: Improvements adjacent to the existing Center Street Bridge crossing the NCRROW will be implemented as required to facilitate reconstruction of the two mainline tracks and will include site re-grading and/or construction of retaining and/or crash walls as determined in future design phases.

NCRROW: In recognition of growing freight traffic on the NCRROW corridor, the Project will allow for the installation of two additional tracks for a future four-track configuration passing through the station.

Railroad Corridor Improvements: As permitted by NCRROW, improvements within and along the railroad corridor within the SAP near the Lexington MMTS will be implemented to enhance beauty and safety. Fencing and low landscaping will be provided near the outer edge of both sides of the ROW fronting the dual side platforms and additional inter-track fencing will be provided between the two mainline tracks fronting the platform to help prevent unauthorized and unsafe pedestrian access and crossing of the NCRROW corridor.

3.1.3 SECTION C: PRIMARY ACCESS STREETS

Transit Plazas: Two Transit Plazas (Upper and Lower) are proposed to provide passengers with direct, safe, and accessible pathways between the loading areas and the Lexington MMTS building entrances on Level 200 and 100 respectively. In addition to providing multimodal access to the Lexington MMTS building, both Transit Plazas will facilitate efficient access by emergency and service vehicles.

South Railroad Street Realignment: South Railroad Street will be realigned with a new street plan and safer, accessible intersections between East 2nd Avenue and East 3rd Avenue. The realignment will be designed in accordance with Complete Streets principles.

Elk Street ROW Acquisition and Realignment: Elk Street will be realigned between East 1st Avenue Extension and East 5th Avenue Extension to accommodate the new passenger platform and associated track alignment and the associated NCRROW expansion as required for additional tracks. The proposed realignment of Elk Street will be constructed to complete a continuous street connection between East 1st Avenue Extension and East 5th Avenue Extension. The new alignment of Elk Street will be designed in accordance with Complete Streets principles.

Primary Access Street Improvements: Portions of designated primary access streets (including street and sidewalk areas) will be enhanced with improvements in accordance with Complete Streets principles. These enhancements are proposed along South Railroad Street, East 2nd Avenue, East 3rd Avenue, East 1st Avenue Extension, East 3rd Avenue Extension, and East 5th Avenue Extension.

3.2 Alternatives Eliminated from Further Consideration

The City evaluated additional alternatives for the proposed Lexington MMTS, including one additional station location alternative (Station Location Alternative A) and six platform and track alternatives (A-V.1,

A-V.2, B-V.1, B-V.2, B-V.3, and B-V.4). All of these Lexington MMTS building/passenger platform and track alternatives were within the Depot District and adjacent to or within the NCRR ROW. The City eliminated these alternatives for the following reasons:

- **Station Location Alternative A** (Southern Platform Location) was eliminated because it does not provide the greatest overall benefit to the local and regional community, and does not maximize the potential for redevelopment of the Depot District as it is further from Uptown Lexington and the available parcels that the City and LRC have identified for redevelopment. Additionally, this location would result in greater impacts to eligible historic resources. Station Location Alternative A does not meet the goals for a multimodal SAP and Lexington MMTS facility as it is further removed from existing and proposed transit and pedestrian connections, along with existing utility infrastructure, in the Depot District. In addition, Station Location Alternative A does not support the need for the Lexington MMTS as a transportation hub with a central location for direct transfers between other transit and transportation services within the City and region, including DCTS and PART bus routes, taxi service, and bicycle and pedestrian networks located in the Depot District. Furthermore, Station Location Alternative A would complicate construction (coordination and expense) for the separate, proposed future Lexington highway-rail underpass project at East 5th Avenue as a portion of the platform would be located above the proposed tunnel.
- **Alternatives A-V.1 and A-V.2** (Southern Platform Location) were eliminated with Station Location Alternative A.
- **Alternative B-V.1** (Northern Platform Location, Low-level Island Platform, Full-size Lexington MMTS building at East 3rd Avenue) was eliminated because the required platform width and requirement to allow for four total tracks would require reconstruction of the Center Street bridge that passes over the NCRR.
- **Alternative B-V.2** (Northern Platform Location, Narrow Low-Level Island Platform, Reduced Sized Lexington MMTS building at East 3rd Avenue) was eliminated from consideration because the width of the platform restricted vertical circulation elements to either end of the platform, requiring more and longer pedestrian and baggage connections from the MMTS. Furthermore, the narrow platform width was below the required minimum width for passenger platforms established by NCDOT.
- **Alternative B-V.3** (Northern Platform Location, Tapered Low-Level Island Platform, Reduced Sized Lexington MMTS building at East 3rd Avenue) was also eliminated from consideration later in the Project analysis when NS notified the NCDOT Rail Division of their preference for side platforms.
- **Alternative B-V.4** (Northern Platform Location, High-Level Island Platform, Reduced Sized Lexington MMTS building at East 3rd Avenue) was eliminated because the high-level platform would require construction of additional freight tracks to bypass the high-level platform with additional right of way and construction impacts.

4 RESULTS OF ENVIRONMENTAL ANALYSIS

The FRA’s Procedures for Considering Environmental Impacts provide a list of potential environmental impact areas that must be considered in the environmental process. All areas have been addressed in the EA in Chapters 1 through 4. **Table 1** summarizes the resulting impacts for the Build Alternative, along with a list of sections in the EA where the impacts are described in more detail and proposed mitigation, if applicable.

Table 1: Summary of Impacts and Proposed Mitigation for Build Alternative

Section of EA	Summary of Impacts	Proposed Mitigation
3.1 Air Quality	No Impact. The Build Alternative is not a Project of air quality concern. The estimated 29 rail trips per day (58 trips per day) are currently being taken by automobiles or buses. The additional bus trips into downtown Lexington would be completed elsewhere in the region. The Build Alternative will not increase the number of trains traveling within the rail corridor.	Not applicable.
3.2 Water Quality	Minor Impact. The water quality Study Area is already disturbed from years of development and human use. Impacts to water resources could include stormwater runoff, disruption of the substrate, increased sedimentation and siltation, and temporary decreases of dissolved oxygen during construction. Most impacts would be temporary in nature, occurring only during Project construction. Impacts would be limited to the immediate area of construction. Stormwater runoff rates would increase slightly due to the increase in impervious surface area. Sedimentation may also cause an impact to water systems crossed. Sedimentation of the stream channel causes changes in flow rate and stream course, which may lead to increased stream bank scour and erosion. Sedimentation also leads to increased turbidity of the water column. Removal of the riparian vegetation could result in decreases in dissolved oxygen and temperature instability of the stream.	The City will minimize impacts through implementation of a stringent erosion control schedule and use of best management practices (BMPs). Measures to control non-point source water quality impacts as described in NCDOT’s <i>Best Management Practices for Protection of Surface Waters</i> (1997) will be incorporated. The plan will be prepared in accordance with the requirements of the North Carolina Sedimentation Pollution Control Act (15A NCAC 48.0101-0130).

Section of EA	Summary of Impacts	Proposed Mitigation
<p>3.3 Noise and Vibration</p>	<p>No Noise Impact. Freight traffic is the dominant source of noise in the Study Area. The additional train frequencies between the existing condition and the No Build condition is projected to increase noise levels up to four decibels over existing noise. Both freight and passenger traffic frequencies are expected to remain constant in the No Build and Build conditions. As a result, noise levels increase and decrease up to four decibels to account for the shift in track alignments closer to or farther from receptors. As a three decibel increase is barely audible, the Build alternative would not have a significant impact on noise.</p> <p>Major Vibration Impact. Vibration levels from the shift in track would increase 2 to 3 VdB over the No-Build alternative during freight train passbys. The shift in track alignment will increase passenger train speed by 15 mph from 65 to 80 mph and will increase vibration levels by 4 to 7 VdB over the No Build alternative. Both the shift in rail tracks and the increased speed exceed the FTA impact criteria and therefore, have the potential to result in a significant impact to as many as 14 residences, with 8 of those experiencing no greater than a 4 VdB increase.</p>	<p>Mitigation measures that are typically incorporated into rail projects to reduce excessive vibration include changes to the track support system. Floating slabs, resiliently supported ties, high resilience fasteners, and ballast mats have all been used in subways to reduce ground-borne vibration. Applications on at-grade track are less common. Due the low-level of geotechnical and track design information used in the analysis, the City will prepare a detailed vibration analysis during final design. If the detailed analysis continues to show significant impacts, the City will incorporate specific mitigation measures into the Project. Even absent a determination of specific mitigation measures at this time, however, given the low number of residences that could experience impacts and the mitigation measures available, FRA and the City have determined that the limited number of potential vibration impacts associated with the Project do not rise to the level of significance and do not prevent FRA from issuing this FONSI.</p>
<p>3.4 Solid Waste Disposal</p>	<p>Minor Impact. Several existing buildings within the Project area will be demolished entirely or in part. Recoverable materials will be identified prior to building demolition as part of a comprehensive resource reclamation program. Material sorting for recycling will be implemented before demolition. Solid waste will be properly disposed of in accordance with state and federal statutes.</p>	<p>Building demolition and clearing of lots will be conducted according to a solid waste resource reclamation and recycling program developed by the City prior to construction activities.</p>

Section of EA	Summary of Impacts	Proposed Mitigation
3.5 Ecological Systems	Minor Impact. Construction of the Build Alternative would impact terrestrial resources associated with improving access roads and construction within the railroad ROW. These impacts would be minor given the previously disturbed character of the Study Area.	A landscape plan will be implemented to provide vegetation along street improvements. Vegetation along the railroad will be allowed to regenerate naturally.
3.6 Impacts to Wetland Areas	Minor Impact. There are no wetlands mapped in the Study Area. A portion of the Study Area is mapped with hydric soil, which is somewhat poorly drained and has a seasonal high water table. One jurisdictional stream was observed within the Study Area. Construction of the Build Alternative could require extending existing culverts.	At the federal level under the Clean Water Act (CWA) and US Army Corps of Engineer (USACE) regulations, as a condition of permit approval, the USACE is obligated to require mitigation for any unavoidable impacts to wetlands and streams. The City will conduct a formal jurisdictional determination of the entire Study Area, and the City will be responsible for obtaining required federal and state water protection permits.
3.7 Impacts on Endangered Species or Wildlife	No impact. The Build Alternative will not impact listed threatened or endangered species.	Not applicable.
3.8 Flood Hazard and Floodplain Management	Minor Impact. The Study Area has one area mapped with both a 100-year and 500-year floodplain. Construction of the Build Alternative could potentially have direct impacts to floodplain resources in the Study Area. Railroad improvements may require widening existing embankments, and extending existing culverts.	Prior to any construction activities, the City will coordinate with the Federal Emergency Management Agency (FEMA) to ensure compliance with FEMA regulations, or ensure that others undertaking construction do so.
3.9 Coastal Management	No Impact. The Study Area is not located within a coastal county.	Not applicable.
3.10 Energy Use	Minor Impact. The Build Alternative would increase short-term energy use during construction and long-term energy use during facility operation. The Build Alternative would reduce regional energy use by providing a transportation mode alternative (passenger rail) that does not exist in Lexington.	Construction-related impacts will be short-term and cease once construction is finished. Design of the facility will employ BMPs for the efficient use of energy for operation and equipment.
3.11 Natural Resources: Use of	No Impact. There will be no extraction of water, minerals, or timber as a result of the proposed alternatives.	Not applicable.

Section of EA	Summary of Impacts	Proposed Mitigation
Water, Mineral or Timber		
3.12 Aesthetic and Design Quality	<p>Positive Impact. The Build Alternative will create a positive impact for public art by providing new opportunities for public art features via the City community art program, as overseen by Lexington’s Appearance Commission. Design of the Lexington MMTS will mirror the historic qualities of the Depot District.</p> <p>The Build Alternative will also create minor visual impacts, particularly along the NS railroad corridor by realigning trackage, constructing retaining walls and platforms, and realigning Elk Street.</p>	Not applicable.
3.13 Transportation	<p>Positive Impact. The passenger rail service in the Build Alternative will produce approximately 58 automobile trips per day, and will direct some additional bus route service to downtown Lexington. The existing street network and street improvements under the Build Alternative will have the capacity to handle the additional vehicular traffic. The Project will improve transit performance by centralizing a new multimodal hub that will provide better connections. The Project will have no impacts on freight traffic, either trucking or rail.</p>	Not applicable.
3.14 Barriers to the Elderly and Handicapped	<p>Positive Impact. The Lexington MMTS will be built in compliance with Americans with Disabilities Act (ADA), including the station, platforms, platform access, and street improvements. Due to railroad operating conditions, the station platform will not include a high-level platform; however, access to the train will be provided from the low-level platform by mobile lift when required. The Lexington MMTS will also provide more transit and rail access to all residents of Lexington, including the elderly and disabled.</p>	Not applicable.

Section of EA	Summary of Impacts	Proposed Mitigation
3.15 Land Use, Existing and Planned	Positive Impact. The City intends to redevelop the former LHB property into a new mixed use, transit oriented development anchored by the new Lexington MMTS. The Project is consistent with current land use planning and activities within the Depot District. The City expects that the Lexington MMTS will be an asset and provide transportation access to nearby amenities including community and government services, employment and educational resources, historic sites, and other tourist attractions.	Not applicable.
3.16 Socioeconomic Environment	Positive Impact. The Build Alternative will create a positive impact for economic resources in the Study Area by spurring redevelopment of the Depot District. The Project will create new employment opportunities through construction of the Build Alternative.	Not applicable.
3.17 Environmental Justice	Positive Impact. The Build Alternative is expected to have a net positive impact on all populations, including minority and low-income populations, by increasing mobility. No disproportionately negative environmental impacts are identified for low-income or minority populations within the Study Area.	Not applicable.
3.18 Public Health	Positive Impact. The Build Alternative will result in positive impacts on public health and safety. Construction of the Lexington MMTS, including the new pedestrian tunnel access and Complete Street improvements, will improve public safety by upgrading out-of-date facilities and reducing the potential for pedestrian/train and pedestrian/vehicular conflicts.	Not applicable.
3.19 Public Safety (Hazardous Materials)	Minor Impact. Based upon a database review of potential hazardous waste sites near the Project site, the Lexington MMTS does not appear to have been significantly environmentally impacted by previous operations on the subject property. Based upon a survey of one building in the Study Area, there is some	Once final design plans are developed, a plan will be formulated and developed to manage potentially contaminated soils and groundwater. Prior to construction activities, additional contamination investigations will be conducted. The City has

Section of EA	Summary of Impacts	Proposed Mitigation
	presence of asbestos-containing material (ACM) and lead-based paint (LBP) on site.	recently completed Phase I and Phase II investigations of the LHB Plant. Moreover, the City, as part of its Brownfields Agreement, is committed to develop a Living Environmental Management Plan with physical redevelopment of the property. Prior to demolition or rehabilitation of buildings, the City will undertake a pre-demolition/ pre-renovation survey of the building and undertake the necessary abatement or removal of ACM and LBP.
3.20 Recreational Opportunities	No Impact. There are no existing parks or recreation areas in the Project area. The Build Alternative will not adversely impact parks or recreation areas.	Not applicable.
3.21 Historic, Archaeological Architectural or Cultural Significance	<p>Adverse Effect. The Build Alternative will not result in an adverse effect to any individually eligible or listed resource. The Build Alternative will adversely affect two resources identified by the State Historic Preservation Office (SHPO) as contributing resources within the SHPO-proposed Lexington Industrial Historic District: the existing tunnel structure connecting Railroad Street and Elk Street under the NCRR ROW, and the existing Streetscapes within the proposed historic district.</p> <p>There are no identified archaeological resources within the Study Area.</p>	<p>The City will enter into a Memorandum of Agreement (MOA) with FRA, the NCDOT Rail Division and SHPO documenting that the Project will result in adverse impacts to the contributing resources and documenting mitigating strategies to these resources (described below).</p> <p>Tunnel structure: The City will preserve the north/west portion of the tunnel structure, including the headwall arch opening and adjacent length of the tunnel space. The remaining south/east portion of the tunnel structure will be closed to public access and/or filled in place as required to implement the Project. The City will incorporate the preserved portion of the tunnel structure into an area of the Project as community space and implement a public interpretive Installation. The Project will also</p>

Section of EA	Summary of Impacts	Proposed Mitigation
		<p>incorporate a new, open pedestrian tunnel below the NCRR ROW, providing safe public access for pedestrians and cyclists only.</p> <p>Streetscapes: Under the terms of the MOA, the City will record the existing conditions of segments of the adjacent streetscapes within the Lexington Industrial Historic District.</p>
Section 4(f) Resources (Chapter 5)	Uses. The Build Alternative will use portions of two Section 4(f) resources within the SHPO-proposed Lexington Industrial Historic District, as described in 3.21 Cultural Resources, above.	FRA has determined that there is no feasible and prudent alternative to the use of these two historic resources. FRA sent to the U.S. Department of the Interior (DOI) FRA's determination along with a request for concurrence. FRA allowed DOI 45 days to review the 4(f) information, but DOI did not respond, so FRA assuming DOI had no objections. The City, FRA, the NCDOT Rail Division and SHPO have all signed an MOA documenting that the Project will result in adverse effectss to the Section 4(f) resources, as described in 3.21 Cultural Resources, above.
3.22 Acquisition and Displacements	Minor Impact. The Build Alternative will require partial acquisition of four privately-owned parcels. The Build Alternative may require construction easements or minor takings to two additional privately-owned parcels. The remaining portions of the Project will be constructed on property owned by the City, Davidson County, or within the NCRR ROW.	The City will continue to evaluate the property impacts as the Project moves into more detailed design. Should the Project require property acquisitions, the City and others will follow Federal and North Carolina requirements, including the Uniform Act Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Article 9 of Chapter 136 of the General Statutes of North Carolina also governs property acquisitions

Section of EA	Summary of Impacts	Proposed Mitigation
3.23 Construction Period Impacts	<p>Minor Impact. The Build Alternative will result in temporary construction impacts, which may include temporary impacts to transportation (traffic) routes, solid waste accumulation, use of energy resources, and noise and vibration.</p>	<p>by municipal and state governments.</p> <p>Impacts from construction of the Build Alternative will be temporary. The City will ensure that the construction contract specifications require that the contractor adhere to appropriate federal, state, and local noise abatement and control requirements. Additionally, the City will ensure the contract mandates the use of BMPs for sediment and erosion to minimize water quality impacts during construction. Proper traffic control will be used for rail, vehicular and pedestrian traffic to minimize impacts on businesses and residences.</p>
3.24 Secondary and Cumulative Impacts	<p>Minor Secondary Impacts. The Build Alternative will encourage redevelopment of underutilized properties in the Depot District, which should have a positive impact on the local economy through increased property tax and sales tax revenues. The Project will also increase employment opportunities, increase mobility, and improve access to community facilities.</p> <p>Minor Cumulative Impacts. The Build Alternative will encourage greater use of local and regional transit by constructing a facility that will be a central connecting point to PART and DCTS buses. The Project will also be a community anchor that can be a focal point for public events. The Project will also augment the NCDOT's Piedmont Improvement Program (PIP), which is composed of several construction Projects and service enhancements that will enable additional passenger train frequencies and will make train travel safer, more efficient and more reliable.</p>	<p>Not applicable.</p>

5 PUBLIC AND AGENCY COORDINATION

5.1 Circulation of the Environmental Assessment (EA)

The EA for the Project was approved by FRA and signed by City and FRA on September 1, 2016. FRA and City published the EA and Draft Section 4(f) Evaluation on the City's website on September 23, 2016.¹¹ City made the EA available for public review at various government offices, and distributed copies to state and federal environmental resource and regulatory agencies, and local governments. Comments on the EA were accepted by City through October 22, 2016.

5.2 Agency Comments Received on the EA

No federal, state, and local agencies provided comments during the comment period.

5.3 Public Comments Received on the EA

The City received only one comment during the comment period. On behalf of Uptown Lexington, Inc., the Uptown Lexington Executive Board requested to be included as a Project Partner given that the Depot District boundary includes part of both the established Lexington Uptown District and Uptown Lexington Historic District. In response, the City agreed to include Uptown Lexington, Inc. as a Project Partner.

No other public comments were submitted to the City during the comment period.

¹¹ <http://www.lexingtonnc.gov/index.aspx?page=16&recordid=641>

6 FINAL SECTION 4(F) EVALUATION

6.1 Purpose of Section 4(f) Evaluation

The City prepared this Section 4(f)¹² evaluation in conjunction with the planning and environmental analysis for the Lexington MMTS. The City proposes to construct a train station and transit center and make adjacent track, platform and tunnel and vertical circulation improvements (see **Figure 4** in **Appendix A** for a visual depiction of the station area and nearby track and platform configuration).

This chapter discusses the use of the historic resources identified in the 2013 historic resources survey completed by URS for this Project¹³ and through consultation with the North Carolina SHPO. In the URS survey, 23 properties or historic districts located within the Project Area of Potential Effect (APE) assessed during the investigation are either listed in the National Register of Historic Places (NRHP) or were determined eligible for listing. The survey also recommended expanding the existing Uptown Lexington Historic District to include five additional resources. In a letter dated November 4, 2013, the SHPO concurred with a portion of the findings of the 2013 historic resources survey but also noted other areas of non-concurrence with the recommendations. On September 5, 2014, the City, SHPO and FRA met to review the effects of the Build Alternative on all of the historic resources. At that meeting, SHPO determined that the Build Alternative (at that time) would have an adverse effect on some eligible and proposed resources. The City revised the Build Alternative to avoid impacts to two of the resources, but was unable to avoid impacts to a one-lane tunnel structure that connects Railroad Street and Elk Street, which SHPO determined is a contributing resource to one of the proposed historic districts. The Project will also impact the existing streetscapes within and adjacent to several contributing resources. To mitigate the adverse effects, the City, FRA and SHPO developed and signed an MOA on December 9, 2016 (see **Appendix C**). More detail on the historic resources survey and agency coordination is described in Chapter 3 of the EA.

City prepared the EA in accordance NEPA and FRA's Procedures for Considering Environmental Impacts, the North Carolina State Environmental Policy Act,¹⁴ and related statutes, including the National Historic Preservation Act (NHPA) of 1966, as amended.¹⁵ Because the Project falls under the jurisdiction of the US Department of Transportation (USDOT) Act of 1966, this section has also been prepared per legislation (commonly referred to as "Section 4(f)") that governs USDOT projects and their impacts on publicly owned parks, wildlife and waterfowl refuges, recreation areas, or public or private historic sites. The Section 4(f) requirements are now codified at 23 U.S.C. § 138 and 49 U.S.C. § 303.

¹² 23 CFR Part 774. <https://www.environment.fhwa.dot.gov/section4f/overview.aspx>

¹³ URS. Intensive-Level Historic Architectural Analysis for the Lexington MMTS. April 2013.

¹⁴ N.C. Gen. Stat. § 113A, Article 1

¹⁵ 16 U.S.C. § 470

6.2 Applicability of Section 106 and of Section 4(f) to the Project

6.2.1 Section 106 Applicability

Section 106 of the NHPA requires that if a federally funded, licensed, or permitted project has an adverse effect on a property listed in, or potentially eligible for listing in, the NRHP, the Advisory Council on Historic Preservation (ACHP), SHPO, and other consulting parties must be given reasonable opportunity to comment on such undertakings.¹⁶ To assist in this review, the City has undertaken an evaluation of effects on the historic resources identified in the earlier investigative survey. The evaluations of effects presented in the EA are based on the regulations implementing Section 106 of the NHPA.¹⁷ Federal undertakings are considered to have adverse effects if they will damage, destroy, or encroach upon land from a historic property or otherwise alter the qualities that make the resource eligible for the NRHP. Specifically, adverse effects may be caused by the following conditions:

- physical destruction/damage
- alteration of a property
- removal of a property from its historic location
- change of the character of a property's use or of physical features within a property's setting that contribute to its historical significance
- introduction of visual, atmospheric, or audible elements that diminish the integrity of a property's significant historic features
- neglect of a property that causes its deterioration

Adverse effects may result from the direct actions of the project, as in the case of property acquisitions, or they may be the consequence of indirect and cumulative impacts. Changes in zoning, increased needs for parking and market demands for new development are all examples of the types of indirect effects that may result from federal undertakings. Both direct and indirect impacts have been assessed.

For this Project, 13 of the 23 properties surveyed within the APE were determined eligible for, or are listed in, the NRHP, either individually or as part of eligible historic districts. Of those properties, the Project will have an "adverse effect" on the one-lane road tunnel connecting Railroad Street and the Dixie Furniture Company site with Elk Street (referred to as the tunnel structure), as well as the streetscapes adjacent to the Project. These resources are not individually eligible for the NRHP, but SHPO determined that the tunnel and the streetscapes are contributing resources of the SHPO-proposed Lexington Industrial Historic District.

6.2.2 Section 4(f) Applicability

The City prepared this evaluation to meet the requirements set forth in Section 4(f) of the USDOT Act of 1966. A Section 4(f) evaluation is required when a federally-funded transportation action uses or has the

¹⁶ See <https://www.environment.fhwa.dot.gov/4f/4fpolicy.asp>. FRA notified the ACHP of the adverse effects and invited the ACHP to participate in the development of and to sign the MOA, but the ACHP declined.

¹⁷ 36 CFR Part 800.

potential to use a public or private historic resource, or a publicly-owned park, recreational area, or wildlife or waterfowl refuge.¹⁸ A historic resource is defined as a property that is listed in, or eligible for listing in, the NRHP. Section 4(f) mandates that publicly-owned parks, recreation lands, wildlife and waterfowl refuge areas, or historic resources of national, state, or local significance may not be used for USDOT-funded projects unless there is no feasible and prudent alternative to the use of such land, and that such projects include all possible planning to mitigate harm to these lands. A "use" occurs when: (1) land is permanently incorporated into the transportation facility through property acquisition or a permanent easement; (2) there is a temporary occupancy, in whole or in part, of land that is adverse to the preservation purpose of Section 4(f); or (3) there is a constructive use, which involves no actual physical use of the Section 4(f) property but proximity impacts that result in substantial impairment to the Section 4(f) property's activities, features, or attributes that qualify the property for protection under Section 4(f).

This evaluation provides the necessary information for the FRA to make a Section 4(f) determination. The FRA must determine whether there are feasible and prudent alternatives to the use of Section 4(f) resources by the proposed federal action. If there are no feasible and prudent alternatives, then the project must include all possible planning and mitigation measures to minimize harm resulting from such use.

6.3 Description of Section 4(f) Resources

6.3.1 Description of Resources

Based on a search of records, surveys, and GIS data, the City has determined that there are no publicly-owned parks, recreation lands, or wildlife and waterfowl refuge areas affected by the Project. Therefore, only the 13 properties identified during the historic resources surveys and subsequent SHPO coordination within the APE were evaluated under Section 4(f). Table 2 is a list of the Section 4(f) resources identified in the survey of the Project Study Area and by SHPO's review of the survey (letter dated November 4, 2013). Descriptions of each resource can be found in Section 3.21 of the EA.

¹⁸ Parks and recreational areas are discussed in EA Section 3.20. There are no wildlife or waterfowl refuge areas in or near the Study Area. The only Section 4(f) resources within the Study Area are cultural and historic resources. Likewise, there are no properties in the Study Area acquired using grants under Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 USC § 460); therefore, the project has no Section 6(f) impacts.

Table 2: Section 4(f) Resources

Resource	Findings by SHPO
1. Grace Episcopal Church	NHRP-listed, remains eligible
2. Wrennonah South Side Mill Village	NHRP eligible, and recommended by SHPO to be combined into a proposed Wrennonah Cotton Mill and Mill Village Historic District
3. Wrennonah Cotton Mills	
4. Mountcastle Knitting Company/ Dixie Furniture Company Showroom-Offices	
5. North Carolina Candy Company	NHRP eligible, and recommended for SHPO-proposed Lexington Industrial Historic District as contributing resources
6. Lexington Southern Railway Freight Depot	
7. Lexington City Light and Water Office	
8. Sicheloff Manufacturing Company	
9. Eureka Trouser Company	
10. Lexington Shirt Corporation	Contributing resource to SHPO's proposed Lexington Industrial Historic District
11. Dixie Furniture Company ¹⁹	Main contributing resource to SHPO's proposed Lexington Industrial Historic District
12. Expansion of Uptown Lexington Historic District	Concur for adding W.T. Grant Department Store/Kimbrell's Furniture Building; Redwine's Grocery, Clodfelter's Market; and Hedrick Block
13. Hedrick Block/Building (URS survey #18A)	NHRP eligible

For resources 4 through 11 in **Error! Reference source not found.**, SHPO proposed that these be incorporated into a single Lexington Industrial Historic District. The Lexington Industrial Historic District includes the following properties as contributing resources: the Dixie Furniture Company (URS Survey #7), the Mountcastle Knitting Company/Dixie Furniture Company Showroom (URS Survey #7A), the North Carolina Candy Company (URS Survey #7B), the Lexington Southern Railway Freight Depot (URS Survey #8), the Lexington City Light and Water Office (URS Survey #9), the Sicheloff Manufacturing Company (URS Survey #10), the Eureka Trouser Company (URS Survey #11), and the Lexington Shirt Company (URS Survey #12). This district also includes the one-lane tunnel under the railroad connecting Railroad Street and Elk Street and the enclosed, elevated passage over Railroad Street between Buildings 16 and 23 as contributing resources. Finally, the existing streetscapes are also contributing resources within the NRHP-eligible district.

Figure 5 in Appendix A shows the historic resources within and adjacent to the Project construction limits. **Figure 6 in Appendix A** shows the resources within the SHPO-proposed Lexington Industrial Historic District.

¹⁹The Dixie Furniture Company buildings are also collectively known as the Lexington Home Brands (LHB) complex.

the project would result in no alteration to the characteristics of the historic property. An adverse effect occurs when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register. With adverse effects, the alterations brought by the federal action diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register, as defined in 36 CFR 800.5. A finding of no adverse effect means that the project would impact or alter the historic property, but the alteration would not have an adverse effect as defined in 36 CFR 800.

The Project is comprised of the Lexington MMTS, plus a plaza, station platforms, canopies, relocated mainline tracks, pedestrian and baggage tunnel and vertical circulation, parking, and associated street improvements. The City evaluated whether each of these components would adversely affect the identified historic resources. Based on the evaluation, FRA determined and the SHPO concurred that the Project would have either no effect or no adverse effect on the 13 individual historic resources surveyed (resources with an asterisk are eligible individually and as portion of the SHPO-proposed Lexington Industrial Historic District):

1. Grace Episcopal Church (no effect): The Project is outside of the NRHP boundaries for this resource.
2. Wennonah South Side Mill Village: (no effect): The Project is outside of the proposed NRHP boundaries for this resource.
3. Wennonah Cotton Mills (no adverse effect): The Project limits for the track improvements are near this resource; however, these track improvements are within the railroad ROW and will not affect this resource.
4. Mountcastle Knitting Company/Dixie Furniture Company Showroom-Offices* (no effect): The Project is outside of the proposed boundaries for this resource.
5. North Carolina Candy Company* (no adverse effect): The Project will construct the station opposite this resource and make necessary street improvements to ensure safe and accessibility compliant with the Americans with Disabilities Act (ADA). However, these improvements will not make changes to the proposed NRHP boundaries for this resource and will not impact the resource.
6. Lexington Southern Railway Freight Depot* (no adverse effect): The Project proposes street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking that are adjacent to the resource.
7. Lexington City Light and Water Office* (no effect): The Project is outside of the proposed National Register boundaries for this resource.
8. Siceloff Manufacturing Company* (no adverse effect): The Project proposes street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking that are adjacent to the resource.
9. Eureka Trouser Company* (no adverse effect): The Project proposes street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking that are adjacent to the resource.

10. Lexington Shirt Corporation (no adverse effect): The Project proposes street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking that are adjacent to the resource.
11. Dixie Furniture Company (no adverse effect): The Project proposes street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking that are adjacent to the resource.
12. Expansion of Uptown Lexington Historic District to include: W.T. Grant Department Store/Kimbrell's Furniture Building; Redwine's Grocery and Clodfelter's Market; Hedrick Block (no effect): The Project is outside of the proposed NRHP boundaries for this resource.
13. Hedrick Block/Building (no effect): The Project is outside of the proposed NRHP boundaries for this resource.

*Resource eligible individually and as portion of the SHPO-proposed Lexington Industrial Historic District.

The City and FRA also evaluated the above historic resources under Section 4(f) and determined that the Project will not use, nor have the potential to use, these resources. No land from these resources will be permanently incorporated into the transportation facility; there will be no temporary occupancy that is adverse to the preservation purpose of Section 4(f); nor will there be a constructive use of any of the properties. Therefore, FRA removed these resources from further evaluation under Section 4(f).

The SHPO advised that the Project would have an adverse effect on the SHPO-proposed Lexington Industrial Historic District. Specifically, the Project will have an adverse effect on the tunnel structure and selected streetscapes within the SHPO-proposed Lexington Industrial Historic District along South Railroad Street, East 2nd Avenue, East 3rd Avenue and Tunnel Street (the Streetscapes). **Photos 1 and 2** show the existing condition of the Tunnel, and **Photos 3 through 6** illustrate the existing streetscapes within the resource area. The concurrence form for the assessment of effect signed by FRA, SHPO and City is included in Appendix C.



Photos 1 and 2: Existing Tunnel Structure and Street



Photos 3 through 6: Existing Streetscapes

The Project will result in a 4(f) use of the proposed Lexington Industrial Historic District through the closure and abandonment of the tunnel structure connecting Railroad Street and Elk Street and in the alteration of the existing streetscapes, which are contributing resources to the historic district. In an email to the City, and during a meeting on June 22, 2012, with the City and the Consultant Team, the NCDOT Rail Division determined that the existing tunnel structure would not support the proposed relocated tracks and proposed passenger platforms. Alterations to the existing streetscapes are necessary to ensure the streets meet ADA requirements, have proper sight lines, and for other safety improvements. As required by Section 4(f), the City undertook an additional evaluation of other potential Project alternatives, all of which focused on avoiding impacts to the tunnel and streetscapes. These alternatives are described in Section Description of Alternatives Considered. A description of the Project use of the 4(f) resource, as well as measures to minimize or mitigate harm, is included in Section Description of Impacts to 4(f) Resources.

6.4 Description of Alternatives Considered

The City considered various alternatives during the planning and design of this Project and evaluated these alternatives further, pursuant to Section 4(f) requirements, as "avoidance alternatives."

NCDOT evaluated these potential avoidance alternatives to determine if they would be feasible and prudent. FHWA guidelines on implementing Section 4(f) note that an alternative is considered feasible and prudent if the alternative "avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property."²⁰ The FHWA guidelines also note that a potential avoidance alternative is not feasible if it cannot be built as a matter of sound engineering judgment, or prudent if:

1. It compromises the project to a degree that it is unreasonable to proceed in light of the project's stated purpose and need;
2. It results in unacceptable safety or operational problems;
3. After reasonable mitigation, it still causes severe social, economic, or environmental impacts; severe disruption to established communities; severe or disproportionate impacts to minority or low-income populations; or severe impacts to environmental resources protected under other Federal statutes;
4. It results in additional construction, maintenance, or operational costs of extraordinary magnitude;
5. It causes other unique problems or unusual factors; or
6. It involves multiple factors as outlined above that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

6.4.1 No Build Alternative

Description of Alternative: Under the No Build Alternative, a new MMTS for Lexington would not be built. The major actions associated with the construction of a new transportation facility—Lexington MMTS building, passenger platforms, parking, other site improvements, track improvements—would also not be undertaken.

Evaluation: Under the No Build Alternative, a new train station would not be built, resulting in no construction or changes to existing conditions. The No Build Alternative would not improve connections for intercity rail, local and regional transit, and pedestrian and bicycle networks. Moreover, the No Build Alternative would not support City goals for redevelopment and economic redevelopment of the Depot District.

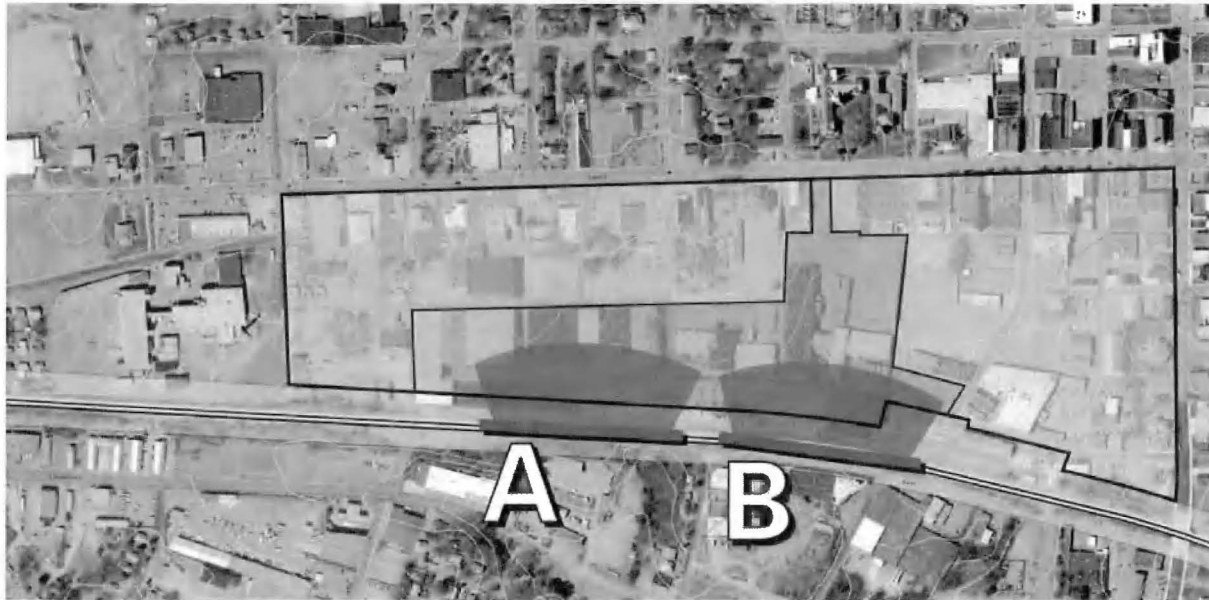
Finding: The No Build Alternative is feasible because it does not require any construction. This alternative would not meet the Project purpose and need as described in Chapter 2, specifically to create a Lexington MMTS that provides the Lexington region with passenger rail service, improved multi-modal connections, and supports redevelopment of the Depot District. With these limitations, City determined that the No Build Alternative was feasible but not prudent, and this option was eliminated from further consideration.

6.4.2 Alternative Station Location

Description of Alternative: For the purposes of the 4(f) Evaluation, City re-evaluated Lexington MMTS Preliminary Alternatives A-V.1 and A-V.2 along Station Location Alternative "A". The approximate locations of the two Station Location Alternatives "A" and "B" options are shown in **Map A**, which is taken

²⁰ FHWA Section 4(f) Policy Paper, July 20, 2012

from the 2012 SAP evaluation. Chapter 3 of the EA describes how the City evaluated two station location alternatives and seven platform and track alternatives for the proposed Lexington MMTS. All of these Lexington MMTS building/passenger platform and track alternatives were within the Depot District and adjacent to or within the NCCR ROW. Two of the platform and track alternatives (Preliminary Alternatives A-V.1 and A-V.2) were proposed south of the preferred Lexington MMTS building site along the approximate Station Location Alternative "A" shown in **Map A**. Five additional platform and track alternatives (Preliminary Alternatives B-V.1, B-V.2, B-V.3, B-V.4 and Alternative C) would be along the Station Location Alternative "B" in **Map A** and would all have the same impacts to 4(f) resources as the Build Alternative.



Map A: Station and Platform Site Location Alternatives

Evaluation: For Station Location Alternative A, both platform and track Preliminary Alternatives A-V.1 and A-V.2 would not provide the same level of pedestrian, bicycle and transit connections to Uptown Lexington as Station Location Alternative B, and thus would not help with the redevelopment of Uptown Lexington. Both platform and track Preliminary Alternatives A-V.1 and A-V.2, or any platform and track alternative within the Station Location Alternative A site, could also result in the use of other 4(f) resources, such as the Dixie Furniture Company buildings, and still result in the uses of the tunnel structure and Streetscapes within the SHPO-proposed Lexington Industrial Historic District. Although Station Location Alternative A is located south of the existing tunnel structure and both passenger platform Preliminary Alternatives A-V.1 and A-V.2 would not be located above, the tunnel structure would still be impacted by the track work above. In addition, both platform and track Preliminary Alternatives A-V.1 and A-V.2 would complicate construction (coordination and expense) for the separate, proposed future Lexington highway-rail underpass project at East 5th Avenue as a portion of the platform would be located above the proposed tunnel. Accordingly, the Lexington Redevelopment Commission (LRC) passed a resolution that strongly endorsed Station Location Alternative B, due its connectivity and development potential.

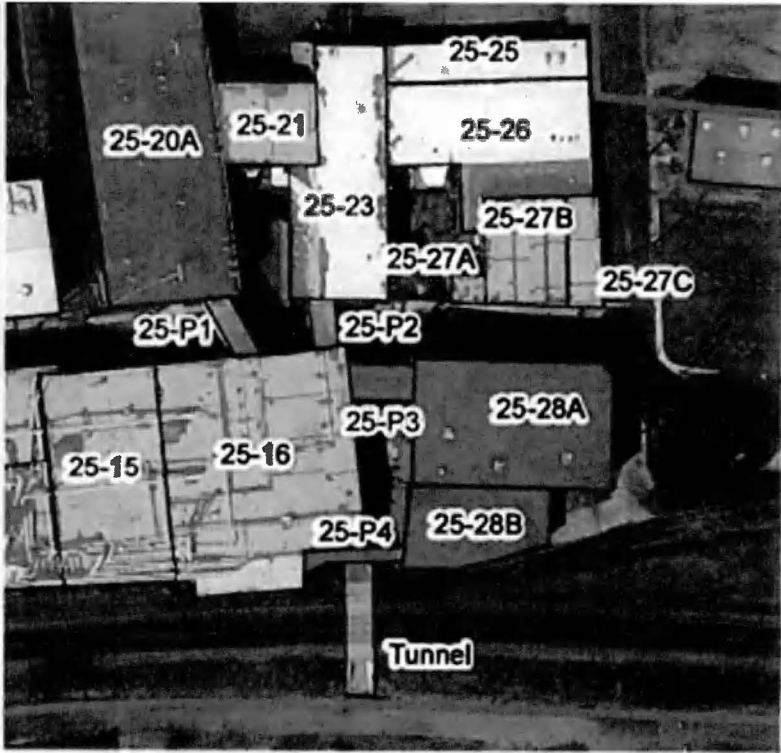
Finding: A platform and track site along Station Location Alternative A may be feasible but would not sufficiently meet the Project purpose and need, specifically to create a station that provides the Lexington

region with improved multi-modal connections and supports redevelopment of the Depot District. Furthermore, moving the station and platforms south to a Station Location Alternative A site would likely use other 4(f) resources such as the Dixie Furniture Company buildings while still requiring use of the tunnel structure and streetscapes within the SHPO-proposed Lexington Industrial Historic District. With these limitations, FRA and City determined that such an alternative location was not prudent, and eliminated this option from further consideration.

6.4.3 Alternative Station Site Design

Description of Alternative: During planning of the Lexington MMTS building layout and site plan, the City received a letter from SHPO (dated November 4, 2013) explaining that SHPO considered several structures, existing streetscapes and the tunnel within the Dixie Furniture Company site, as contributing resources to the SHPO-proposed Lexington Industrial Historic District. (See SHPO letter in **Appendix B**). A portion of the map developed by SHPO showing the contributing and non-contributing resources to this proposed historic district is included in **Map B**. As a result, the City and Consultant Team developed modifications to the Build Alternative in part to avoid impacts to some of the contributing resources by eliminating surface parking at the proposed lower level transit plaza; additional parking is available in other locations to the east and north of the proposed station building.

Source: SHPO



- Contributing Resources:**
- 25-15 Woodworking, Gluing, and Cutting Bldg
 - 25-16 Packing, Cutting, Gluing Bldg
 - 25-21 Finishing Bldg
 - 25-23 Finishing (Shoaf-Sink Hosiery Mill Knitting Room)
 - 25-25 Finishing
 - 25-26 Finishing
 - 25-27A/B/C Finishing (NC Candy Co.)
 - 25-P2 (Elevated Passageway (Bldg 16 to 23)
 - Tunnel
 - Existing streetscapes

- Non-Contributing Resources:**
- 25-20A Finishing and Spraying Room
 - 25-P1 Elevated Passageway (Bldg 16 to 20A)
 - 25-P3 Elevated Passageway (Bldg 16 to 28A)
 - 25-P4 Elevated Passageway (Bldg 16 to 28B)
 - 25-28A/B Packing, Rubbing and Trim

Map B: Select Contributing and Non-Contributing Resources as part of SHPO-Proposed Lexington Industrial Historic District

Evaluation: Under an early rendering of the Build Alternative, the Lexington MMTS would require demolition of non-contributing resources 25-28A, 25-28B, 25-P3, 25-P4 and contributing resources 25-16 and 25-P2 (see **Map B**). The City modified the Build Alternative by eliminating the surface parking from the lower-level transit plaza, thus avoiding demolition of contributing resources 25-16 and 25-P2. This modified Build Alternative will still include Complete Street improvements that will affect the existing streetscapes, as well as track and platform improvements that will impact the tunnel structure.

On July 6, 2016, the City requested guidance from SHPO relative to the removal of the contributing resource 25-P2 (elevated passageway spanning South Railroad Street) as it had deteriorated severely to become a risk to public safety (see **Photos 7-9**). On July 6, 2016, SHPO advised that if the City did not use state or federal funds to remove the structure, SHPO would have no role in the process as the action is neither a Section 106 nor NC General Statute 121-12(a) undertaking. Accordingly, the City subsequently used city funds to remove the structure and used the existing metal to cover the openings on the remaining contributing resources 25-16 and 25-23.

Finding: The modified Build Alternative requires fewer Section 4(f) resources while still meeting the Project purpose and need. Therefore, the City carried this modified Build Alternative forward as the Project Build Alternative evaluated in the EA.



6.4.4 Build Alternative

Description of Alternative: The Build Alternative (Alternative C) is the Lexington MMTS and associated area improvements, and includes the following components:

- Construction of the new Lexington MMTS building
- Lexington MMTS Plaza
- Surface parking
- Two tracks (relocation of the existing tracks), with provisions to allow for the future installation of two additional tracks under a separate project
- Dual low-level side passenger platforms with canopies
- Below grade passenger concourse connecting the Lexington MMTS building and the platforms with ramps and elevators
- Baggage tunnel and baggage ramps to the platforms
- New public access pedestrian tunnel connecting the MMTS and Elk Street
- Complete street improvements to primary access streets around the proposed Lexington MMTS building

6.5 Description of Impacts to 4(f) Resources

6.5.1 Tunnel Structure and Associated Streetscape

The SHPO has determined that the tunnel structure and streetscapes are contributing resources to the SHPO-proposed Lexington Industrial Historic District.

6.5.2 Probable Use of Section 4(f) Property

The potential impacts would include closure and abandonment of the current use of the existing tunnel structure as a vehicular only access below the NCRR ROW, along with the closing (total or partial) of the tunnel to build the Project components including new track alignment, dual side passenger platforms, and passenger concourse. As noted above, the existing tunnel structure would not support the proposed relocated tracks and proposed passenger platforms. The Project will incorporate a new, open (non-gated) pedestrian tunnel structure (underpass) connection crossing below the NCRR ROW, providing safe public access for pedestrians and cyclists only, and will be designed and constructed to replace current use of the existing vehicular Tunnel Street and structure. The pedestrian underpass length will be minimized (per required head wall locations determined by clearances for realignment of two mainline tracks and future track expansion above) and the width will be maximized to increase daylight and provide an inviting pedestrian experience. In addition, within and around the pedestrian underpass entrances, adequate lighting and emergency call boxes will be installed to maximize security.

Currently, most of the streets within the SHPO-proposed Lexington Industrial Historic District have no sidewalks, crosswalks, poor lighting, and poor signage. The Project will impact sections of adjacent primary access street streetscapes (including sections of South Railroad Street, East 2nd Avenue, East 3rd Avenue, and Tunnel Street) through the installation of sidewalks, crosswalks, lighting and signage to meet safety, sight-line and ADA requirements; and, a section of South Railroad Street (Section 'B') will be realigned between East 2nd Avenue and East 3rd Avenue to provide safer, accessible intersections. Additional impacts

will include the integration of on-street parking along with the relocation, upgrade, and extension of existing utilities and/or installation of new utilities as required to provide adequate service to the Project. Specific impact areas along each street section are as follows (note, section naming does not correspond to the Alternative naming):

South Railroad Street: Section 'A'	Streetscape Length: Approximately 400 linear feet Street ROW Width: Approximately 25 feet
South Railroad Street: Section 'B'	Streetscape Length: Approximately 270 linear feet Street ROW Width: Approximately 35 feet
South Railroad Street: Section 'C'	Streetscape Length: Approximately 590 linear feet Street ROW Width: Approximately 31 feet
East 2nd Avenue	Streetscape Length: Approximately 300 linear feet Street ROW Width: Approximately 31 feet
East 3rd Avenue	Streetscape Length: Approximately 300 linear feet Street ROW Width: Approximately 37 feet
Tunnel Street	Streetscape Length: Approximately 275 linear feet Street ROW Width: Approximately 19 feet

6.6 Mitigation Measures

On December 9, 2016, FRA, SHPO, the City, and NCDOT (as a concurring party) signed an MOA (Appendix C) defining the measures mitigating the adverse effects that the Project will have on the tunnel and streetscapes. As mitigation, the City will undertake a recordation plan to document the tunnel structure and existing streetscapes around the proposed Lexington MMTS within the SHPO-proposed Lexington Industrial Historic District. This recordation was submitted to and accepted by SHPO.

The City will also ensure that the north/west portion of the tunnel structure, including the headwall arch opening and adjacent length of tunnel space, is preserved to the extent possible as determined by a certified structural inspection and integrity report. The City will incorporate the preserved portion of the tunnel structure into an area of the Project (defined by the SAP as a community plaza space), and implement a public interpretive installation at the tunnel opening.

The walls of the new pedestrian underpass will also offer an opportunity for the integration of a unique linear "public interpretive installation", with public access to an exhibit that documents, memorializes, and reflects the character of other historic buildings within the Project area.

6.7 Conclusion

Based upon the Section 4(f) evaluation of the Project, the City has identified uses of historic resources and measures to minimize harm, as outlined below.

Tunnel Structure and Adjacent Streetscapes

Uses: The construction of dual side passenger platforms and the associated track improvements/relocation will require closing and filling in of most of the existing tunnel structure connecting Railroad Street and Elk Street. Street improvements, including ADA-compliant sidewalks and crosswalks, and on-street parking will alter the existing relationship of the streets to the buildings.

Measures to minimize harm: As detailed in the MOA, with the closing and filling in of the existing tunnel, City will undertake mitigation documentation of the tunnel structure, including a historic essay, measured drawings, and photographic documentation of the structure, as well as construction of a public interpretive installation near the preserved tunnel entrance that will be incorporated as part of the Lexington MMTS plaza. The City will also investigate the possibility of including a second public interpretive installation in the new pedestrian tunnel connecting the station, platforms and Elk Street, which would document, memorialize, and reflect the character of other historic buildings within the Project area. For the impacts to the existing streetscapes, City will incorporate context-sensitive design elements and coordinate with SHPO to allow SHPO to review and comment through each phase of design.

6.8 Department of Interior Concurrence

On December 16, 2016, in accordance with Section 4(f), FRA sent to the U.S. Department of Interior (DOI) notification of the 4(f) uses described above. FRA gave DOI 45 days to review the 4(f) information, but DOI never responded. FRA is assuming that DOI had no objections to FRA’s 4(f) determination and is proceeding accordingly.

6.9 Public and Agency Coordination

The following is a timeline of the coordination between the City and Consultant Team and the North Carolina SHPO.

- March 30, 2012** Members of the Consultant Team met with SHPO staff to have an initial/early coordination review of the Project and next steps for evaluating the resources within the Project area of potential effects (APE).
- April 25, 2012** The City and members of the Consultant Team met with the local Lexington Historic Preservation Commission to discuss initial considerations for the Project in the context of the Depot District area.
- May 3, 2012** On behalf of the Historic Preservation Commission (HPC), the City requested a technical assistance visit from SHPO in order to guide and inform the Commission in providing feedback to the Lexington Redevelopment Commission relative to the historic significance certain buildings within Lexington’s Depot planning district may or may not have.
- May 2012** The City initiated agency coordination for the Project with a letter and a map noting the Project Study Area/area of potential effect.
- June 19, 2012** At the request of the City of Lexington HPC, the SHPO was invited to join in a walking tour of the current property and structures owned by the City of Lexington [the former Lexington Home Brands (LHB) property]. After the tour, all attendees reconvened for a discussion of general observations and considerations relative to development of the SAP Project within the overall redevelopment master planning area.

- October 25, 2012** In consultation with SHPO, URS Corporation established the APE and subsequently presented the results of a reconnaissance-level survey of the APE to SHPO. Upon review, SHPO requested an intensive-level inventory to determine the National Register eligibility of 20 of the 56 resources and include the findings of that effort in a report.
- April 2013** URS Corporation completed the Intensive-Level Historic Architectural Analysis for MMTS, City of Lexington, Davidson County, North Carolina (referred here as the April 2013 report).
- July 30, 2013** SHPO sent a letter that concurred with a portion of the findings and recommendations in the April 2013 report. However, SHPO did not concur with the report's finding regarding the Dixie Furniture Company and determined the property (together with several other nearby properties) is best evaluated as a historic district – proposed as the "Lexington Industrial Historic District", rather than as an individual site.
- September 12, 2013** The City, the Consultant Team, SHPO, and NCDOT Rail Division held a meeting to review the April 2013 report and SHPO's July 30, 2013 letter. In addition, the Consultant Team introduced the Project and presented preliminary planning and alternatives considered.
- November 4, 2013** SHPO submitted a letter, which replaced SHPO's July 30, 2013 letter in its entirety. In the November 4, 2013 letter, SHPO again concurred with some of the findings in the April 2013 report. However, SHPO also determined that some resources recommended as eligible for inclusion in the expanded Uptown Lexington Historic District were non-eligible. SHPO also reinforced their recommendation for the creation of two new historic districts in Lexington (the combined Wennonah Cotton Mill and Mill Village Historic District, and the Lexington Industrial Historic District) and provided map exhibits depicting proposed district boundaries and identifying contributing and non-contributing resources within each district. SHPO also recommended that the one-lane tunnel under the railroad connecting Railroad Street and Elk Street, the railroad ROW, and one of the enclosed elevated passage over Railroad Street connecting the buildings also were contributing resources. SHPO concurred with the recommendations that the remaining properties listed in the April 2013 report are not eligible for listing in the National Register. Tables 3-19 and 3-20 in chapter 3 document the differences in the findings between the URS April 2013 report and the November 4, 2013 letter from SHPO.
- September 2, 2014** The City developed a draft MOA for review by SHPO that outlined the impacts to the historic resources and mitigations. The City's draft MOA outlines impacts to the following contributing resources:
- SHPO Identification: 25-16 (Portion of LHB Building Complex)
 - SHPO Identification: 25-P2 (Overhead Enclosed Bridge Structure)
 - SHPO Identification: Tunnel (Existing tunnel structure)

- September 5, 2014** The City, the Consultant Team, FRA, NCDOT Rail Division and SHPO met to review the current Project design progress along with potential impacts and possible mitigation.
- October 31, 2014** SHPO prepared a draft MOA in response to the City draft MOA that outlined several alternate stipulations for mitigation based upon the potential impacts and adverse effects to contributing resources as outlined in the City's draft MOA and in accordance with the current SAP site plan.
- November 21, 2014** The City, the Consultant Team, FRA, and SHPO met to review the Project and discuss a new Alternative C per new design criteria for the passenger platform and associated track realignment. Alternative C also includes revisions to the SAP site plan to avoid use of portions of the LHB building/Dixie Furniture Company complex determined to be a contributing resources as well as determine possible effects on other eligible and listed resources.
- The Alternative C avoidance alternative proposes dual side load passenger platforms and associated track realignment together with a revised SAP site plan that eliminates the surface parking area from the Lower Transit Plaza and avoids impacts to the contributing resources (25-16, Packing, Cutting, Gluing building and 25-P2, elevated passageway connection buildings 16 and 23). However, it was determined that the Project would still have an adverse effect on the tunnel structure connecting Railroad Street and Elk Street. In addition, SHPO determined the Project would impact the Streetscapes that front the Project boundary and adjacent contributing resources.
- November 17, 2015** The City and SHPO reached an agreement on a revised draft MOA for the Alternative C avoidance alternative. The City's revised draft MOA outlines impacts to the following contributing resources:
- SHPO Identification: Tunnel (Existing tunnel structure)
 - SHPO Identification: Streetscapes (segments of Existing Streetscapes around the proposed MMTS)
- July 6, 2016** The City requested guidance from SHPO relative to the removal of the contributing resource 25-P2 as it had deteriorated severely to become a risk to public safety. SHPO advised that if the City did not use state or federal funds to remove the structure, SHPO would have no role in the process as the action is neither a Section 106 nor NC General Statue 121-12(a) undertaking. Accordingly, the City subsequently used city funds to remove the structure and used the existing metal to cover the openings on the remaining contributing resources 25-16 and 25-23.
- September 1, 2016** The EA and Draft Section 4(f) Evaluation were signed by FRA.
- September 19, 2016** The EA and Draft Section 4(f) Evaluation were signed by the City.
- September 23, 2016** The City made the EA and Draft Section 4(f) Evaluation documents available to the public and agencies for review and comment through October 22, 2016.

- October 4, 2016** The City, SHPO and FRA completed the signed the Concurrence Form for Assessment of Effects, which is also included in **Appendix C**.
- October 17, 2016** The Advisory Council on Historic Preservation sent a letter to the FRA stating that their participation in the consultation to resolve the adverse effects was not needed, and the final MOA signed by the City, SHPO and FRA should be filed with the Advisory Council.
- December 9, 2016** The City, SHPO, FRA, and NCDOT (as a concurring party) executed the MOA describing the required mitigation for the Project's adverse effects to the tunnel and streetscapes, which is included in **Appendix C**.
- December 16, 2016** The FRA submitted the EA and Draft Section 4(f) Evaluation to the US DOI with a request that DOI concur with FRA's determination that there is no feasible and prudent alternative to the use of the contributing elements to the Lexington Industrial Historic District. DOI never responded.

Copies of the above referenced correspondence are included in **Appendix B** of this FONSI and Section 4(f) Evaluation. Copies of the MOA and Concurrence Form on the Assessment of Effects are included in **Appendix C**.

6.10 Section 4(f) Determination

The FRA has determined that the Project will use the tunnel structure and associated streetscapes within the proposed Lexington Industrial Historic District. Based upon the Section 4(f) evaluation, coordination and correspondence, there are no feasible and prudent alternatives to the use of these properties, and the Project includes all possible planning to minimize harm to these resources resulting from the Project.

Furthermore, FRA, City and SHPO have entered into an MOA (see **Appendix C**) stipulating mitigation measures. On December 15, 2016, FRA submitted the MOA to the Advisory Council on Historic Preservation.

7 ENVIRONMENTAL COMMITMENTS

During the NEPA process, commitments are made to avoid, minimize, or mitigate project impacts. Commitments result from public comment or through the requirements of, or agreements with, environmental resource and regulatory agencies. The following special Project Commitments have been agreed to by the City.

Commitments Developed Through Project Development and Design

The City of Lexington (City) will take a proactive approach to implement sediment and erosion control Best Management Practices (BMPs) through project development and design. Sediment and erosion control BMPs will be implemented in accordance with the North Carolina Department of Transportation's (NCDOT) *Best Management Practices for Protection of Surface Waters* (1997). The plan will be prepared in accordance with the requirements of the North Carolina Sedimentation Pollution Control Act (15A NCAC 48.0101-0130).

The City will conduct a detailed vibration analysis during final Project design. If the detailed analysis continues to show significant vibration impacts, specific mitigation measures will be designed into the Project.

The City will develop a solid waste resource reclamation and recycling program prior to construction activities.

The City will implement a landscape plan to provide vegetation along street improvements. Vegetation along the railroad will be allowed to regenerate naturally.

The City will conduct a formal jurisdictional determination of the Project Study Area,²¹ and the City will obtain the required federal and state water protection permits.

The City will coordinate with the Federal Emergency Management Agency (FEMA) to ensure compliance with floodplain regulations.

The City will design the facility to employ BMPs for the efficient use of energy for operation and equipment.

Once final design plans are developed, the City will formulate and develop a plan to manage potentially contaminated soils and groundwater. Prior to construction activities, additional contamination investigations will be conducted.

The City, as part of its Brownfields Agreement, is committed to develop a Living Environmental Management Plan with physical redevelopment of the Lexington Home Brands property.

Prior to Project construction, the City will undertake a pre-demolition/pre-renovation survey of buildings and undertake the necessary abatement or removal of asbestos-containing material (ACM) and lead-based paint (LBP) on site.

²¹ The Project Study Area consists of the Project Limits and Station Area Plan shown in Figure 1-2, unless otherwise indicated.

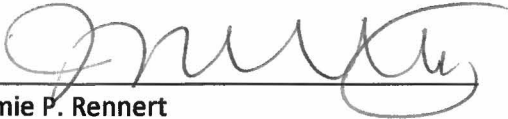
For the eligible historic resources in the Project area, the City will enter into a Memorandum of Agreement (MOA) with the Federal Railroad Administration, the NCDOT Rail Division and the State Historic Preservation Office (SHPO) documenting that the Project will result in adverse impacts to the existing streetscapes and existing tunnel structure within the SHPO-proposed Lexington Industrial Historic District. The City will undertake a recordation plan to document the tunnel structure and streetscapes, as outlined in the MOA. The City will preserve the north/west portion of the tunnel structure, including the headwall arch opening, and incorporate the preserved portion of the tunnel structure into an area of community space and implement a public interpretive installation.

The City will continue to evaluate the Project property impacts as the Project moves into design. Should the Project require property acquisitions, the City will follow Federal and North Carolina requirements, including the Uniform Act Relocation assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Article 9 of Chapter 136 of the General Statutes of North Carolina also governs property acquisitions by municipal and state governments.

During Project construction, the City will ensure the construction contract specifications require the contractors to adhere to appropriate Federal, state, and local noise abatement and control requirements.

8 CONCLUSION

FRA finds that the impacts of the Build Alternative, as assessed in the Lexington Multi-modal Transportation Station Environmental Assessment (September 1, 2016) and this Finding of No Significant Impact satisfy the requirements of FRA's Procedures for Considering Environmental Impacts, and that the Project will not have a significant impact on the quality of the human or natural environment following the implementation of mitigation measures.



Jamie P. Rennert
Director, Office of Program Delivery
Federal Railroad Administration

2/9/2017

Date

FRA Contact Person

John Winkle
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue, SE, RM W38-3111
Washington, DC 20590
202.493.6067

List of Persons and Organizations Preparing the FONSI

Tammy V. Absher, AICP
Director, Business & Community Development
City of Lexington
31 W. 1st Street
Lexington, NC 27292
336.248.3900

Larry Zinser II
Principal
Shook Kelly, Inc.
2151 Hawkins Street, Suite 400
Charlotte, NC 28203
704.944.2399

Jeff Weisner
Director of Planning and Project Development
AECOM
701 Corporate Center Drive, Suite 475
Raleigh, NC 27607
919.854.6236

APPENDIX A

Project Maps

APPENDIX B

Section 106 and Section 4(f) Correspondence

Appendix C

Memorandum of Agreement on Historic Resources and Concurrence Form for Assessment of Effects

