

U.S. Department of Transportation

Federal Railroad Administration

FINDING OF NO SIGNIFICANT IMPACT

Brunswick Layover Facility

Brunswick, Maine

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I. Introduction

The Northern New England Passenger Rail Authority (NNEPRA) proposes to construct a passenger rail equipment layover facility (Project) in Brunswick, Maine to support expansion of the Amtrak *Downeaster* passenger rail service. The Project will consist of a main building, adjoining crew building and connecting tracks at the site of the Brunswick freight rail yard located between Church Road and Stanwood Street on property now owned by NNEPRA. The Project site is approximately 0.6 miles west of Brunswick Station, the eastern terminus of Amtrak *Downeaster* service. The layover facility is intended to accommodate the overnight storage of a maximum of three (3) diesel locomotive-powered passenger train sets used for the *Downeaster* service. Approximate dimensions of the single story main building are 655 feet long by 70 feet wide with a maximum height of 37 feet. Offices, locker rooms, wash rooms and storage facilities will be incorporated in a 180 feet long by 26 feet wide structure attached to the north side of the layover facility.

In its role providing possible funding for or administering funds for the Project and as the federal agency that oversees Amtrak's programs, the Federal Railroad Administration ("FRA") is the lead federal agency for purposes of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) and applicable regulations and agency guidance (40 CFR Parts 1500 -1508; 64 FR 28545) (collectively, "NEPA"). FRA must satisfy the requirements of NEPA and other applicable environmental and historic review requirements, including Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629) ("Executive Order 12898"), Section 106 of the National Historic Preservation Act and corresponding regulations (36 CFR Part 800) (collectively, "Section 106"), and Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303).

FRA and NNEPRA have prepared the Brunswick Layover Environmental Assessment dated September 2013 (the "EA") (which is attached) in order to develop information that would assist FRA in satisfying these environmental and historic review requirements. The EA includes a detailed review of the potential environmental impacts of the Project, a Section 106 analysis, and an environmental justice analysis prepared pursuant to Executive Order 12898.¹

Based on the EA and other documents attached and discussed below, FRA finds that the Project will result in no significant impact on the environment or adverse effect on historic resources and, therefore, is issuing this Finding of No Significant impact ("FONSI") pursuant to NEPA.

As the Project sponsor, NNEPRA is responsible for ensuring all environmental commitments identified in this FONSI are fully implemented.

II. Purpose and Need for the Project:

The layover facility will be comprised of a main building for storage and servicing of equipment, an attached crew building, and ancillary track, access road and parking improvements. The purpose of the

¹ Because no parks or recreational resources are located at the Project site, no Section 4(f) evaluation is required.

layover facility is to store and provide routine servicing of Amtrak Downeaster passenger train sets near Brunswick Station, which in 2012 became the eastern terminus of the Amtrak Downeaster rail service.

The Project is needed for several reasons:

- Amtrak requires a facility to store, restock and perform routine light maintenance such as cleaning and refueling of passenger rail equipment used for *Amtrak Downeaster* service.
- A layover facility in Brunswick is required to allow Amtrak train sets to power down during midday periods, reducing fuel consumption, emissions, vibration and noise otherwise produced by idling trains between scheduled service runs of the *Amtrak Downeaster*.
- An enclosed facility is needed to reduce wear and tear on Amtrak rolling stock and allow Amtrak's contractor to service and restock equipment overnight, particularly during harsh Maine winter months. The safety, efficiency and security of this operation will be significantly improved by providing an enclosed, climate-controlled facility. Such a facility will also facilitate snow and ice melt off of equipment during the winter.
- Crew quarters are needed to provide accommodations for Amtrak workers and contractors, such as a break room, restroom, briefing room, commissary and similar workplace amenities.
- A layover facility located near the terminus of *Amtrak Downeaster* service (Brunswick Station) is needed to reduce train movements between Brunswick and the current layover location in Portland that are required now to position equipment for the morning runs. These trips back to Portland from Brunswick at night and then back from Portland to Brunswick in the morning carry very few passengers, increase fuel use and operating costs, and create additional night-time disturbances to abutters along the 28-mile Portland – Brunswick route.

III. Project History

NNEPRA is a public transportation authority created in 1995 by the Maine State Legislature to develop and provide passenger rail service between Maine and Boston, Massachusetts. In December 2001, following a \$60 million investment to upgrade tracks, signal systems and build stations throughout the corridor, Amtrak began operating Downeaster rail service linking Portland, Maine with Boston, Massachusetts. Various State and local agencies and Amtrak have made continuing investments in the corridor since 2001 to improve service reliability and reduce travel times. Currently, ten scheduled Downeaster passenger trains (five roundtrips) operate daily between Portland and Boston. Ridership in fiscal year 2012 was over 528,000 passengers, a 111 percent increase since 2005.

Included in the original plan for the Downeaster service, but not possible until additional funding was secured, was the extension of the service beyond Portland to Freeport and Brunswick, Maine (Exhibit 1). In the spring of 2009, FRA awarded NNEPRA \$35 million in funds from the High Speed Intercity Passenger Rail (HSIPR) Grant Program for construction of improvements enabling the extension of Downeaster service to Brunswick. The State of Maine also agreed to cover any funding shortfalls. In June 2009, the FRA and NNEPRA prepared an EA covering improvements needed to extend Downeaster

Service to Freeport and Brunswick. The FRA issued a FONSI in July 2009 and Downeaster service to Brunswick was initiated in November 2012, with four of the ten daily Downeaster trains extended from Portland to Brunswick. In addition, because equipment is currently stored and serviced in Portland overnight, two additional train trips are required to position equipment at the start and end of the day.

IV. Site Selection and Alternatives Considered

NNEPRA considered a total of six sites for a layover facility (See Figure 1). NNEPRA eliminated all sites except the Brunswick rail yard (Brunswick West) from further examination in the EA as the Build Alternative because the other sites did not adequately address the Project’s purpose and need with respect to having the operational or functional characteristics (size, topography, location) necessary to support the facility, and/or because they would create additional adverse environmental and cost impacts. The examination of sites is discussed in the EA and in more detail in the document entitled “Amtrak Downeaster Layover Facility Project Siting Report,” which was included with the EA as Appendix B. See <http://www.fra.dot.gov/eLib/Details/L04774>. Following public comments expressing concerns about the site selection, FRA conducted an additional review of the Siting Report and an in person site visit to Brunswick West.

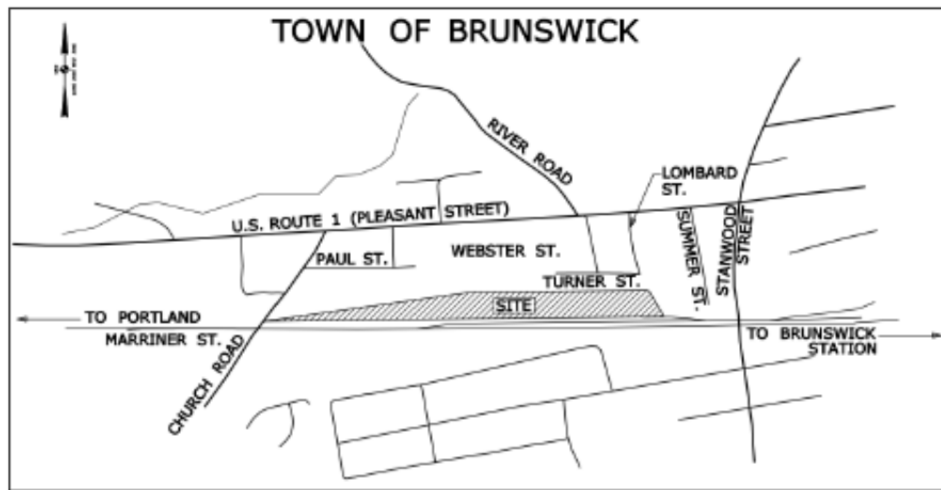


Figure 1: Sites Considered for Analysis

FRA determined that the Brunswick West site is an acceptable Build Alternative because it would best meet the operational requirements of the Amtrak Downeaster, would fully address all the Project’s purpose and needs, and would have the least environmental impact. The Brunswick West site is zoned as an Intown Railroad Corridor, has favorable topography and site conditions, would not require significant grading or fill, would not impact waterways, would minimize the duration of train movements, and would minimize the number of grade crossings because it is the closest site to the Brunswick Station. As such, the Brunswick West site would likely minimize environmental impacts while also providing the greatest operational benefits.

In the EA, FRA and NNEPRA considered in depth the environmental consequences of two alternatives: the Build Alternative and a No Build Alternative. As noted above, the Build Alternative proposes construction of a layover facility at the Brunswick rail yard (Brunswick West Site). Under the No Build Alternative, the proposed enclosed layover facility would not be constructed. Instead, Amtrak would continue to service and park *Amtrak Downeaster* trains overnight in Portland. To position equipment at the start and end of the service day, a train would continue to operate from Portland to Brunswick in the morning, with another returning to Portland at the end of the day (a distance of approximately 28 miles each way). Between scheduled service runs during the operating day, trains would continue to idle outdoors in the Brunswick rail yard or on tracks between the rail yard and Brunswick Station. Brief daytime servicing activities such as restocking supplies in food service cars and coach cleaning would also take place out in the open at these locations during these times. The No Build Alternative does not meet the Project's purpose and need, but is included in the EA to provide a basis for evaluation and comparison of the Build Alternative.

The Build Alternative at the Brunswick West Site is comprised of a portion of the former Brunswick rail freight yard located on the north side of the railroad corridor between Church Road and Stanwood Street (See Figure 2). This site is long and linear in shape and located on level ground. It has been used for railroad activities for more than a century and is zoned Mixed Use 2 – Intown Railroad Corridor (MU2). The property is owned by NNEPRA, and is adjacent to the rail corridor currently used by the *Amtrak Downeaster*, which is owned by the Maine Department of Transportation. The site is easily accessed from the existing street network and is located close to Route 1. Trains would travel 0.6 miles through two existing grade crossings to access the site.



Not to scale

Figure 2: Proposed Site Location

Design restrictions based on current track layouts at the site led to small design changes over the course of the project. As the plan evolved, the fourth proposed track (referred to in the EA as the holding or siding track) was eliminated from the design. The main entrance road from Church Road was changed to Lombard Street. Lighting for this road was changed from the length of the Church Road entrance to only

the access road attached to Lombard Street. In addition, the building was shifted approximately 10-12 feet west and 10-12 feet south from the original site design. This allowed for the natural tree line to the north of the facility to largely remain.

V. Environmental Considerations

The EA assesses the potential environmental impacts of the Project resulting from the construction and operation of the Project in the following twenty-six technical areas: air quality; water resources; floodplains; noise, vibration; geology and soils; ecosystems; wetlands; threatened or endangered species; fisheries; wildlife habitat; rail transportation; highways and roads; prime farmland; coastal zone management; contaminated sites and hazardous waste; utilities; public health and safety; visual and lighting; land use and zoning; socio economic and environmental justice, including impacts to communities directly adjacent to the Project; cultural and historic resources; Section 4(f) and 6(f) resources; construction impacts; indirect effects; and cumulative impacts. Based upon the EA and supporting studies, FRA has concluded that the Build Alternative, including proposed minimization measures, is not likely to incur significant, adverse environmental impacts.

A. Air Quality:

The EA included a screening level air quality assessment due to the potential for air quality impacts resulting from locomotive emissions, including health impacts of exhaust components. The assessment demonstrates that locomotive emissions will not cause air quality in the vicinity of the Layover Facility to approach EPA established thresholds for National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Analysis of both long-term and acute (short-term) health risks associated with carcinogenic and chronic non-carcinogenic toxins was conducted and show concentrations well below applicable standards. The results show that the overall cancer impacts from all pollutants combined is less than one-in-19 million (5.2E-08), which is well below the applicable EPA Human Health Risk Assessment Protocol significance threshold of one-in-one million (1E-06). As a result of public concerns about air quality impacts from the Proposed Action, Booz Allen Hamilton, Incorporated (Booz Allen Hamilton) conducted an independent review of the air quality analysis presented in the EA and concurred with the conclusion that the Build Alternative would not generate significant, adverse impacts to ambient air quality.

Although the construction and operation of the layover facility will not approach EPA established air quality thresholds, NNEPRA has made a commitment that Downeaster train sets will not idle outside the layover facility, apart from incidental idling associated with the movement of train sets into and out of the layover facility. Additionally, the proposed facility's roll-up doors are expected to be closed while engines are running in the building, except to allow trains to enter and exit or to occasionally augment ventilation.

B. Water Resources:

An assessment of the temporary and permanent impacts to surface and groundwater associated with the Build Alternative was included in the EA. Some local community members expressed concern that

the proposed building could affect groundwater and may cause formerly dry basements to become wet. A geotechnical investigation has been conducted on the Brunswick West site and the proposed facility will be designed and engineered to meet any parameters or specifications determined through this investigation and will not have an impact on the ground water table. NNEPRA will institute a spill containment plan at the site according to Federal regulations – EPA Spill Prevention, Control and Countermeasure (SPCC) Rules 40 CFR Part 112 and state regulations Title 38 MSRA s570 K(5) to ensure that there is no potential for surface and groundwater contamination. During construction of the Build Alternative, best management practices for erosion and sediment control will be used to protect off-site surface waters from runoff. Since release of the EA, the project has received a Maine Department of Environmental Protection stormwater permit, which demonstrates that the project meets applicable stormwater management requirements. The Build Alternative will not have any temporary or permanent impacts to surface or groundwater.

C. Floodplains:

Executive Order 11988, Floodplain Management, requires that all federally-funded projects determine whether a proposed project will occur in a floodplain and to consider alternatives to avoid adverse effects and incompatible development in floodplains. The Build Alternative site is not located within a mapped 100-year floodplain and therefore will not impact floodplains.

D. Noise:

The EA included a noise analysis due to the potential for noise impacts and additional material submitted by the Brunswick West Neighborhood Coalition (BWNC) which purported to demonstrate noise impacts was also reviewed by FRA. The noise analysis within the EA followed Federal Transit Administration (FTA) /FRA procedures, which confirmed no moderate or severe impacts, will result from operations associated with the Build Alternative. As a result of public comment questioning the noise analysis, FRA had an independent and objective review completed by Booz Allen Hamilton. The review by Booz Allen Hamilton of the noise analysis presented in the EA concurred with the analysis's conclusion that the Build Alternative will not create significant, adverse noise impacts. This independent analysis also confirmed that the initial noise analysis was conducted in accordance with all relevant FRA and FTA guidance on performing operational noise analyses. See Attachment 3 for further information related to this study.

Although the proposed facility will not exceed federal noise regulations, local residents have expressed concern related to noise impacts associated with the facility. Therefore, NNEPRA has agreed to design the facility to include additional noise minimization features including enhanced insulation, the use of double sets of trackway doors (to achieve an Sound Transmission Class (STC) level of 44) and low noise fans. The facility's roll-up doors will be closed while engines are running in the building, except to allow trains to enter and exit or to occasionally augment ventilation. In addition, tracks will be of welded rail construction to reduce rail joint noise and switch heaters will be installed to prevent delays to trains passing through switches during winter.

There were also public comments expressing concern that the noise analysis was done based upon an earlier design of the facility which might change the noise impacts to nearby receptors. Because of the design changes, the noise impacts were recalculated. Because of the lack of the fourth, outdoor track, noise impacts would mostly be reduced or stay the same for the three noise receptors, except for Receptor 2, which would experience a 1-dB increase over what was modeled in the EA for the current service level scenario. However, all new noise levels would still be below the moderate impact thresholds. As such, no new impacts are anticipated based on the design changes. New noise levels can be seen in Table 1, below.

Receptor	EA Projected Noise Level	New Design Projected Noise Level
1	49	49
2	48	49
3	43	40

Table 1: Current Service Level Noise Changes

Construction activities would be limited to the time period between 7:00 am to 7:00 pm daily in order to limit impacts on surrounding residential areas, and normal best practices would be followed to minimize noise impacts. With best practice measures in place, no significant, adverse noise impacts are anticipated from construction activities from the Project.

E. Vibration:

The EA included a vibration analysis due to the potential for vibration impacts. The vibration analysis followed Federal Transit Administration (FTA) /FRA procedures, which confirmed no moderate or severe impacts, would result from operations associated with the Build Alternative. The proposed layover facility is expected to generate negligible vibration of its own. No heavy earth-moving equipment will be used at the facility, nor will any drilling, blasting or impact-type work be performed. As such, the only notable potential vibration generating source to consider is the movement of *Amtrak Downeaster* trains in/out of the layover facility at slow speed. The predicted vibration associated with project-related train operations are generally similar to that experienced currently when *Amtrak Downeaster* trains pass by on the mainline, but well below applicable FRA/FTA vibration criteria. An independent and objective review of the vibration analysis was conducted by Booz Allen Hamilton and concurred with the analysis's conclusion that the Build Alternative will not create significant, adverse vibration impacts.

There were also public comments expressing concern that the vibration analysis was done based up an earlier design of the facility which might impact the results of the study. The design changes do not impact the size or type of facility being built or operation levels at the facility. The new design does move the facility slightly to the southwest. Since no major sources of vibration, such as blasting or pile driving, will occur during the construction of the facility, there would be no new, significant, adverse impacts based on the design changes that occurred during the study period.

F. Geology and Soils:

A geotechnical investigation has been conducted on the Brunswick West site. The facility will be designed and engineered to meet any parameters or specifications determined through this investigation. The Build Alternative will disturb existing soils, covering them with a structure. The soils are not unique or regionally important. During construction of the Build Alternative, best management practices for erosion and sediment control will be used to protect off-site surface waters from runoff.

Concerns have been expressed regarding the coal ash and stockpiled soils with contaminants that are present on the site. These will be managed in accordance with provisions specified by the Maine Department of Ecology. Best management practices to be employed during construction include the installation sedimentation and erosion control measures prior to the start of any construction activities and dust control measures throughout the project. Further, the action plan is specifically designed to remediate the contaminants on site. The plan was developed by qualified professionals for MaineDOT, and was reviewed by NNEPRA's consultant team, which included environmental and site remediation experts. The Build Alternative will not impact geology or soils.

G. Ecosystems:

The site is part of a pre-existing rail corridor with two siding tracks and a mainline track. Previous construction of the rail corridor included grading and ditching, which altered site vegetation. Shrubs and saplings have grown up along the perimeter of the right-of-way and unmanaged areas within the corridor. Therefore, there are no substantially large, pristine unique ecosystems within the project area that will be disturbed by the project. Construction of the Build Alternative will disturb only small quantities of vegetation that have regrown within the existing footprint of past railroad activities. The Build Alternative will not have significant impacts to ecosystems.

H. Wetlands:

Reviews of the Build Alternative site conducted on October 21, 2011 and April 20, 2012 found that no wetlands or potential vernal pools occur within the site. The US Fish and Wildlife Service (USFWS) National Wetlands Inventory did not identify any wetlands within the site. Small areas of wetland occur off-site to the south and a ditched perennial stream crosses the rail corridor to the east of the site. The Build Alternative will not impact wetlands or streams.

I. Threatened or Endangered Species:

There are no federally-listed or proposed threatened or endangered species and/or designated critical habitat for listed species within the site. Due to the disturbed nature of the site, rare, threatened and endangered species are not likely to occur on the site and therefore will not be impacted by the construction or operation of the Build Alternative. Best management practices for erosion and sediment control will be utilized during construction of the proposed project to protect off-site habitats within the Androscoggin River.

J. Fisheries:

There are no fisheries resources on the Build Alternative site; therefore, the Build Alternative would have no impacts to fisheries. Best management practices for erosion and sediment control will be utilized during construction of the Project at the Build Alternative site to protect off-site resources.

K. Wildlife Habitat:

A small amount of wildlife habitat will be lost and wildlife displaced as a result of the Build Alternative. However, the site has low wildlife value due to past vegetation management activities and rail operations. The Build Alternative will not cause impacts to wildlife habitat.

L. Rail Transportation

NNEPRA, working with MaineDOT and Pan Am Railways, has determined that the existing rail infrastructure between Brunswick and Portland can support six daily passenger train trips. Under the Build Alternative, the two Brunswick – Portland trains needed to position equipment at the start and end of each operating day could be eliminated, enabling two additional Portland – Boston *Amtrak Downeaster* trains to be extended to Brunswick. This would expand passenger rail options and expand opportunities for passengers travelling between Brunswick, Boston and points in between.

M. Highways and Roads

Under the Build Alternative, access to the site will be provided from Lombard Street and Church Road, which connect to nearby US Route 1. Daily trip generation at the site is expected to include two to four truck trips for delivery of fuel and supplies or garbage/recycling pick up, as well as occasional visitor trips. Three shifts of employee arrivals and departures typically consisting of approximately ten to twelve vehicle trips each are expected. The Project will not adversely affect traffic operations on area roadways.

The project will enable two additional Boston – Portland *Amtrak Downeaster* trips to be extended to Brunswick, replacing two trips that only operate between Portland and Brunswick today. The additional service is expected to result in increased ridership, which could attract additional automobile trips to Brunswick Station (likely on the order of 15 to 20 vehicles per day). Conversely, some decrease in auto travel between Brunswick and Portland on the I-295 corridor could be realized if the additional service results in drivers shifting to rail travel.

N. Prime Farmland:

An evaluation was conducted as required under the Farmland Protection Policy Act (FPPA) of 1981. The Build Alternative would not impact Prime or Unique Farmland, but is located over Farmland Soils of Statewide Importance. As the site is within a highly developed area, the FPPA considers these lands as “committed to other uses.” Therefore, the Build Alternative will not impact farmland soils of any type.

O. Coastal Zone Management:

Section 307 of the Coastal Zone Management Act, the federal consistency provision, provides a mechanism for states to manage the use of coastal resources and to facilitate cooperation and coordination with federal agencies. In Maine, activities affecting the coastal zone that are proposed by federal agencies require federal licenses or permits, or are conducted in a manner consistent with the enforceable policies of the Maine Coastal Program (MCP). The enforceable policies of the MCP are contained in various state laws and implementing regulations. Although the project is within the Coastal Zone, it is not required to file for federal consistency review as the activity is not listed in the MCP.

P. Contaminated Sites and Hazardous Waste:

Concerns have been expressed regarding the coal ash and stockpiled soils with contaminants that are present on the site. The Build Alternative would remediate existing contamination as specified by a recommended action plan, which the MaineDEP concurred with. Activities conducted at the site would not further contribute to contamination of the site. Trains will be refueled on site by fuel trucks. Fuel for trains will not be stored on site. Small quantities of gasoline may be stored on site for incidental use (e.g. – lawnmower) or if an emergency generator is provided. Floor drains will be installed inside of the main building to catch any materials that drip, melt or fall from the train sets. These will be collected into a containment tank and removed from the site as necessary. No heavy maintenance, external washing, or painting of train sets will occur on site.

Q. Utilities:

Temporary impacts and local disruptions may be necessary to splice into existing services during construction of the Build Alternative. Proposed water connections will be made under Church Road. Electric connections will be made to existing overhead service on Turner Street. Sewer connections to existing service lines will be made under Lombard Street. Impacts to utility services would be temporary in nature, and would not significantly affect long-term services.

R. Public Health and Safety:

The Build Alternative will not have significant adverse impacts on public health or safety. The proposed facility will not alter the safety of the railyard and neighboring mainline track. Instead, it will move maintenance and storage of train sets currently stored outside during the daytime hours to an inside area secure from the environment and access by the public. However, some public concerns were expressed about the safety of the proposed facility to the immediately surrounding area. In particular, commenters requested that the site be fenced. The corridor is an active rail corridor today, none of which is currently fenced. Despite this, NNEPRA has agreed to install fencing on the north side of the layover facility. The land on the south side of the proposed site is owned by Maine DOT, and NNEPRA does not have the legal authority to install fencing on that side of the layover facility.

As discussed above, no negative air quality impacts are anticipated as a result of the Project.

S. Visual and Lighting:

The public submitted comments regarding negative visual and lighting impacts on surrounding residences. The Build Alternative will construct an approximately 655-foot long by 70-foot wide main building, with an attached 180-foot by 26-foot crew building. The main building will have a peaked roof of approximately 37 feet maximum height and will not exceed local height restrictions. The building will be constructed in an area that is largely cleared of vegetation today. However, existing vegetation on the north side of the facility will screen some views of the building from most neighboring areas, especially when deciduous plants have leaves during spring, summer and autumn.

The size of the building – particularly its length – will create a visual impact to those neighbors with property having a direct line of sight view of the building; this includes up to eight residential properties on Bouchard Drive with property fronting or near the railroad corridor. The impact is not considered significant because of the existing lack of visual character of the rail yard, presence of other industrial uses in the area, distance from abutters to the proposed building (over 200 feet), partial screening provided by existing and proposed vegetation, and small number of affected residences. NNEPRA will plant vegetation (arborvitae or similar) along an approximate 240-foot section of the access road to Church Road to further provide vegetative cover for the Project. Based on comments about safety, a 6-foot high chain-link fence with visual screens will be constructed along the north side of the project, within the existing tree line. While this will have some small visual impacts on the residences to the north, the fence should be blocked by existing natural cover for most of the year.

External lighting at the facility will be provided for the roadway and parking areas, as well as on the exterior of the building where activity is expected (doorways, walkways) and will not have an adverse impact. Lighting will be mounted on poles and/or the side of the building and will be designed to direct light downward. NNEPRA's contractor will design a lighting plan that illuminates these exterior areas as required for safety, and will utilize cut-off lighting fixtures to avoid or minimize light spillover from the site. Overall, the analysis within the EA concludes that the Build Alternative will not significantly degrade the visual appearance of the site, nor will lighting of the property at night impact neighbors.

T. Land Use and Zoning:

The site is currently functioning as a rail yard, has two siding tracks located in the rail yard that are in use today, and borders the State of Maine owned Brunswick Branch mainline tracks. There were some community comments that questioned the compatibility with Town zoning and nearby residential areas. The Project site is zoned Mixed Use 2 – In-town Railroad Corridor (MU2). This type of zone encourages a mix of non-residential uses, including industrial uses. Several existing industrial and commercial uses are located adjacent to or near the proposed site to the north, including a fuel storage facility and large warehouse. A railcar layover facility is not specifically identified as a by-right use, but is consistent with industrial uses and/or the transportation facility category.

The layover facility does exceed the maximum square footage allowed in the MU2 zone. The size of the building is a physical requirement for housing the Downeaster trainsets. However, because Federal law

preempts the Town of Brunswick's zoning ordinance no use or dimensional variance under that ordinance is necessary for the Project.

Because the layover facility is consistent with industrial uses zoning in the area, will be built on an existing rail yard surrounded by other industrial sites and railroad tracks to the south, the Build Alternative will not have a significant impact on land use or zoning in the area.

U. Socio Economic and Environmental Justice:

The Build Alternative will be located adjacent to the north side of an active rail line on property which has been used for railroad purposes since the late 1850's. The site contained numerous tracks and buildings through the late 1980's and currently serves as a freight car storage and interchange location for Pan Am Railways and Maine Eastern Railroad, as well as a day-time hold-over location for *Amtrak Downeaster* trains.

Neighboring community concerns were expressed that property values will be adversely affected by the construction and operation of the layover facility. Property values are influenced by many market variables in addition to local considerations. Home values in the area have decreased in recent years for factors unrelated to the Project, including closure of the Brunswick Naval Air Station and regional/national market conditions. In addition, homes located near the Project site already border an active rail corridor with freight and daily passenger train service and the Brunswick rail yard, which is actively currently used for freight and passenger car storage.

Additionally, the Project will support ongoing efforts to improve mobility by rail for residents of Brunswick and neighboring communities, as well as support efforts to improve access to the Brunswick region for business, recreational and educational activities. The Build Alternative will create short-term work opportunities during the construction period, as well as support long-term employment positions involving train maintenance activity and train operating personnel. Operation of the Build Alternative will result in the purchase of consumables from local suppliers, including cleaning supplies, fuel and food service supplies.

Based on the assessment of socio economic conditions and associated impacts in the EA, the Build Alternative is not anticipated to cause any significant adverse impact to the local residential or business economic community.

There are no minority or low income populations near the Project site. Therefore, the Build Alternative would also not disproportionately affect minority or low income populations.

V. Cultural and Historic Resources:

There are no archeological or historic resources on the Project site; therefore, the Build Alternative will have no adverse effects to cultural or historic resources. The Maine State Historic Preservation Office concurred with this finding. The Build Alternative will not affect any cultural or historic resources.

W. Section 4(f) and 6(f) Resources:

There are no Section 6(f) public lands or recreation areas within the project site; therefore, the Build Alternative will not impact these resources. The Build Alternative will not affect any Section 4(f) State, Federal or private conservation lands, refuges, parks, or other national, state or locally significant publically owned lands or any historic properties. Therefore, a 4(f) statement for this Project is not required.

X. Construction Impacts:

Temporary impacts associated with construction of the Build Alternative are expected, including noise, dust, and emissions from operation of equipment for the construction of the building, access road, new tracks, utility connections, and pavement of the Project site. Disturbance to existing roads and utilities will be minimal, primarily localized where the new access roads meet Church Road and Lombard Street. A perimeter fence with visual screening will be installed around the entire site during construction. New tracks will be installed to connect the main building to the railyard, including grading, and installation of ballast, ties and rails. No impact to services operating on the mainline are expected. The Project would not impinge on any party's access to their property, as it is located in the interior of the Project site and the site access from Church Road and Lombard Street would be new access roadways that would not interfere with others' access to their properties. Best management practices that will be employed by NNEPRA's contractor during construction to minimize impacts include: prior to the start of any construction activities, sedimentation and erosion control measures will be installed; dust control measures will be used; the contractor will be required to fence in the site during construction to secure the site; and construction activities will only take place between 7:00 am and 7:00 pm.

Y. Indirect Effects:

Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Because the site for the Build Alternative is an existing rail yard, it is not anticipated that the Project will have any long term indirect negative impact on the surrounding pattern of land. The potential for beneficial indirect effects under the Build Alternative includes improved mobility by rail for residents of Brunswick and neighboring communities, as well as access to the Brunswick region for business, recreational and educational activities. The Build Alternative will improve transportation mobility to and from Brunswick under current service levels by allowing two additional revenue service *Amtrak Downeaster* trips. To the extent that the Build Alternative improves transportation mobility to and from Brunswick, it may contribute to a more favorable environment for economic development and potential to induce some additional residential or commercial growth. In addition, over time, a greater share of employees who work at the layover site or are otherwise associated with operating the *Amtrak Downeaster* service may choose to reside in Brunswick or nearby communities, slightly increasing demand for housing.

Z. Cumulative Impacts:

“Cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. No other planned or proposed projects have been identified near the Project site. NNEPRA plans to construct a second mainline track section at Royal Junction in Yarmouth, Maine, establishing a double track section that would allow trains traveling in opposite directions to pass at speed. The Royal Junction project would provide the passing capacity to increase the number of scheduled daily *Amtrak Downeaster* trains to Brunswick from six to ten. No funding is yet identified for this Royal Junction Project. Overall, the Build Alternative would not result in any significant, adverse cumulative impacts.

VI. Agency and Public Involvement

Throughout the development of the proposed Project prior to the public release of the September 2013 EA, NNEPRA coordinated with the individual members of the public, neighborhood member groups, and federal, state and local agencies. This public contact included NNEPRA Board meetings and three public meetings held in Brunswick to describe the proposals and solicit public feedback. The public meetings were well attended and publicized in the local media (i.e., newspaper, cable television). In addition, an advisory group comprised of officials from the Town of Brunswick, the Brunswick Town Council, the MaineDOT, Amtrak, and members of the Brunswick community was convened in December 2011 and has met on three occasions. As part of the Alternative Analysis, NNEPRA conducted a series of public meetings, between June 23, 2011 and August 18, 2011, to give the public information about these alternatives. The public and agency meetings included the following:

April 21, 2011 – Brunswick Zoning Board Meeting
April 25, 2011 – NNEPRA Board Meeting
May 23, 2011- NNEPRA Board Meeting
June 23, 2011 – NNEPRA Hosted Public Meeting, Brunswick, Maine
June 27, 2011 – NNEPRA Board Meeting
July 14, 2011 – Public Meeting, Brunswick, Maine
August 17, 2011 – Press Conference
August 18, 2011 – Special NNEPRA Board Meeting, Brunswick, Maine
August 22, 2011 – Regular meeting of the NNEPRA Board of Directors, Portland, Maine
September 8, 2011 – NNEPRA meeting with Brunswick residents, Portland, Maine
September 2011 – Brunswick West Neighborhood notification of noise receptors placement
December 2, 2011 – Brunswick Building Advisory Group Meeting
December 29, 2011 – Building Specification Outline released
January 12, 2012 – Brunswick Building Advisory Group Meeting
February 6, 2012 – Brunswick Town Council Meeting
February 23, 2012 – Release of Noise Impact Analysis Technical Memorandum
February 27, 2012 – Brunswick Town Council Meeting
March 2, 2012 – Brunswick Building Advisory Group Meeting
May 14, 2012 – Brunswick West Neighborhood residents noise measurement opportunity

December 2012 – January 2013 – MaineDOT investigation of Industrial Site Alternative
July 9, 2013 – Brunswick Layover Advisory Group Meeting
July 23, 2013- Brunswick Layover Advisory Group Meeting

A. EA Public Comment Period:

The FRA, in cooperation with Project sponsor NNEPRA, released the Brunswick Layover EA for public review and comment on September 14, 2013. The comment period initially was from September 14, 2013 through October 13, 2013 and was advertised in three local newspapers. The EA and all associated documentation were available on the NNEPRA and FRA websites and at the NNEPRA office, the Brunswick Town Hall and the Brunswick public library throughout the comment period.

Following the lapse in Federal funding and shut down of certain Federal government functions that occurred between October 1 and October 17, 2013, including the FRA offices responsible for the NEPA process, FRA reviewed the NEPA public commenting process for this EA. FRA conducted this review in relation to the Council of Environmental Quality (CEQ) Guidance, dated October 18, 2013, suggesting that Federal agencies review their NEPA public and agency participation processes in relation to the shutdown. FRA determined that there was no need to reopen and extend the 30-day comment period for this EA.

The Project studies in the EA clearly show that Federal and State coordination occurred throughout the development of the EA process and based on this coordination and impacts identified, FRA had no expectation that any additional Federal comments concerning this project were required or anticipated. In addition, the Brunswick Layover Facility EA was published, the comment period was initiated, and the public hearing was held prior to the start of the furlough on October 1, 2013. The availability of the EA and the need to submit comments during the comment period to NNEPRA (and not FRA) was clearly communicated through advertisements and at the public hearing. NNEPRA was not closed during the Federal Government furlough and was available to receive these comments or answer questions about receipt of comments. Importantly, FRA made this NEPA decision only following the receipt and consideration of all the comments collected by NNEPRA (or FRA) during the EA comment period and during the public hearing or more recently, as practicable.

B. Summary of EA Public Comment and Response:

A Public Hearing was conducted on September 26, 2013 where twenty-three individuals provided oral testimony. A total of 53 comment letters or emails were submitted to NNEPRA from 44 individuals throughout the comment period expressing support and opposition of the proposed Project. In addition, a neighborhood group submitted five binders of materials. Of comments expressing concerns, a large majority were related to ten general issues: noise/vibration, air quality, size of building/visual impacts, zoning and land use compatibility, federal preemption, property value impacts, groundwater, safety, alternate sites, and request for EIS. Detailed responses to individual comments are provided in the attached memo entitled “Response to Comments Received In Regard to the Brunswick Layover Environmental Assessment (EA), September 2013” and reference that the EA was conducted in

accordance with the NEPA and applicable federal guidelines and that the assessments conducted for the EA do not identify any significant impacts.

In March 2014, NNEPRA received letters from Maine Governor Paul R. LePage and State Senator Stan Gerzofsky expressing concerns with the project. These concerns relate to the impacts of the design changes that occurred during the EA process, the handling of public comments, the preemption of state and local laws, and a call for a full environmental impact statement study to be conducted by NNEPRA. These letters and their responses from NNEPRA can be found in Attachment 2.

VII. Commitments and Minimization Measures:

NNEPRA will be required to comply with all applicable federal, state, and local permitting requirements during the implementation of the Project, which will include:

- Public Law 95-217, Clean Water Act of 1977, 33 USC § 1251-1376
- Section 106 of the National Historic Preservation Act of 1966, as amended, 16 USC § 470
- Section 404 of the Federal Water Pollution Control Act (CWA), 33 USC § 1344
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 et seq.
- Executive Order 11990, Protection of Wetlands, 42 FR 26961, signed May 24, 1977

The following commitments and minimization measures have been identified to further reduce impacts of the Project and are agreed to by NNEPRA. Additional measures may also be implemented as necessary and as identified.

Air:

- NNEPRA has made a commitment that Downeaster train sets will not idle outside the layover facility, apart from incidental idling associated with the movement of train sets into and out of the layover facility.
- The proposed facility's roll-up doors are expected to be closed while engines are running in the building, except to allow trains to enter and exit or to occasionally augment ventilation.

Noise:

- In response to concerns expressed by the Building Advisory Group, the Project specification for the building will be established requiring an overall net STC of 44 or greater.
- The Project will employ low-noise generating fans or similarly quiet ventilation apparatus.
- Tracks will be of welded rail construction to reduce rail joint noise.
- Switch heaters will be installed to prevent delays to trains passing through switches during winter.
- The building's roll-up doors will be closed while engines are running in the building, except to allow trains to enter and exit or to occasionally augment ventilation.
- Downeaster train sets will not idle outside the layover facility, apart, from incidental idling associated with the movement of train sets into and out of the layover facility.

Visual, Lighting, and Safety:

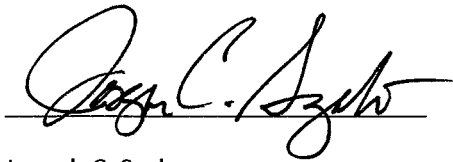
- On-site lighting will be designed to illuminate the Project area sufficiently for safety and security purposes, but will to the extent practical employ fixtures and light placement that limits light spillover onto adjacent parcels.
- The Project will plant vegetation (arborvitae or similar) along an approximate 240-foot section of the access road to Church Road.
- Fencing will be installed on the north side of the layover parcel.

Construction:

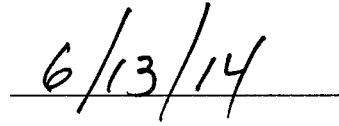
- The Project will follow the action plan specified by the State Department of Environmental Protection for management of hazardous materials.
- The Project will employ construction best practices, including:
 - Prior to the start of any construction activities, sedimentation and erosion control measures will be installed.
 - Dust control measures will be used.
 - The contractor will fence in the site prior to starting construction to secure the site.
 - Construction activities will only take place between 7:00am and 7:00pm.

VIII. Conclusion:

FRA finds that the Brunswick Layover Facility Project, as presented and assessed in the attached EA, satisfies the requirements of NEPA (42 USC § 4321 et seq.), Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508), FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999), and FRA's Update to NEPA Implementing Procedures (78 FR 2713, January 14, 2013), and the Project will have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in this FONSI. As the Project sponsor, NNEPRA is responsible for ensuring all environmental commitments identified in this FONSI are fully implemented. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.



Joseph C. Szabo



Date

Administrator

Federal Railroad Administration

This document has been prepared in accordance with FRA's Procedures for Considering Environmental Impacts and NEPA by the FRA's Office of Railroad Policy and Development, with assistance from FRA's Office of Chief Counsel. This document was prepared in May 2014. For further information regarding this document contact:

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The following organization assisted the Program Office in the preparation of the September 2013 Environmental Assessment:

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Attachments:

- Public Comments/Responses
- Letters from Maine Governor Paul R. LePage and Maine State Senator Stan Gerzofsky and NNEPRA Responses
- Booz Allen Hamilton Independent Reviews, January 9, 2014 – Noise, Vibration, and Air Analysis