

Attachment 1

Public Comments and Responses

Response to Comments Received In Regard to the Brunswick Layover Environmental Assessment (EA), September 2013

The Federal Railroad Administration (FRA), in cooperation with project sponsor Northern New England Passenger Rail Authority (NNEPRA), released the Brunswick Layover Environmental Assessment (EA) for public review and comment on September 14, 2013 through October 13, 2013. NNEPRA advertised the EA and comment period in three local newspapers: the Public Press Herald, the Kennebec Journal and the Brunswick Times Record. The EA and all associated documentation were available electronically on the NNEPRA and FRA websites, and printed copies were available at the NNEPRA office, the Brunswick Town Hall and the Brunswick public library throughout the comment period. Email notification was also provided to members of the Brunswick Layover Advisory Group (including residents and town officials).

NNEPRA conducted a two hour Public Hearing on September 26, 2013 at the Brunswick Town Council Chambers, Station Street, Brunswick, Maine. NNEPRA advertised the Public Hearing in three local newspapers: the Portland Press Herald, the Kennebec Journal and the Brunswick Times Record. For a week prior to the Hearing, NNEPRA also posted an alert notice on the Amtrak Downeaster website. NNEPRA e-mailed notice of the hearing to the Brunswick Layover Advisory Group and other interested parties.

Representatives from NNEPRA and FRA attended the hearing. Following introductory remarks and a brief presentation by NNEPRA, public testimony was taken. The hearing was recorded by a Court Reporter. Twenty-three individuals provided oral testimony at the hearing. Speakers were allowed a maximum of three minutes to speak in order to ensure all who wished to provide testimony had the opportunity to do so.

In addition to verbal comments provided at the hearing, 53 written comment letters or emails were submitted to NNEPRA from 44 individuals throughout the comment period. In addition, a neighborhood group called the Brunswick West Neighborhood Coalition (BWNC) submitted five binders of materials accompanied by a letter from Attorney John B. Shumadine (Murray Plumb & Murray):

- Binder 1: September 2011 Noise Assessment by Resource Systems Engineering, Inc. (RSE), which was also previously provided to NNEPRA in 2011.
- Binder 2: October 2013 Noise Assessment by RSE.
- Binder 3: An annotated copy of the EA, with comments and notes inserted into the document.
- Binder 4: Office of Inspector General Compliance Guidance.
- Binder 5: Individual correspondences prepared by BWNC members.

This response to comments includes four sections:

- Section 1: Summary of Comments
- Section 2: Public Hearing Testimony
- Section 3: Written Comments
- Section 4: BWNC Binders

Section 1: Summary of Comments

Comments in support and opposition of the proposed project were received, both through written comments and at the Public Hearing. Of comments expressing concerns, a large majority were in some way related to ten general issues, as summarized below. Detailed responses to individual comments, including hearing testimony and the BWNC materials, are provided subsequent sections.

Noise/Vibration

Some comments relate to the potential for noise and/or vibration impacts. Additionally, the BWNC submitted materials which purported to demonstrate noise impacts.

Summary of NNEPRA Response: NNEPRA's consultants conducted a noise and vibration analysis for the EA following Federal Transit Administration (FTA) /FRA procedures, which confirmed no moderate or severe impacts would result from operations associated with the proposed Layover Facility.

Air Quality

Some comments relate to the potential for air quality impacts resulting from locomotive emissions. Several of these comments noted the health impacts of exhaust components.

Summary of NNEPRA Response: NNEPRA's consultants conducted a screening level air quality assessment for the EA that 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).

Size of Building/Visual Impacts

Some comments noted that the size of the building (approximately 50,500 square feet) greatly exceeds the dimensional limits allowed in the Town of Brunswick's zoning ordinance MU-2 Intown Railroad Corridor zone (20,000 for similar industrial uses). Some noted that the size of the building would create severe visual impacts.

Summary of NNEPRA Response: Under the Build Alternative, an approximately 655-foot long by 70-foot wide main building will be constructed, 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.

Zoning and Land Use Compatibility

Some comments questioned the compatibility with Town zoning and nearby residential areas.

Summary of NNEPRA Response: *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 adverse impact on land use or zoning in the area.

Federal Preemption

Some comments assert that Federal law does not preempt the Town of Brunswick’s zoning ordinance. Some assert that 49 U.S.C. § 24902(j) applies only to the Northeast Corridor.

Summary of NNEPRA Response: Amtrak is authorized to “enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.” 49 U.S.C. §24702(a). The proposed layover facility is an improvement undertaken for the benefit of service provided by Amtrak and operated by Amtrak pursuant to a contract with NNEPRA. 49 U.S.C. §24902(j) provides that “[n]o State or local building, zoning, subdivision, or similar or related law” shall apply in connection with the construction, ownership, use or operation of any “improvement” undertaken for the benefit of Amtrak as part of, or in furtherance of, Amtrak intercity rail service on routes such as the Downeaster (see 49 U.S.C. § 24902(j)). Therefore, no “local building, zoning, subdivision, or similar or related law” – including the Town of Brunswick’s zoning ordinance – applies in connection with the construction or operation of the proposed layover facility.

49 U.S.C. § 24902(j) contains no such geographic limitation to the Northeast Corridor.

Property Value Impacts

Some comments expressed concern that property values would be adversely affected, and stated that the EA did not adequately consider this. Some commented that property values had already decreased.

Summary of NNEPRA Response: Property values are influenced by many market variables in addition to local considerations.

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.

Groundwater

Some comments expressed concern that the proposed building could affect groundwater and may cause formerly dry basements to become wet.

Summary of NNEPRA Response: *A Geotechnical Report was completed on May 13, 2013 by Summit Engineering and is attached as Appendix H of the EA. The 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.*

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.

Safety

Some comments stated concerns about the safety of the proposed facility, and in particular requested that the site be fenced.

Summary of NNEPRA Response: *The corridor is an active rail corridor today, none of which is fenced. Under current service levels, the Build Alternative would not affect total train moves between Portland and Brunswick, though all six trains would operate as scheduled Amtrak Downeaster service for the full length of the Brunswick – Portland – Boston route, maximizing ridership potential. In total, twelve trains would operate over trackage between the Brunswick rail yard and Brunswick Station – a distance of about 0.6 miles – under the Build Alternative. This would include the six Amtrak Downeaster trains and six ancillary train movements. Under the No Build, eight trains would operate over this segment in total. The Proposed Action will not appreciably alter the safety of the railyard and neighboring mainline track; hence the project is not introducing a new safety impact.*

However, in an abundance of caution, 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.

Alternate Sites

Some comments state that other sites are better suited for the proposed facility.

Summary of NNEPRA Response: *NNEPRA considered and evaluated six sites based on consistent criteria. All sites except the Build Alternative were unsuitable and eliminated from further consideration, as described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D), for a variety of reasons primarily related to physical site requirements and access.*

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.

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 reducing the transit times and effects of trains utilizing the site allowing for 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.

Request for EIS

Several reviewers asked that an Environmental Impact Statement (EIS) be conducted for various reasons.

Summary of NNEPRA Response: *An environmental assessment shall be prepared, in accordance with 40 CFR §1508.9, prior to all major FRA actions. The environmental assessment shall be used to determine the need to prepare either a Finding of No Significant Impact (FONSI) or an EIS for the proposed action. FRA conducted the environmental assessment process in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. FRA provided the EA to the public, received comments to the EA, and carefully considered all available information and assessments prior to making any final environmental*

determination. The assessments conducted for the EA do not identify any significant, adverse impacts, and therefore, a FONSI is appropriate for this project. Therefore, an EIS is not warranted.

Comments by Topic

The following list categorizes comments received by category, enabling readers to more easily find comments of interest.

Air Quality

Section 2:T3c, T3d, T3e, T17c, T18a, T19b, T19d, T20a, T22b, T23b

Section 3: C4b, C6a, C10a, C11b, C23a, C25c, C41b, C41c, C42b, C44b, C47c, C47d, C47e, C50a, C50d, C51a, C52a

Section 4: EA27, EA28, EA29, EA30, EA31, EA32, EA33, EA40

Section 5: C55u, C55v, C58d, C59c, C59d, C59e, C64a, C64b, C66b, C69a, C69b, C69c

Construction/Permitting

Section 2:T18b

Section 4: EA50, EA51, SR14,SR18

Cost/Funding

Section 2:T19d

Section 3:C43l, EA4

Section 4:EA32, SR8, SR11, SR17, SR18, SR32

Section 5: C55l, C62c

Downeaster Service

Section 2:T5a, T11a, T13a, T14a, T22d

Section 3: C11c, C20a, C22a, C41a, C42a, C43i, C43j, C43k, C44c, C50b, C53a

Section 4: C54b, EA14, EA23, EA25, EA26

Section 5: C55j, C55k

Economics

Section 2:T4a, T4b, T12c, T14a, T17a

Section 3: C7a, C25a, C26a, C26b, C43g, C47a, C47d, C49b

Section 4: C54h, EA44, EA48, SR27, SR33

Section 5: C55o, C56a, C56b, C56e, C60k, C62f, C66e

Federal Preemption

Section 2:T9b

Section 4: C54h, EA9, SR21

Section 5: C55y, C55z, C55aa, C55ab, C57a, C57b, C57c, C57d, C60c

Geotech

Section 3: C28a, SR18

Groundwater/Stormwater

Section 4:EA35, EA45, EA46, EA47, SR14, SR18

Section 5: C55s, C55t, C69e

Hazardous Materials

Section 4: EA45, EA46, EA47, EA50, EA51, EA52, SR17

Land Use

Section 2:T2a, T2b, T2c, T3a, T3b, T7a, T9a, T9b, T12a, T13b, T13c

Section 3: C43h, C47b

Section 4: C54g, C54h, C54i, EA2, EA9, EA21, EA22, EA41, EA42, EA43, EA48, SR7, SR10, SR21, SR22

Section 5: C55m, C55n, C56c, C59f, C60b, C60d, C61b, C61c, C62b, C66a, C69f

NEPA Process

Section 2:T1c, T4b, T6a, T7a, T8a, T9a, T19c, T21a

Section 3: C2a, C3a, C4a, C5a, C9a, C13a, C16a, C23b, C24c, C29a, C29b, C41d, C42c, C47d, C47f

Section 4: C54d, C54e, C54f, EACover, EA3, EA13, EA52, EA56, SR39

Section 5: C55b, C55f, C55o, C55ac, C56f, C58a, C59a, C60a, C60j, C62g, C63b, C64c, C65b, C65c, C69g

Natural Resources

Section 4:EA34, EA35, EA45, EA46, EA47

Noise/Vibration

Section 2:T10a, T10b, T17c, T17d, T18a, T18b, T19a, T20a

Section 3: C4b, C4d, C10a, C11b, C23a, C25b, C27a, C28a, C38a, C39a, C41c, C42b, C44b, C47c, C47d, C47e, C50a, C50e, C51a, C52a

Section 4: Binder 1, Binder 2, EA24, EA36, EA54, SR8, SR11, SR26, SR36

Section 5: C55q, C55r, C60e, C66c, C69d

Open Space/Recreation

Section 4: EA53

Permitting/Construction

Section 3: C43e, C43f

Project Need

Section 4: EA1, EA5, EA6, EA7, EA8, EA10, EA13, EA23, EA25, SR30

Section 5: C55j

Public Participation

Section 2:T12b, T23a

Section 3: C18a, C24a, C24b, C29a, C41b, C43b, C43c, EA55

Section 5: C55c, C59b, C60b, C60f, C61a, C62a, C62e, C63a

Safety/Security

Section 2:T8b

Section 5: C55p, C58e, C66d

Site Selection/Alternatives

Section 2:T1a, T1b, T3a, T13a, T13b, T14b, T17b, T18c, T22c

Section 3: C4c, C8a, C9a, C10a, C11d, C12a, C19a, C20a, C22b, C23d, C29c, C30a, C33a, C35a, C36a, C37a, C46a, C49a, C50c

Section 4: C54b, C54c, C54d, EA7, EA11, EA14, EA15, EA16, EA17, SR1, SR3, SR4, SR5, SR6, SR8, SR11, SR12, SR19, SR29, SR31, SR32, SR34, SR37, SR38, SR39

Section 5: C55d, C55g, C55j, C56d, C62b, C65a, C66a, C66b, C66f, C68a, C69g

Traffic

Section 4: EA38, EA39, SR23, SR24, SR34

Section 5: C60g, C60h

Visual/Lighting

Section 3: C25c, C32a, C50d

Section 4: EA49, SR22

Section 5: C55w, C58c, C60i

General (including all other topics not listed)

Section 2: T1c, T2d, T5a, T11a, T12a, T13c, T15a, T16a, T21a, T22a, T22c, T23a

Section 3: C1a, C3a, C4d, C8a, C10a, C11a, C11d, C12a, C14a, C15a, C16a, C17a, C18a, C21a, C22b, C23c, C23d, C24b, C29a, C30a, C31a, C33a, C34a, C35a, C36a, C37a, C38a, C39a, C40a, C41a, C42a, C43a, C43b, C43d, C43e, C43m, C43n, C44a, C44b, C45a, C47c, C48a, C49a, C49c, C50a, C51a, C52a, C53a

Section 4: C54a, C54e, EA10, EA12, EA13, EA18, EA19, EA20, EA21, EA24, EA31, EA37, EA48, SR1, SR2, SR7, SR9, SR12, SR13, SR15, SR16, SR20, SR22, SR25, SR28, SR29, SR31, SR32, SR33, SR35

Section 5: C55a, C55e, C55h, C55i, C55x, C58b, C59b, C62a, C62d, C65a, C67a

Section 2: Public Hearing Testimony

Testimony received at the Public Hearing of September 26, 2013 is presented in this section. Responses to substantive comments are provided. These comments have been assigned ID labels beginning with the prefix "T" (for "Testimony").

Transcript ID: T1

Commenter: Jeff Reynolds

Location of Comment: Page 12, line 19 through Page 14, line 21

Comment T1a

Topic: Site Selection/Alternatives

Summary: Commenter stated that the East Brunswick and Industrial sites considered in Siting Report (Appendix) are not suitable for the facility

Response: *Comment noted. The EA and Appendices B and C note the reasons why these sites are not suitable for the proposed facility.*

Comment T1b

Topic: Site Selection/Alternatives

Summary: Commenter stated that the site has been in continuous railroad use and that the proposed project is appropriate use for the site.

Response: *The site has historically served railroad purposes and sits adjacent to an active rail line. The site has been vacant since the mid 1980's, when tracks and buildings were previously removed as described in the EA in section 2.3.1. The site is zoned Mixed Use 2 - In-town Railroad Corridor. It is appropriate for railroad use given this zoning designation, its location adjacent to an active rail line, and its prior uses.*

Comment T1c

Topic: General, NEPA Process

Summary: Commenter stated that the EA demonstrates that there are no significant impacts; therefore an EIS is not necessary.

Response: *Comment noted.*

Transcript ID: T2

Commenter: Bob McEvoy

Location of Comment: T2 - Page 15, line 12 through Page 16, line 22

Comment T2a

Topic: Land Use

Summary: Commenter stated that Brunswick's zoning for the site does not specify rail uses. Commenter stated that the nearest similar use is warehouse, and the ordinance limits the size of warehouse buildings to 20,000 sq. ft.

Response: *As noted in section 3.3.2 of the EA, federal law preempts the Town of Brunswick's zoning ordinance in connection with the proposed layover facility. Use and dimensional limits therefore do not*

apply, and rail uses are not specifically called out in the zoning ordinance. If dimensional limits did apply, a variance could be granted by the Town's Zoning Board of Appeals to allow a building in excess of 20,000 square feet.

The name of the MU2 – In-town Railroad Corridor zone itself implies that rail uses are present in this district. Further, industrial uses are allowed in the MU2 district.

Comment T2b

Topic: Land Use

Summary: Commenter stated that the EA does not consider proposed 10 unit neighborhood plan.

Response: *A proposed subdivision plan for "Village Crossing" was filed with the Town of Brunswick by Charles Wallace in November of 2011. A hearing was held on the plan, but no subsequent action taken. The subdivision plan has not been approved, building permits have not been issued, and no infrastructure or structures have been constructed. The EA is not required to consider potential effects to uses that do not exist today. However, effects on residential uses at this location would be consistent with those described in the EA currently.*

Comment T2c

Topic: Land Use

Summary: Commenter stated that the Comprehensive Plan was developed to keep Big Box development out of neighborhoods.

Response: *The term "Big Box" development as discussed in the Brunswick Comprehensive Plan refers specifically to large-scale retail uses, not non-retail uses. Additional, big box development is not discussed in the Commercial Connectors area that corresponds to the proposed project location.*

Comment T2d

Topic: General

Summary: Commenter stated that on Page 31, the EA states that tracks are located on the NNEPRA owned property, but in fact tracks are located on MEDOT owned property bordering the NNEPRA site.

Response: *Comment noted. Existing tracks are on MEDOT owned rights-of-way, and NNEPRA owned property is adjacent and to the north of existing tracks.*

Transcript ID: T3

Commenter: Chris Casey

Location of Comment: Page 15, Page 17, line 3 through Page 19, line 22

Comment T3a

Topic: Site Selection/Alternatives, Land Use

Summary: The commenter stated opposition to locating a 50,000 sq. ft. train maintenance facility at this site, adjacent to a neighborhood.

Response: *Comment noted. As stated in section 2.3 of the EA, the proposed building will be used for storage and light service of train sets; not for heavy maintenance. The site is located in a mixed-use zone that allows industrial uses. The 2008 Comprehensive Plan further discourages residential use in the*

corresponding Commercial Connectors area, recognizing the presence of commercial and industrial uses in this area. The proposed site is bordered to the north by a mix of uses (including other industrial uses) and to the south by an active rail corridor.

Comment T3b

Topic: Land Use

Summary: The commenter stated that the EA does not adequately address items mandated by law, and an EIS is needed.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment T3c

Topic: Air Quality

Summary: Commenter stated that the air quality analysis contains significant errors. Horsepower designations of locomotives are incorrect and are based on outdated site design and operational assumptions. The analysis does not take into account changes in the design since 2011.

Response: *A screening level air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. Amtrak operates a mix of equipment of different horsepower in the northeast corridor, while freight operators also have a variety of equipment at their disposal. The air quality analysis assumed use of 3,200 HP Amtrak locomotives and, conservatively, 4,000 HP freight locomotives. In practice, Amtrak is currently using 4,250 HP GE P-42DC locomotives, while freight operators typically use locomotives in the 2,000 HP range.*

The results of the dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility could nearly triple over proposed initial service levels before emissions would approach any of the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Recalculation of emissions dispersion assuming 4,250 HP Amtrak locomotives and 2,000 HP freight locomotives shows these findings to still be true; emissions are within 10 percent of the original calculations.

Other operating and site design assumptions employed in the air quality analysis remain valid.

Comment T3d

Topic: Air Quality

Summary: Commenter stated that diesel exhaust is a known carcinogen. Diesel engines used on the Downeaster today would be illegal to manufacture today due to emissions.

Response: *Combustion of carbon based fuels, including diesel exhaust, produces toxic pollutants. These pollutants have the potential to cause cancer and other adverse health problems, including respiratory illnesses, and increased risk of heart disease. As summarized in section 3.1.1 and Appendix D of the EA, analysis of both long-term and acute (short-term) health risks associated with carcinogenic and chronic non-carcinogenic toxins was conducted. Cancer risks were evaluated following the EPA Human Health*

Risk Assessment Protocol and comparing results to EPA approved health values for cancer risk assessments, which establishes a one in-one million (1E-06) probability of cancer occurring as a result of toxins as a threshold of significance. 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 established significance threshold.

Choice of locomotive power is an Amtrak decision that is independent of the action proposed. The locomotives operating on the Downeaster are legally allowed to do so.

Comment T3e

Topic: Air Quality

Summary: Commenter stated that when trains idle at Brunswick Station today, the smell of fumes is inescapable in the adjacent Hannaford parking lot. If the proposed facility is built, neighbors will be subject to toxic fumes daily.

Response: *The proposed facility will reduce the amount of idling - whether at Brunswick Station or in the Brunswick rail yard - relative to today. The layover facility will allow Downeaster trainsets to shut down during the day between scheduled service runs. The proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. The air quality analysis conducted (section 3.1.1 and Appendix D) shows that the resulting concentrations of pollutants of concern are well below established Federal Standards.*

Transcript ID: T4

Commenter: John MacKillup

Location of Comment: Page 19, line 18 through Page 21, line 18

Comment T4a

Topic: Economics

Summary: The commenter stated that the EA ignores impact to property values. The commenter estimated that 436 properties could be affected and property value losses might be on the order of \$3 million to \$7 million.

Response: *Property values are influenced by many market variables in addition to local considerations. The commenter's claims of monetary impacts are not valid for number of reasons, including:*

- *Far fewer than 436 properties would potentially be affected. Air, noise, and visual effects associated with the proposed project were not found to be significant.*
- *Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions.*
- *Homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service. Additionally, other industrial uses of similar visual scale are located near the proposed site.*

Comment T4b

Topic: NEPA Process, Economics

Summary: The commenter stated that an EIS is needed to investigate impacts to property values.

Response: *Per CRF 2012 title 40 vol 34 § 1508.14, impacts to the human environment, including economic and social effects, are not cause to initiate an EIS.*

Transcript ID: T5

Commenter: William Lord

Location of Comment: Page 22, line 2 through Page 22, line 23

Comment T5a

Topic: General, Downeaster Service

Summary: The commenter stated that the project has been planned for some time, and will enable additional service to Brunswick.

Response: *Comment noted. The proposed facility would enable the Downeaster to operate a third daily round trip between Brunswick and Boston. However, this would not increase the number of trains currently operating between Portland and Brunswick. The proposed facility would help facilitate the extension of more Downeaster trains to Brunswick, but other actions would be necessary for that expansion, as noted in section 1.1 of the EA.*

Transcript ID: T6

Commenter: Richard Harrison

Location of Comment: Page 23, line 3 through Page 23, line 14

Comment T6a

Topic: NEPA Process

Summary: The commenter stated that the work presented by others who are providing comments demonstrates that an Impact Statement should be completed.

Response: *Comment noted. Based on the findings of the EA, significant impacts are not anticipated and an EIS is therefore not warranted.*

Transcript ID: T7

Commenter: J. Maurice L. Bisson

Location of Comment: Page 24, line 1 through Page 24, line 19

Comment T7a

Topic: NEPA Process, Land Use

Summary: The commenter stated that the EA did not note pending lawsuit against the Town and contends that this demonstrates that the EA document inaccurate in many ways. An EIS is requested.

Response: *The legal action was dismissed by stipulation of the parties and is irrelevant to the proposed action.*

The claim of inaccuracy was not specific or supported by evidence. The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.

Transcript ID: T8

Commenter: Nicole Vinal

Location of Comment: Page 24, line 24 through Page 27, line 15

Comment T8a

Topic: NEPA Process

Summary: Commenter stated that an EIS should be conducted to show true impacts.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment T8b

Topic: Safety/Security

Summary: Commenter stated that proposed trespass detection system will not be sufficient and other measures, including fencing, are needed for security (as well as noise reduction).

Response: *The trespass detection system is being implemented independently by MaineDOT and Pan Am Railways as a means of warning of incursion on the existing rail corridor. The proposed facility would not significantly change the rail activity in the area. Due to safety concerns, fencing will be installed on the north side of the rail yard. Land to the south of the railyard is owned by Maine DOT, and neither NRA nor NNEPRA has the legal authority to install fence on the south side of the project. Fencing is not needed as a noise mitigation measure because projected noise levels fall below applicable federal standards, as described in section 3.1.4 and Appendix E.*

Transcript ID: T9

Commenter: John Shumadine (attorney representing the BWNC)

Location of Comment: Page 27, line 22 through Page 29, line 24

Comment T9a

Topic: NEPA Process, Land Use

Summary: Commenter states that an EIS needed because of neighborhood opposition and zoning issues.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted. Neighborhood opposition is not cause to conduct an EIS.*

Per CRF 2012 title 40 vol 34 § 1508.14, impacts to the human environment are not cause to initiate an EIS.

Comment T9b

Topic: Land Use, Federal Preemption

Summary: Commenter states that a zoning variance was never filed and a pending appeal was not allowed to proceed. Preemption was incorrectly applied.

Response: *At its meeting on April 21, 2011, the Brunswick Zoning Board of Appeals (the “Zoning Board”) voted to grant a dimensional variance for the proposed layover facility. On or about June 3, 2011, fourteen Brunswick residents filed a complaint for review of governmental action with the Cumberland County Superior Court, asking the court to vacate the Zoning Board’s approval of the variance and to remand the case to the Zoning Board with directions to deny the variance.*

Under Maine law, a certificate indicating (among other things) the fact that a variance has been granted “must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void.” 30-A M.R.S.A. § 4353(5). In light of the determination that federal law preempts the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility, NNEPRA did not record a certificate of variance in the local registry of deeds. The variance, therefore, is void. And shortly after the statutorily-prescribed time for recording expired, the parties to the Superior Court case filed a stipulation dismissing the case.

Because federal law preempts the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility, no dimensional variance under that ordinance is necessary for the project to go forward. And since NNEPRA is not proceeding in reliance on the variance granted by the Zoning Board, neither the variance, nor the fact that the variance is void, is relevant to the issues that are the subject of the Environmental Assessment.

Transcript ID: T10

Commenter: Charles Wallace

Location of Comment: Page 30, line 4 through Page 32, line 9

Comment T10a

Topic: Noise

Summary: Commenter stated that the Schultz noise curves were incorrectly applied because the data used was not statistically significant, and that an alternative method in EPA regulations should have been used instead.

Response: *The noise criteria used by FTA and FRA are based on the original Schultz noise data from 1978 for community annoyance. Schultz’s resulting noise metric was the Day Night Level, or Ldn, which is what was used in the Brunswick study in accordance with current FTA/FRA Manual procedures. The EPA’s noise office was closed in the early 1980s and no subsequent noise regulations have come from that agency. As such, any reference to EPA noise guidelines today are irrelevant. In contrast, the FTA’s Manual was updated in 2006 and the FRA’s Manual was updated in 2012, both reaffirming the valid application of the Schultz data approach.*

Comment T10b**Topic: Noise**

Summary: Measurements have been taken of a Downeaster train at 100 feet, showing 75 DBA is a “high end operation.”

Response: *Trains produce a wide range of noise levels as they operate from idle to full power conditions. This project, by definition, does not address thru-trains at full power (these are part of the Ambient, or existing, noise). The proposed project only involves idling trains and trains moving at slow speed in/out of the proposed facility. Noise emissions of an idling Downeaster trainset were measured under these conditions, and the results show a loudest level of approximately 67 dBA at 100 feet. This was the result we used in our noise models for this project, and it is consistent with the emission level recommended in the FTA/FRA Manuals.*

Transcript ID: T11**Commenter: Debora King (Brunswick Downtown Association)**Location of Comment: Page 32, line 12 through Page 32, line 23

Comment T11a**Topic: General, Downeaster Service**

Summary: Commenter stated that the Brunswick Downtown Association supports efforts to bring additional service to Brunswick.

Response: *Comment noted. The proposed facility would help facilitate extension of additional service to Brunswick, but other actions would be necessary to expand service to Brunswick, as noted in section 1.1 of the EA.*

Transcript ID: T12**Commenter: Bob Morrison**Location of Comment: Page 33, line 12 through Page 34, line 9

Comment T12a**Topic: Land Use, General**

Summary: Commenter stated that the size and scale of the proposed building is incompatible with the neighborhood. It will cause severe adverse environmental and socioeconomic impacts.

Response: *The site is zoned for 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.*

The EA investigated potential environmental and socioeconomic effects and found no significant, adverse impacts.

Comment T12b**Topic: Public Participation**

Summary: Commenter stated that due process has not been followed. There are pending FOIA requests, one of which has not generated a response.

Response: *Since July 24, 2012 NNEPRA has received 22 pieces of correspondence from members of the BWNC requesting 55 different pieces of information. NNEPRA is not aware of any requests to which a response has not been issued. In cases where the information requested does not exist, the requester has been informed in writing. Documents requested have been provided in instances where the information requested exists and is readily available. Requests which request information or documentation which requires more extensive research and/or photocopying have been replied to, notifying the sender of the associated fee and asking how to proceed. No response has been received regarding these inquiries to date.*

Comment T12c

Topic: Economics

Summary: Project will not increase jobs or support economic development. Land is now non-taxable and Maine now is responsible for cleaning up the contaminated parcel.

Response: *Economic development effects are discussed in section 3.3.4 of the EA. As noted, the project will result in temporary construction related jobs. Operation of the facility will also support the local economy through the purchasing of consumables from local suppliers.*

The site was formerly owned by the Maine Central Railroad and sold to NNEPRA on September 15, 2011. Any property developed by NNEPRA for the purposes of storing and service equipment – whether the proposed site or elsewhere – would be non-taxable. The project will result in the remediation of contaminated soils as described in section 3.3.8 of the EA.

Transcript ID: T13

Commenter: Dan Sullivan

Location of Comment: Page 34, line 15 through Page 36, line 16

Comment T13a

Topic: Downeaster Service, Site Selection/Alternatives

Summary: Commenter stated that train service to Brunswick is not related to whether the facility is provided at this site.

Response: *Comment noted.*

The proposed facility would make the current operation more efficient, and would enable the Downeaster to operate a third daily round trip between Brunswick and Boston. Although the facility itself would not increase the number of trains currently operating between Portland and Brunswick, it would help facilitate the extension of more Downeaster trains to Brunswick, but other actions would be necessary for expansion beyond 3 round trips, as noted in section 1.1 of the EA.

Comment T13b

Topic: Site Selection/Alternatives, Land Use

Summary: Commenter stated that the proposed site is the only site considered located within 100 feet of homes.

Response: *The property line and driveway of the proposed site is located near one residence on Lombard Street, but the proposed building is located more than 200 feet from the nearest residences. Other sites considered in the Siting Report (Appendix B) were located in similar proximity to residences or hotels.*

Comment T13c

Topic: **General, Land Use**

Summary: Commenter stated that the EA ignores recreational impacts; the site has previously been used for recreational purposes. Site was forested for 30 years prior to recent clearing.

Response: *Prior to clearing, the site was largely covered with gravel/soil and grasses, with some stands of predominately immature trees. Railroad ties and other discarded equipment were strewn about the site. It was not suitable for recreation. Any unauthorized users of the property are, and have been, trespassing.*



Site conditions June 2011 (prior to clearing)

Transcript ID: T14

Commenter: Pam Schaeffer

Location of Comment: Page 37, line 5 through Page 38, line 10

Comment T14a

Topic: **Downeaster Service, Economics**

Summary: Cost-effectiveness is not an important consideration because Amtrak itself is subsidized and not cost effective. Should not have invested so much money to extend Amtrak service to Brunswick.

Response: *Comment noted. Reducing operating costs is an important priority for NNEPRA.*

Comment T14b

Topic: **Site Selection/Alternatives**

Summary: If proximity to the station is important, why not site the proposed facility at the Cedar Street park and ride?

Response: *The property at Cedar Street is not large enough to accommodate a 655-foot long building and connecting tracks.*

Transcript ID: T15

Commenter: Wayne Davis (Train Riders Northeast)

Location of Comment: Page 38, line 15 through Page 39, line 16

Comment T15a

Topic: General

Summary: Commenter stated support for construction of the facility as proposed and documented in the EA.

Response: *Comment noted. Thank you.*

Transcript ID: T16

Commenter: Margo Knight (Town Councilor)

Location of Comment: Page 39, line 21 through Page 40, line 17

Comment T16a

Topic: General

Summary: Commenter stated that NNEPRA has done due diligence in finding the best location possible and doing as much mitigating as possible.

Response: *Comment noted. Thank you.*

Transcript ID: T17

Commenter: Jordan Cardone

Location of Comment: Page 41, line 17 through Page 43, line 3

Comment T17a

Topic: Economics

Summary: Commenter notes that home values have already started declining and will continue to do so because of the proposed project

Response: *Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

Comment T17b

Topic: Site Selection

Summary: Commenter stated concern about industrial lighting around the site.

Response: *As described in section 3.3.11 of the EA, external lighting will be limited to the parking area, building entrances and other areas where activity is expected as required to provide a safe environment. Most activity on-site will occur indoors. Lighting will be designed to minimize spill-over onto adjacent properties.*

Comment T17c

Topic: Noise, Air Quality

Summary: Commenter stated that tenant at home on Bouchard Drive is adversely affected by noise, vibration and fumes from current train activity.

Response: *Comment noted. These effects, to the degree they are experienced, are associated with existing conditions. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. As such, noise impacts from the proposed action should be minimal, or possible beneficial to the resident on Bouchard Drive.*

Comment T17d

Topic: **Noise**

Summary: Commenter stated concern about noise waking children and at night.

Response: *Comment noted. Regardless of where a layover facility is located, trains would still operate on the mainline between Portland and Brunswick. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers.*

Transcript ID: T18

Commenter: Terri Chase

Location of Comment: Page 42, line 8 through Page 44, line 19

Comment T18a

Topic: **Air Quality, Noise/Vibration**

Summary: Commenter stated that she is affected by fumes and vibrations of current service, and that she experiences migraine headaches as a result.

Response: *Comment noted. These effects, to the degree they are experienced, are associated with existing conditions. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers.*

Comment T18b

Topic: **Construction/Permitting, Noise**

Summary: Construction noise during the day will affect those who are home during the day or work night shifts.

Response: *As noted in section 3.4, temporary construction impacts are likely to include noise associated with construction. Construction activities will be limited to 7:00 AM to 7:00 PM in accordance with typical noise mitigation measures and best practices in order to minimize impacts on nearby residents.*

Comment T18c

Topic: **Site Selection/Alternatives**

Summary: Commenter stated that trains should be located somewhere other than around people.

Response: *Comment noted. Regardless of where a layover facility is located, trains would still operate on the mainline between Portland and Brunswick. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers.*

Transcript ID: T19

Commenter: Nesta Morrison

Location of Comment: Page 44, line 24 through Page 46, line 16

Comment T19a**Topic: Noise/Vibration**

Summary: Commenter stated that trains currently wake children, and is concerned that the situation will get worse with later train service.

Response: *Comment noted. Regardless of where a layover facility is located, trains would still operate on the mainline between Portland and Brunswick. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. The Proposed Action should not significantly change the level of night-time operations occurring at the site.*

Comment T19b**Topic: Air Quality**

Summary: Commenter stated that NNEPRA isn't mitigating diesel emissions and asked how fumes would harm children.

Response: *The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. Also, the proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. The overall Air Quality impacts associated with the facility have been evaluated and are well below the applicable EPA established significance threshold.*

Comment T19c**Topic: NEPA Process**

Summary: Commenter stated that an EIS will help address concerns.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant, adverse impacts, and therefore an EIS is not warranted.*

Comment T19d**Topic: Air Quality, Cost/Funding**

Summary: Commenter questioned why Clean Air Act money is being used to build a facility that will pollute the neighborhood.

Response: *The proposed layover facility will be constructed using a variety of funding sources. The facility is eligible for CMAQ funding because it supports the operation of rail passenger service. Rail service, in general, is more efficient and less polluting than equivalent levels of automobile travel. In addition, the proposed facility will significantly reduce the idling of trains.*

Transcript ID: T20**Commenter: Jill Smith**Location of Comment: Page 48, line 4 through line 16

Comment T20a**Topic: Air Quality, Noise Vibration**

Summary: The commenter stated that the smell of diesel in the air and vibration felt at meeting are what neighborhood contend with regularly.

Response: *Comment noted. These effects, to the degree they are experienced, are associated with existing conditions. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. Also, the proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. Further, the siding track at Brunswick Station (where the meeting took place) is located immediately adjacent to the building, whereas neighbors at the proposed project site are situated further back from the proposed facility.*

Transcript ID: T21

Commenter: Janet Dutson (Executive Director for Freeport, USA)

Location of Comment: Page 47, line 22 through Page 49, line 2

Comment T21a

Topic: General, NEPA Process

Summary: Commenter stated economic benefits to Freeport as a result of Downeaster service and stated support for the proposed project. Noted that the EA is comprehensive.

Response: *Comments noted. Thank you.*

Transcript ID: T22

Commenter: John Perreault (Town Councilor)

Location of Comment: Page 49, line 5 through Page 50, line 5

Comment T22a

Topic: General

Summary: Commenter stated that NNEPRA has done some things to help neighbors.

Response: *Comment noted. As a result of input from the Brunswick Layover Advisory Group and other members of the public, the size of the proposed facility was expanded to accommodate all three Downeaster train sets and eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard. Additionally, the proposed building is being designed with many features to mitigate impacts on neighbors including additional acoustical features and the elimination of pole lights on the west end of the building.*

Comment T22b

Topic: Air Quality

Summary: Commenter stated that a ventilation system would help mitigate neighbor's issues

Response: *A ventilation system is being constructed as part of the building. The system will collect emissions from units running within the building and exhaust them at a higher elevation than they would normally be exhausted directly from the locomotive. This will reduce the concentration of emissions at ground level. The system will not include scrubbers or filters because the locomotives will be idling in the*

building for limited time (approximately 90 minutes total per day) and air quality analysis demonstrates that emissions produced are well below applicable Federal standards.

Further, the presence of the layover building itself will reduce the amount of time that locomotives will be operating (and producing emissions) compared to today, when locomotives idle in the yard during daytime layovers. Instead, locomotives will be shut down during layovers. Analysis of emissions also shows that the amount of pollutants of concern will be far below acceptable Federal Standards and are not therefore considered a health risk.

Comment T22c

Topic: General, Site Selection/Alternatives

Summary: Commenter stated that it was NNEPRA's ownership of the property before the public hearing makes it difficult to believe that the process was transparent

Response: *NNEPRA's purchase of the property was in part because the site was known to meet functional and operational requirements for the facility (these are articulated in the EA's purpose and need statement). At the time of NNEPRA's purchase of the property, it was unclear whether there would be Federal Involvement in the project or whether a NEPA environmental process would be necessary. Once it was determined that a NEPA environmental assessment was necessary, NNEPRA considered alternative site locations before determining that the proposed site is the only location that would meet functional and operational objectives. There were also other NNEPRA projects that were looking into using this site if it was not selected for use by the layover facility, meaning that there was a high likelihood that the site would have been used regardless if the layover facility was constructed. This site was therefore carried forward as the sole build alternative in the EA.*

Comment T22d

Topic: Downeaster Service

Summary: Commenter stated that other improvements would be necessary to extend additional Downeaster service to Brunswick.

Response: *This is correct. The proposed facility would help facilitate extension of additional service to Brunswick, but other actions would be necessary to expand the number of trains serving Brunswick, as noted in section 1.1 of the EA. As noted in section 3.6 (Indirect Effects), the proposed facility may increase the likelihood of extending additional service to Brunswick given the cost savings and operating efficiencies that would be achieved.*

Transcript ID: T23

Commenter: Stan Gerzofsky (State Senator, District 10)

Location of Comment: Page 50, line 13 through Page 53, line 1

Comment T23a

Topic: General, Public Participation

Summary: Commenter stated that the process has not been as open and fair as he originally hoped; there has been misinformation from both sides.

Response: *Comment noted. NNEPRA has strived for an open and fair process, including meeting with the community on several occasions and establishing a project Advisory Group. These activities are detailed in section 4 of the EA. NNEPRA does not agree that they have conveyed misinformation.*

Comment T23b

Topic: NEPA Process

Summary: Commenter stated that NNEPRA has already determined the preferred site by the time of the second public meeting.

Response: *NNEPRA made a recommendation at the third meeting to select the West Brunswick site based on the assessment documented in the Layover Facility Siting Report (EA appendix B). Public comment on the recommendation was taken.*

Section 3: Written Comments

44 individuals submitted a total of 53 comment letters or emails. In addition, a neighborhood group calling themselves the Brunswick West Neighborhood Coalition (BWNC) submitted five binders of materials accompanied by a letter from Attorney John B. Shumadine (Murray Plumb & Murray), which are addressed in *Section 4: BWNC Binders*. These comments have been assigned ID labels beginning with the prefix “C” (for “Comments”).

Written Comment: C1

Commenter: Jeff Reynolds

Date of Correspondence: Sept 16, 2013

Comment C1a

Topic: **General**

Summary: Letter in support of project noting that NNEPRA has listened to and responded to input.

Response: *Comments noted. Thank you.*

Written Comment: C2

Commenter: Jeff Reynolds

Date of Correspondence: Sept 18, 2013

Comment C2a

Topic: **NEPA Process**

Summary: Letter stating that the analysis of sites in the EA has been fair and thorough.

Response: *Comments noted. Thank you.*

Written Comment: C3

Commenter: Jeff Reynolds

Date of Correspondence: Sept 19, 2013

Comment C3a

Topic: **NEPA Process, General**

Summary: Letter stating that project documentation, including the EA, is thorough.

Response: *Comments noted. Thank you.*

Written Comment: C4

Commenter: William Monroe

Date of Correspondence: Sept 24, 2013 (email)

Comment C4a

Topic: **NEPA Process**

Summary: Email stating that the EA is complete and sufficient.

Response: *Comments noted. Thank you.*

Comment C4b

Topic: **Noise/Vibration, Air Quality**

Summary: Recommendation to emphasize that the facility will decrease the need for trains to idle outdoors in the Brunswick yard.

Response: *Comment noted. The decrease in idling – particularly outdoors during the daytime - is a key benefit of the project.*

Comment C4c

Topic: **Site Selection/Alternatives**

Summary: Cooks Corner is a poor option due to traffic congestion.

Response: *As described in the Layover Facility Siting Report (Appendix B), Cooks Corner (Brunswick East) was eliminated from further consideration for a variety of reasons, including access, site characteristics and train operations.*

Comment C4d

Topic: **Noise/Vibration, General**

Summary: Current Downeaster service is not a nuisance in terms of noise and other effects.

Response: *Comments noted. Thank you.*

Written Comment: C5

Commenter: Jeff Reynolds

Date of Correspondence: Sept 20, 2013

Comment C5a

Topic: **NEPA Process**

Summary: Letter stating that the EA has integrity.

Response: *Comments noted. Thank you.*

Written Comment: C6

Commenter: Heiko Rees (Blaschke Umweltechnik)

Date of Correspondence: Sept 20, 2013

Comment C6a

Topic: **Air Quality**

Summary: Email from German based company describing their exhaust treatment system. States that start-up emissions are unsafe for employees and describes their treatment system.

Response: *Comments noted. Thank you for providing information about your product. At this time, based on industry standard protocols and air quality analysis conducted for the study, we do not anticipate a need to utilize an exhaust treatment system. Such a system would provide limited benefits, since train units will operate under power only for short durations and low idle speeds while indoors.*

Written Comment: C7

Commenter: Jeff Reynolds

Date of Correspondence: Sept 18, 2013

Comment C7a

Date of Correspondence: Sept 25, 2013 (email)

Comment C11a

Topic: **General**

Summary: Email stating support for the facility as proposed.

Response: *Comments noted. Thank you.*

Comment C11b

Topic: **Noise/Vibration, Air Quality**

Summary: States that the facility would reduce pollution and noise.

Response: *The facility will eliminate the need to move equipment between Portland and Brunswick to position equipment at the beginning and end of the day, reducing noise and emissions associated with those movements. As noted, the facility will also eliminate the need to park idling Downeaster trains in the Brunswick yard during the daytime.*

Comment C11c

Topic: **Downeaster Service**

Summary: States that facility would allow for expanded service, benefiting many.

Response: *The proposed facility would enable extension of additional Brunswick to Boston service, and would facilitate further expansion, but other actions would be necessary to expand service to Brunswick beyond 3 daily roundtrips, as noted in section 1.1 of the EA.*

Comment C11d

Topic: **General, Site Selection/Alternatives**

Summary: States that abutters purchased houses next to an existing rail corridor.

Response: *Comments noted. Thank you.*

Written Comment: C12

Commenter: Donovan Gray

Date of Correspondence: Sept 26, 2013 (email)

Comment C12a

Topic: **General, Site Selection/Alternatives**

Summary: Email stating support for the proposed facility and noting that abutters purchased houses next to an existing rail corridor.

Response: *Comments noted. Thank you.*

Written Comment: C13

Commenter: Jeff Reynolds

Date of Correspondence: Sept 26, 2013 (email)

Comment C13a

Topic: NEPA Process

Summary: Letter that summarizes aspects of the EA, concluding that it's a finished and professional document. Contends that an EIS is unnecessary.

Response: *Comments noted. Thank you.*

Written Comment: C14

Commenter: John Graback

Date of Correspondence: Sept 26, 2013 (email)

Comment C14a

Topic: General

Summary: Email stating that support for the project as proposed. States that much of the opposition to the project is unfounded.

Response: *Comments noted. Thank you.*

Written Comment: C15

Commenter: David Highfield

Date of Correspondence: Sept 26, 2013 (email)

Comment C15a

Topic: General

Summary: Email stating support for Downeaster service and the proposed facility.

Response: *Comments noted. Thank you.*

Written Comment: C16

Commenter: Alex Landry

Date of Correspondence: Sept 26, 2013 (email)

Comment C16a

Topic: General, NEPA Process

Summary: Email stating support for the project. Notes benefits of the project and states that the EA analysis was sufficient.

Response: *Comments noted. Thank you.*

Written Comment: C17

Commenter: George Terrian

Date of Correspondence: Sept 27, 2013 (email)

Comment C17a

Topic: General

Summary: Email stating support for the project and noting that the process has been orderly.

Response: *Comments noted. Thank you.*

Written Comment: C18 **Commenter: Gerald Favreau (Brunswick Town Councilor)**

Date of Correspondence: Sept 27, 2013 (email)

Comment C18a

Topic: **General, Public Participation**

Summary: Email stating support for the project. Notes that NNEPRA and the Town have made considerable efforts to work with neighborhood.

Response: *Comments noted. Thank you.*

Written Comment: C19 **Commenter: Jim Friedlander**

Date of Correspondence: Sept 28, 2013 (email)

Comment C19a

Topic: **Site Selection/Alternatives**

Summary: Email stating s that existing rail corridor was established before neighboring residences.

Response: *Comments noted. Thank you.*

Written Comment: C20 **Commenter: Michael Connolly**

Date of Correspondence: Sept 28, 2013 (email)

Comment C20a

Topic: **Site Selection/Alternatives, Downeaster Service**

Summary: Email suggesting that property on either side of Jordan Avenue might be a suitable site that wouldn't generate opposition. Notes support for Downeaster service.

Response: *Property near Jordan Road is within the Town's aquifer protection zone, as well partially within the Natural Resource Protection Area. The property is also zoned HCs, where Industrial Uses are prohibited (source: Town Zoning Map, 2013). While federal law preempts the town's zoning ordinance, the site is none-the-less inconsistent with the current zoning in terms of allowed uses.*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Written Comment: C21 **Commenter: Bill Pupkis**

Date of Correspondence: Sept 28, 2013 (email)

Comment C21a

Topic: General

Summary: Email stating that the facility should be constructed and that no further study is needed.

Response: *Comments noted. Thank you.*

Written Comment: C22

Commenter: Joe Pelliccia

Date of Correspondence: Sept 28, 2013 (email)

Comment C22a

Topic: Downeaster Service

Summary: Email stating that some Downeaster trips do not extend to Brunswick due to lack of a layover facility.

Response: *The proposed facility would increase Brunswick to Boston service from 2 daily round trips to 3 daily round trips without increasing the number of trains which travel between Portland and Brunswick by replacing deadhead moves with revenue runs. The proposed facility would help facilitate the operation of additional trains, but other actions would be necessary to expand service to Brunswick beyond 3 daily roundtrips, as noted in section 1.1 of the EA.*

Comment C22b

Topic: General, Site Selection/Alternatives

Summary: States that abutters purchased houses next to an existing rail corridor.

Response: *Comments noted. Thank you.*

Written Comment: C23

Commenter: William Taylor

Date of Correspondence: Sept 29, 2013 (email)

Comment C23a

Topic: Air Quality, Noise/Vibration

Summary: Email states that concerns of neighbors regarding fumes and noise of trains currently idling trains in the Brunswick yard is real.

Response: *These effects, to the degree they are experienced, are associated with existing conditions. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers.*

Comment C23b

Topic: NEPA Process

Summary: States that a full environmental analysis has not been conducted.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C23c**Topic: General**

Summary: States that the engineering firm who prepared the EA stands to profit from the buildings construction and is therefore not impartial.

Response: *The project is being constructed through a design-build procurement, and the designer/builder of the facility is a different firm than the company who has prepared the preliminary engineering plans and conducted the environmental assessment. Further, the professionals who conducted the analysis are upheld to professional standards of conduct and ethics in their respected fields. Finally, the FRA, as issuer of the EA document, independently reviewed and approved the report.*

Comment C23d**Topic: General, Site Selection/Alternatives**

Summary: Asks why the proposed facility is located in a residential area when the nearby Industrial Park Site is available.

Response: *The Industrial Park site was evaluated in the Layover Facility Siting Report (Appendix B) and again independently by MaineDOT (Appendix C) as well as NNEPRA's consultants. The Industrial Park is not suitable for the proposed facility for the reasons cited in section 2.2 of the EA, which include unsuitability of the site terrain, access to the site, and environmental considerations. Note also that trains traveling to a layover facility at the Industrial Park site would travel through the Brunswick rail yard at the same times and with the same frequency as for the proposed site.*

Written Comment: C24**Commenter: Mary Heath****Date of Correspondence:** Sept 27, 2013 (email)

Comment C24a**Topic: Public Participation**

Summary: Email stating that the public was not involved from the beginning. NNEPRA has misrepresented facts to BWNC and has been dismissive of their concerns.

Response: *NNEPRA has strived for an open and fair process, including meeting with the community on several occasions and establishing a project Advisory Group. These activities are detailed in section 4 of the EA. NNEPRA disagrees that they have been dismissive of neighbors' concerns and has made changes to the proposed design to address a number of concerns, as described in section 3.7.1 of the EA.*

Comment C24b**Topic: Public Participation, General**

Summary: States that data requested by neighborhood group from NNEPRA was not provided in a timely manner

Response: *Since July 24, 2012 NNEPRA has received 22 piece of correspondence from members of the BWNC requesting 55 different pieces of information. NNEPRA is not aware of any requests to which a response has not been issued. In cases where the information requested does not exist, the requester has been informed in writing. Documents requested have been provided in instances where the*

information requested exists and is readily available. Requests which have been received requesting information or documentation related topic areas which require more extensive research and/or photocopying have been responded to stating the associated fee and asking how to proceed. No response has been received regarding these inquiries to date.

Comment C24c

Topic: NEPA Process

Summary: Supports request for an EIS.

Response: *The EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The analyses cover all topics for which impacts could potentially exist. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Written Comment: C25

Commenter: Ben Morse

Date of Correspondence: Sept 28, 2013 (email)

Comment C25a

Topic: Economics

Summary: Email states that sender has been told that the facility will impact home value 20-30%.

Response: *Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

There is no valid basis to suggest that home values would decrease by 20% to 30% strictly as a result of the proposed project.

Comment C25b

Topic: Noise

Summary: Stated that trains sets will be working 2:30-4:30am, 5:30-6:30am and 8:30-9:30pm, and that this will impact their newborn child's sleep.

Response: *Hours of operation are described in section 2.4 of the EA. Regardless of where a layover facility is located, trains would still operate on the mainline between Portland and Brunswick. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers.*

Noise analysis conducted for the study shows that noise levels will not exceed applicable federal standards at the closest abutter locations, as detailed in section 3.1.4 of the EA.

Comment C25c

Topic: Air Quality, Visual/Lighting

Summary: Noted that diesel exhaust and light pollution from building will have a negative effect on life and compared the facility to the former MBTA facility in Attleboro.

Response: *The proposed facility will reduce the amount of idling - whether at Brunswick Station or in the Brunswick rail yard - relative to today. The layover facility will allow Downeaster trainsets to shut down during the day between scheduled service runs. The proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. The air quality analysis conducted (section 3.1.1 and Appendix D) shows that the resulting concentrations of pollutants of concern are well below established Federal Standards.*

As described in section 3.3.11 of the EA, external lighting will be limited to the parking area, building entrances and other areas where activity is expected as required to provide a safe environment. Most activity on-site will occur indoors. Lighting will be designed to minimize spill-over onto adjacent properties.

The former MBTA facility in Attleboro was an outdoor facility of greater size and with more train activity. The two facilities are not comparable.

Written Comment: C26

Commenter: Jeff Reynolds

Date of Correspondence: Sept 27, 2013

Comment C26a

Topic: Economics

Summary: Letter stating that recent declines in home values are related to many factors, particularly the closure of the Brunswick Naval Air Station, not the proposed Layover Facility.

Response: *Comments noted. Thank you.*

Comment C26b

Topic: Economics

Summary: Contends that further consideration of economic impacts is not necessary, and it is not cause for an EIS.

Response: *Comment noted. Per CRF 2012 title 40 vol 34 § 1508.14, impacts to the human environment, including economic and social effects, are not cause to initiate an EIS.*

Written Comment: C27

Commenter: Jeff Reynolds

Date of Correspondence: Sept 29, 2013

Comment C27a

Topic: Noise/Vibration

Summary: Letter stating that EA demonstrates that there will not be significant noise or vibration impacts, which is consistent with the author's impressions of existing service.

Response: *Comments noted. Thank you.*

Written Comment: C28**Commenter: Bridget and Jeff Edmonds****Date of Correspondence:** Sept 29, 2013

Comment C27a**Topic: Geotech, Noise/Vibration****Summary:** Email asking about liquefaction potential of repetitive loading by trains, both at the construction site and beyond.**Response:** *Liquefaction potential has been evaluated by Summit Geo-Engineering as part of the design process.*

The liquefaction potential under repetitive loading caused by the trains are determined to be localized (limited to within area beneath the track systems) and will be corrected using ground improvement (proof-rolling, compacted engineered fill, etc.). The dynamic loads from the trains are considered too low to generate force large enough to liquefy soils beyond the site footprint.

Evaluation for liquefaction potential was performed using subsurface data collected from our geotechnical investigation, available mapping information provided by the Maine Geological Survey, and USGS earthquake design parameters for the site. Our investigation included the use of test borings with SPT sampling, piezocone penetration testing (CPT) performed with seismic shear wave velocity tests, and laboratory gradation analysis for the underlying sand deposits. Groundwater monitoring wells were also installed to evaluate groundwater depths onsite.

The shear wave velocity data and penetration resistance of the CPT tests were used for earthquake analysis and appropriate International Building Code (IBC) site design classification. Liquefaction potential was evaluated by estimated relative density of the subgrade soil from test boring and CPT tests. Relative density and results of the gradation tests were matched and evaluated for liquefaction potential based on Cooper E80 train loads. Due to the magnitude of the train loads, the liquefaction potential is considered localized to beneath the tracks (if present) and will be stabilized by use of ground improvement methods implemented during construction.

Written Comment: C29**Commenter: Donald Foley****Date of Correspondence:** Sept 26, 2013

Comment C29a**Topic: General, Public Participation, NEPA Process****Summary:** Letter critical of the process and public outreach process.**Response:** *Comment noted. NNEPRA disagrees with this characterization of the process.***Comment C29b****Topic: NEPA Process****Summary:** States that environmental assessment is needed.

Response: *The EA is an environmental assessment conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C29c

Topic: **Site Selection/Alternatives**

Summary: States that the facility should be located at the former Brunswick Naval Air Station (BNAS), and that the facility would be welcome there.

Response: *Other sites were considered, as described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D). Discussions with Town and Redevelopment Authority officials confirmed that the facility would not be considered compatible with redevelopment plans for BNAS. In addition, the site would be difficult to access by rail due to topography and grade constraints, and the need to introduce a new grade crossing on one of Brunswick's busier arterial highways.*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Written Comment: C30

Commenter: Arnold Besier

Date of Correspondence: Sept 30, 2013

Comment C30a

Topic: **General, Site Selection/Alternatives**

Summary: Letter supporting development of the proposed Layover facility. States that the location is compatible and that NNEPRA has worked to address neighbors' concerns.

Response: *Comments noted. Thank you.*

Written Comment: C31

Commenter: David Glaser

Date of Correspondence: Oct 3, 2013

Comment C31a

Topic: **General**

Summary: Email supporting development of the proposed Layover facility. States that not building the facility at the proposed location would waste fuel and lead to additional operating expenses.

Response: *Comments noted. Thank you.*

Written Comment: C32

Commenter: Jeff Reynolds

Date of Correspondence: Oct 3, 2013

Comment C32a

Topic: **Visual/Lighting**

Summary: Letter stating that lighting as proposed would not result in intrusion of “light pollution” into the neighborhood.

Response: *Comments noted. Thank you.*

Written Comment: C33 **Commenter: Jeff Reynolds**

Date of Correspondence: Oct 3, 2013

Comment C33a

Topic: **General, Site Selection/Alternatives**

Summary: Letter stating that the proposed facility will not have adverse environmental impacts and in that regard is a better site than the Industrial Park site.

Response: *Comments noted. Thank you.*

Written Comment: C34 **Commenter: Carl Scheffy**

Date of Correspondence: Oct 4, 2013 (email)

Comment C34a

Topic: **General**

Summary: Email supporting development of the proposed Layover facility.

Response: *Comments noted. Thank you.*

Written Comment: C35 **Commenter: Bernard Breitbart**

Date of Correspondence: Oct 4, 2013 (online comment submitted at Downeaster website)

Comment C35a

Topic: **General, Site Selection/Alternatives**

Summary: Supports development of the proposed Layover facility.

Response: *Comments noted. Thank you.*

Written Comment: C36 **Commenter: Stephen Pesci**

Date of Correspondence: Oct 8, 2013 (email)

Comment C36a

Topic: **General, Site Selection/Alternatives**

Summary: Email stating support for the development of the proposed Layover facility. States that the EA lays out thorough and compelling case for site as best fit. Provides maximum benefit to the corridor while minimizing neighborhood impacts.

Response: *Comments noted. Thank you.*

Written Comment: C37 **Commenter: Dennis Sarofeen**

Date of Correspondence: Oct 9, 2013 (Public hearing comment form returned by mail)

Comment C37a

Topic: **General, Site Selection/Alternatives**

Summary: Commenter stated support for the proposed Layover facility. Stated that the process has taken too long and abutters knowingly purchased homes near an existing rail line.

Response: *Comments noted. Thank you.*

Written Comment: C38

Commenter: Kathy Wilson

Date of Correspondence: Oct 7, 2013 (Public hearing comment form returned by mail)

Comment C38a

Topic: **General, Noise**

Summary: Commenter stated support for the proposed Layover facility. Notes that noise from existing trains is not bothersome. States that the facility will improve conditions.

Response: *Comments noted. Thank you.*

Written Comment: C39

Commenter: Karl and Linda Saila

Date of Correspondence: Oct 9, 2013

Comment C39a

Topic: **General, Noise**

Summary: Letter supporting development of the proposed Layover facility. States that Downeaster service has had a positive effect on Brunswick due to increased tourism.

Response: *Comments noted. Thank you.*

Written Comment: C40

Commenter: Alan Mast

Date of Correspondence: Oct 9, 2013

Comment C40a

Topic: **General**

Summary: Letter supporting development of the proposed Layover facility. States appreciation for concerns of neighboring residences, but that benefits to the community outweigh the isolated concerns.

Response: *Comments noted. Thank you.*

Written Comment: C41

Commenter: Stan Gerzofsky (State Senator, District 10)

Date of Correspondence: Received Oct 10, 2013

Comment C41a

Topic: **General, Downeaster Service**

Summary: Letter states support for expansion of service to Brunswick, but with concerns noted below.

Response: *Comments noted. Thank you.*

Comment C41b

Topic: **Public Participation, Air Quality**

Summary: States that residents of the West Brunswick neighborhood do not feel that their concerns have been taken seriously, particularly with regard to train emissions.

Response: *NNEPRA has continuously engaged with the neighboring community since 2011 as detailed in section 4 of the EA. Neighbors' concerns have been investigated and, while no significant impacts have been identified, voluntary commitments have been added to the project, as described in section 3.7.1.*

Comment C41c

Topic: **Air Quality (idling), Noise/Vibration (idling)**

Summary: Having a train idle in a residential neighborhood 5 hours per day, 7 days per week poses environmental and health risks that will not be addressed by the proposed building.

Response: *Trains idling in the Brunswick rail yard are an existing condition related to operation of Downeaster service to Brunswick; it is not an operational aspect associated with the proposed project. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. The proposed facility will reduce the amount of idling relative to today, as Downeaster trainsets will switch to electric power during the day between scheduled service runs. When trains are idling indoors, such as during the start of the day (30 minutes), the proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. The air quality analysis conducted (section 3.1.1 and Appendix D) shows that the resulting concentrations of pollutants of concern are well below established Federal Standards.*

Comment C41d

Topic: **NEPA Process**

Summary: Requests a comprehensive environmental study be conducted.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted. Neighborhood opposition is not cause to conduct an EIS.*

Written Comment: C42

Commenter: Garret Gustafson

Date of Correspondence: Oct 10, 2013 (email)

Comment C42a

Topic: **General, Downeaster Service**

Summary: Email stating support for Downeaster service to Brunswick, but with concerns noted below.

Response: *Comments noted. Thank you.*

Comment C42b**Topic: Noise/Vibration, Air Quality**

Summary: Concerned about noise, faint vibration and smell of emissions associated with trains idling in the Brunswick yard during the day.

Response: *Trains idling in the Brunswick rail yard are an existing condition related to operation of Downeaster service to Brunswick. The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. The proposed facility will reduce the amount of idling relative to today, as Downeaster trainsets will switch to electric power during the day between scheduled service runs. When trains are idling indoors, such as during the start of the day (30 minutes), the proposed facility will exhaust emissions at a higher height than locomotives do, reducing the concentration of emissions at ground level. The air quality analysis (section 3.1.1 and Appendix D) shows that the resulting concentrations of pollutants of concern are well below established Federal Standards. The noise analysis (sections 3.1.4 and 3.1.5, and Appendix E) also show the Federal standards will not be exceeded.*

Comment C42c**Topic: NEPA Process**

Summary: Request an Environmental Impact Survey.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Written Comment: C43**Commenter: Lindy Ost****Date of Correspondence:** Oct 10, 2013

Comment C43a**Topic: General**

Summary: Letter opposing the proposed project, and stating many concerns, addressed individually below.

Response: *Comments noted. Thank you.*

Comment C43b**Topic: General, Public Participation**

Summary: NNEPRA did not originally disclose plans to build a Layover facility, and only agreed to meetings after neighborhood outrage.

Response: *NNEPRA initiated a public outreach process in 2011, which has continued throughout the NEPA process.*

Comment C43c**Topic: Public Participation**

Summary: The public did not have open or free time to talk, ask questions or get information.

Response: *Public comments and questions were addressed at several meetings, as detailed in section 4 of the EA. Further, a committee was convened to work with NNEPRA to identify and address concerns. Finally, the EA comment period is an additional opportunity to comment on the proposal and the environmental analysis. Collectively, these form several opportunities to express concerns about the proposed project.*

Comment C43d

Topic: **General**

Summary: Siting Report is limited in facts, scope, data and projections.

Response: *The comment does not specify how data and projections were limited. The Siting Report assessed potential sites using data and information sufficient to determine a preferred site. The proposed Layover site was evaluated in more detail in the EA.*

Comment C43e

Topic: **General, Construction/Permitting**

Summary: Who ensures accountability to the design, construction and management of this project?

Response: *The building will be subject to the normal building inspections by the Town that any similar facility would be subject to.*

Comment C43f

Topic: **Construction/Permitting**

Summary: What permits are needed?

Response: *Permits required are described in section 3.1.1.*

Comment C43g

Topic: **Economics**

Summary: How have real estate values changed since announcement to build facility.

Response: *Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

Comment C43h

Topic: **Land Use**

Summary: How has NNEPRA worked with the town in relation to the Master Plan?

Response: *The Comprehensive Plan was adopted in 2008, and a Downtown Master Plan in 2011. NNEPRA was not involved in their development. NNEPRA has coordinated with the Town to determine that the site is compatible with these plans. This correspondence is included in Appendix A.*

Comment C43i

Topic: Downeaster Service

Summary: What numbers has NNEPRA used to tell residents how many paying passengers ride to/from Brunswick?

Response: *Ridership to/from Brunswick is not discussed in the EA. The need for a Layover Facility is driven by operating considerations; ridership is not a factor in determining the need for a facility.*

Available published statistics are posted at: <http://www.amtrakdowneaster.com/reports-and-statistics>

Comment C43j

Topic: Downeaster Service

Summary: What information has NNEPRA collected to determine the effect of Downeaster Service on Brunswick's economy? How is that information being reported to residents of Brunswick? Who is responsible for collecting that information?

Response: *Economic effects associated with the project are described in section 3.3.4. NNEPRA has not specifically studied the economic effects of Downeaster service extension to Brunswick since its implementation.*

Comment C43k

Topic: Downeaster Service

Summary: How can NNEPRA project 3-5 trainsets when Concord has run 2 busses for 8 years?

Response: *NNEPRA currently operates 2 round trips daily between Brunswick and Boston. 3 daily round trips will be operated once the proposed facility is constructed. Any decision to expand service to Brunswick beyond 3 daily roundtrips would be considered separately and independently from the proposed action. Downeaster service and Concord bus services operate with different schedules, different destinations, and have unique service characteristics; they are not directly comparable.*

Comment C43l

Topic: Funding/Cost

Summary: Why would Patricia Quinn originally estimate the cost to be \$4m?

Response: *Early estimates of cost were rough approximations without benefit of conceptual design/preliminary engineering.*

Comment C43m

Topic: General

Summary: How could this building go from a maintenance building to a layover building during a 3 month period?

Response: *The functions of the building as proposed have always been the same; storage and light service of Amtrak Downeaster equipment. The activities that will take place in the building are described in section 2.3 of the EA.*

Comment C43n

Topic: General

Summary: Facility is first to be built in the US of size and scope with such small population density.

Response: *Comment noted. NNEPRA has not researched whether this is true or not. The size of the building is based wholly on the operating needs and physical characteristics of the equipment.*

Written Comment: C44

Commenter: Robert Brewster

Date of Correspondence: Oct 11, 2013 (email)

Comment C44a

Topic: General

Summary: Email stating support for Downeaster service to Brunswick.

Response: *Comments noted. Thank you.*

Comment C44b

Topic: General, Air Quality (Idling), Noise/Vibration (Idling)

Summary: Noted that the facility will reduce idling relative to today.

Response: *The proposed project will eliminate the need to regularly park idling Downeaster trainsets outdoors in the Brunswick rail yard during daytime layovers. The proposed facility will reduce the amount of idling relative to today, as Downeaster trainsets will switch to electric power during the day between scheduled service runs.*

Comment C44c

Topic: Downeaster Service

Summary: Facility may enable additional expansion of service to Brunswick.

Response: *The proposed facility would help facilitate extension of additional service to Brunswick, but other actions would be necessary to expand service to Brunswick beyond 3 daily roundtrips, as noted in section 1.1 of the EA.*

Written Comment: C45

Commenter: Wayne Davis

Date of Correspondence: Oct 11, 2013 (email)

Comment C45a

Topic: General

Summary: Email stating support for the proposed project from Chairman of TrainRiders/Northeast organization.

Response: *Comments noted. Thank you.*

Written Comment: C46

Commenter: Brandi Munsey

Date of Correspondence: Oct 11, 2013 (email)

Comment C46a

Topic: Site Selection/Alternatives

Summary: Email suggesting the 393 Bath Road for site of the proposed layover facility.

Response: *Other sites were considered as potential locations for the Layover Facility are described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D).*

The 393 Bath Road site was one of the sites considered, and was eliminated for the reasons described in section 2.2 of the EA. Notably, the site is not sufficiently large to accommodate the proposed building.

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Written Comment: C47

Commenter: Jordan Cardone

Date of Correspondence: Oct 11, 2013 (email)

Comment C47a

Topic: Economics

Summary: Email states that home values have already been impacted since the proposed Layover Facility was announced.

Response: *Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

Comment C47b

Topic: Land Use

Summary: Why is what was considered a residential neighborhood in 1989 deemed an Industrial zone in 2013?

Response: *The proposed site is within the MU-2 Intown Railroad corridor zone, which allows Industrial uses and discourages residential uses (except for mixed use developments). The residential area to the south (across the mainline tracks from the proposed site) is zoned R4 and TR5, which are residential zones.*

Comment C47c

Topic: General, Noise/Vibration, Air Quality

Summary: The Tenant is impacted by trains idling in rail yard. Effects of noise, vibration and odors affect preexisting health condition. Facility will increase train activity, noise, odors and vibration already experienced by neighbors.

Response: *The degree to which train activity changes is summarized in section 2.2. Downeaster train moves in the vicinity of the Brunswick yard would increase from 8 today to 12 under current service levels. Outdoor idling during the day would be eliminated, however. Instead, trains will switch to electric power during midday layovers. Trains will idle indoors for 30 minutes upon morning start-up, with exhaust being expelled through the buildings ventilation system. Changes to noise and air quality were fully assessed and found to be within acceptable limits, as defined by applicable Federal guidelines.*

Comment C47d

Topic: **NEPA Process, Air Quality, Noise/Vibration, Economics**

Summary: The EA used very limited criteria. Did not adequately address noise, odors, effect on property values.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines.*

Comment C47e

Topic: **Air Quality (idling), Noise/Vibration (idling)**

Summary: Freight trains that idled in the Brunswick yard only did so occasionally, not every night. Downeaster train activity every night will be unbearable.

Response: *Idling by Downeaster trains will only occur during the 30-minute startup period, and will be indoors if the project is constructed. Trains will travel to and from the layover facility at night, as described in section 2.2 of the EA. However, these night-time operations will occur at approximately the same time as current operations to get the Downeaster trains to the Brunswick station.*

Comment C47f

Topic: **NEPA Process**

Summary: More thorough environmental study is needed; an EIS should be conducted.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Written Comment: C48

Commenter: Carolyn Bruat

Date of Correspondence: Oct 13, 2013 (email)

Comment C48a

Topic: **General**

Summary: Email supporting the proposed Layover Facility location and stating that the enclosed building will minimize impacts.

Response: *Comments noted. Thank you.*

Written Comment: C49

Commenter: Diana Forcyth

Date of Correspondence: Oct 11, 2013

Comment C49a

Topic: General, Site Selection/Alternatives

Summary: Letter stating that neighbors knowingly purchased houses next to existing railroad tracks.

Response: *Comments noted. Thank you.*

Comment C49b

Topic: Economics

Summary: States that real estate values have dropped everywhere, not just near the proposed site. Falling real estate prices are not related to the proposed project.

Response: *Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

Comment C49c

Topic: General

Summary: The proposed Layover Facility would reduce many of the impacts.

Response: *Comments noted. Thank you.*

Written Comment: C50

Commenter: Alison Harris

Date of Correspondence: Oct 6, 2013 (email)

Comment C50a

Topic: General, Air Quality (Idling), Noise/Vibration (Idling)

Summary: Email stating that the project should move forward, noting that it will reduce the need to idle outdoors.

Response: *Comments noted. Thank you.*

Comment C50b

Topic: Downeaster Service

Summary: Additional service that the layover facility will facilitate is welcome (with additional track improvements).

Response: *The proposed facility would help facilitate extension of additional service to Brunswick, but other actions would be necessary to expand service to Brunswick beyond 3 daily roundtrips, as noted in section 1.1 of the EA.*

Comment C50c

Topic: Site Selection/Alternatives

Summary: Alternative sites, particularly east of Brunswick Station, are not viable.

Response: *Comment noted. This is consistent with the findings of the EA and Layover Facility Siting Report (Appendix B).*

Comment C50d

Topic: Visual/Lighting, Air Quality

Summary: Concerned about neighbors; suggest tree plantings to supplement buffer and air filters if they would be effective in reducing emissions.

Response: *The area south of the railroad mainline is not NNEPRA property, so NNEPRA does not have authority to increase plantings along the southern border with the neighboring residential area. This area is already heavily forested, however.*

To the north, NNEPRA will plant a row of arborvitae (or similar) along an approximate 240-foot section bordering the access road from Church Road, as described in section 3.7.1 of the EA. Other areas of dense vegetation exist presently on the north side of the property to the east and west of the proposed building, and will be retained except where the building footprint, access roads, parking, tracks or other infrastructure require their removal. A 6-foot high chain link fence will also be constructed on the north side of the layover facility, and will include visual screens to reduce the impacts to the visual environment.

The design specifications for the exhaust system within the layover building do not include filtration because it was deemed that the investment would not produce a noticeable net benefit for abutters or for the environment at large for the following reasons:

- The Air Quality analysis conducted by PB indicates that the emissions associated with the layover facility fall well below thresholds of significant impact as established by federal government agencies.*
- The building HVAC system will be released from the building at approximately 35 feet above ground level, where they will mix with ambient air. They will further be diluted by the venting action of the buildings HVAC system.*
- At existing service levels, locomotives will collectively idle a total of approximately 1.5 hours per day within the facility; at future projected levels the total idling within the building will be 2.5 hours per day.*

Comment C50e

Topic: Noise/Vibration

Summary: Ask that independent of this project, NNEPRA pursue quiet zones.

Response: *Comment noted. As acknowledged by the comment, should establishment of quiet zones in Brunswick be pursued, it would be an action independent of the proposed project.*

Written Comment: C51

Commenter: Pamela Bobker

Date of Correspondence: Oct 6, 2013 (email)

Comment C51a

Topic: **General, Air Quality, Noise/Vibration**

Summary: Email stating support for the proposed project. States that building will reduce noise and emissions associated with idling.

Response: *Comments noted. Thank you.*

Written Comment: C52

Commenter: John Kanwitt

Date of Correspondence: Oct 6, 2013 (email)

Comment C52a

Topic: **General, Air Quality (Idling), Noise/Vibration (Idling)**

Summary: Email from Church Rd resident stating support for the proposed project. States that it will reduce idling outdoors.

Response: *Comments noted. Thank you.*

Written Comment: C53

Commenter: Bob Hall

Date of Correspondence: Oct 5, 2013 (email)

Comment C53a

Topic: **General, Downeaster Service**

Summary: Email stating support for the proposed project. States that it is important for the safe and efficient operation of Downeaster service.

Response: *Comments noted. Thank you.*

Section 4: Brunswick West Neighborhood Coalition (BWNC) Binders 1-5

A group of neighboring residents, calling themselves the Brunswick West Neighborhood Coalition (BWNC), submitted several volumes of materials accompanied by a letter from John B. Shumadine, an attorney with Murray Plumb & Murray representing the group.

Included in the BWNC materials were the following materials, which are addressed in this section:

- Letter from Attorney John B. Shumadine (Murray Plumb & Murray) dated Oct 11, 2013. Hand-delivered to NNEPRA.
- Binder 1: Materials related to noise analysis prepared by Resource Systems Engineering (RSE), which were also previously shared with NNEPRA in 2011.
- Binder 2: Additional noise study by RSE.
- Binder 3: An annotated copy of the EA, with comments and notes inserted into the document.
- Binder 4: Office of Inspector General Compliance Guidance.
- Binder 5: Twelve individual correspondences prepared by West Brunswick Neighborhood Coalition members.

Introductory Letter from Attorney John B. Shumadine (Murray Plumb & Murray) representing the BWNC

Written Comment: C54

**Commenter: Attorney John B. Shumadine
(Murray Plumb & Murray)**

Date of Correspondence: Received Oct 11 2013 (hand delivered)

Comment C54a

Topic: **General**

Summary: Letter from Attorney Shumadine states that he represents a group of residents who live near the proposed Layover site (Brunswick West Neighborhood Coalition – or, “Coalition”)

Response: *Comments noted. Thank you.*

Comment C54b

Topic: **Downeaster Service, Site Selection/Alternatives**

Summary: Coalition does not oppose expansion of service to Brunswick and understands there may be a need for a layover facility in Brunswick. Coalition is opposed to the proposed location.

Response: *Comments noted.*

Comment C54c

Topic: **Site Selection/Alternatives**

Summary: There are other sites that are better suited for the proposed facility. The Brunswick west site is the worst in terms of impacts to neighbors.

Response: *Other sites were considered and eliminated from further consideration as described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D).*

Note also that trains traveling to a layover facility at the Industrial Park site would travel through the Brunswick rail yard at the same times and with the same frequency as for the proposed site.

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Comment C54d

Topic: NEPA Process, Site Selection/Alternatives

Summary: The EA focuses on the Brunswick West site and attempts to minimize the impacts of the proposed facility.

Response: *The Brunswick West site is the only build alternative fully evaluated and considered in the EA, which is consistent with NEPA requirements. Other potential sites were eliminated from further consideration for the reasons described in section 2.2.*

Comment C54e

Topic: General, NEPA Process

Summary: Members of the Coalition have analyzed the contents of the EA and have prepared materials (Binders 1-5) that demonstrate that the EA is deficient in many ways.

Response: *These comments have been reviewed and are addressed individually. We do not agree that they identify any significant deficiency in the EA.*

Comment C54f

Topic: NEPA Process

Summary: The Coalition requests that if the West Brunswick site is to move forward that the FRA declare there will be significant impacts and require an EIS.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C54g

Topic: Land Use

Summary: Building is inconsistent with zoning given its size relative to the maximum allowed in the MU-2 zone.

Response: *Comment noted. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically).*

Comment C54h

Topic: Land Use, Federal Preemption

Summary: Letter states that the legal test for a variance is strict and likely would not have sustained a court challenge.

Response: *Speculation on whether the variance would likely have been overturned in court is irrelevant. Because federal law preempts the Town of Brunswick's zoning ordinance in connection with the proposed layover facility, no dimensional variance under that ordinance is necessary for the project to go forward. And since NNEPRA is not proceeding in reliance on the variance granted by the Zoning Board, neither the variance, nor the fact that the variance is void, is relevant to the issues that are the subject of the EA.*

Comment C54i

Topic: Land Use

Summary: The zoning restriction regarding building size illustrates that a building of that scale will have adverse effects on people living in that district. This should weigh heavily in finding that an EIS is required.

Response: *The preempted dimensional limitations contained in the Town of Brunswick's zoning ordinance do not bear on whether an EIS should be prepared. The appropriate inquiry in assessing whether an EIS should be prepared is whether the EA adequately covers the anticipated impacts of the project and results in a finding of no significant adverse impacts. FRA has determined that for the reasons set forth in sections V.T. & U of the FONSI, the Build Alternative will not have a significant adverse impact on land use or the surrounding business or residential economic communities. Therefore, no EIS is necessary.*

Binder 1: Initial Noise Analysis Materials

Binder 1 contains a report titled "Brunswick Neighborhoods Sound Level Assessment" prepared by Resource Systems Engineering (RSE) on August 16, 2011 (also referred to as "Study #1"). NNEPRA and its consultant, Parsons Brinckerhoff, previously reviewed these materials and responded in a memorandum from Parsons Brinckerhoff to Patricia Quinn (NNEPRA) dated August 19, 2011 (See Attachment A). It should be noted that the detailed noise analysis presented in the EA was performed subsequently; the only noise assessment that had been conducted by NNEPRA's consultants as of August 2011 was a screening level assessment of potential sites described in the Layover Facility Siting Report (Appendix B of the EA).

NNEPRA has no further comment on the materials presented in Binder 1.

Binder 2: Additional Noise Analysis Materials

Binder 2 contains results from an additional noise study conducted by RSE (Study #2, dated October 10, 2013), and includes a vibration assessment conducted by sub consultant S.W. Cole (May 2012), plus various noise measurements presented in appendices.

In an introductory background section (pages 1-7), RSE reiterates their conclusions from the prior Study #1 (Binder 1) and responds to excerpts from the Parsons Brinckerhoff (PB) comments of August 2011.

Because the background materials presented on pages 1-7 are not in response to the EA, and NNEPRA and their consultant have previously reviewed and commented on RSE's 2011 Study #1, we will not address the Study #1 materials further except to note several fundamental concerns that are present both in Study #1 and subsequently in Study #2:

- The arguments made continue to imply that local and state regulations are not preempted by federal regulations with respect to railroad operations and facilities. This is incorrect; federal noise regulations preempt local and state ordinances. Further, state noise regulations specifically state that they do not apply to rail operations.
- The analyses presented do not appear to reflect the proposed action under consideration by the EA. Instead, the results discussed relate to ambient noises (i.e. – existing conditions) or modeled scenarios that do not reflect the operations that will take place at the proposed Layover Facility. Binder 2 Table 9 presents noise analysis results for ambient noise and a modeled result that includes a Downeaster trainset idling outdoors at an unknown throttle setting, at an undisclosed location, for an undisclosed period of time. The analyses did not specifically model operations associated with the proposed facility, and apparently ignored the fact that the proposed facility will eliminate idling outdoors by Downeaster train sets except for travel between Brunswick Station and the proposed site. Additionally, the duration of sound generation and time-of-day it occurs are important aspects of calculating the overall Ldn noise levels consistent with FTA criteria, and the durations/times and locations of train-generated noises are not disclosed in the report.
- The analysis does not follow relevant federal (FTA/FRA) methods for determination of “impact” following FTA/FRA defined noise impact criteria. The process for determination of “impact” associated with rail operations under NEPA is well established; the FTA’s noise analysis procedures and thresholds are the basis for this determination. The FTA procedures specifically describe how noise effects are to be analyzed and establish specific thresholds for determining moderate or severe impacts. The measurements, modeling, and analyses conducted for the EA, on the other hand, were conducted according to FTA’s published methodologies (FTA 2006).
- The Study 2 analysis often relies on an inappropriate acoustical metric (L_{eq}) in determining residential impacts relative to FTA criteria. The relevant acoustical metric for identifying noise impacts for residential receptors per federal guidelines is Ldn (day-night average sound level).
- Assumptions and/or conclusions are made that are not supported by credible measurements or equivalent facts. The conclusions of RSE’s Study #2, presented on pages 20-22, are directly rebutted later in this response.

We also take exception with several specific aspects of Study #2. FRA responses to particular items are in blue italics:

- (Page 8) Study #2 states that “October measurements were recorded on the fast meter response setting...” *FTA and FRA methodology for community noise measurements require the use of the slow setting. The fast setting will typically skew measured sound levels to a higher dB value.*

- (Page 8) Study #2 continues “For normalizations, RSE’s model assumed train sets as a composite of point sources and only accounted for distance and atmospheric absorption.” *Per FTA methodology, the locomotive should be modeled as a point source and the train cars should be modeled as a line source.*
- (Table 8, Page 15) *A time period was not specified for the predicted LAeq sound levels presented in Table 8. The minimum duration for impact evaluation would be 1 hour for non-residential uses.*
- (Table 4, Page 12, et al) RSE notes that per FTA criteria, a 10 decibel increase requires mitigation. *This is incorrect. An impact defined as “Severe” by application of FTA criteria is the threshold at which mitigation must be considered.*
- (Table 6, Page 13) *The distance correction (or “Normalized Distance” as used in Study #2) should follow a 6 decibel per doubling (or halving) distance rule, i.e., 20 times the log of {Dref/D2}. With the stated reference distance of 300 feet and average LAeq value of 54 dBA, the calculated sound level at 100 feet should be 63.5, not 65; at 40 feet it should be 71.5, not 73; and at 20 feet it should be 77.5, not 79 (Page 13). No explanation for these discrepancies is provided, and it is not attributable to atmospheric absorption that is considered negligible by reference textbooks at distances <300 feet.*
- (Pages 8, 12, 13, 15) *The operational or acoustic equivalency of the existing Downeaster Layover facility in Portland, Maine to the proposed Brunswick facility is not established and is not a given.*
- (Page 15) *RSE’s application of the upper bound of a model’s uncertainty (+3 dBA) factor is not consistent with accepted or recommended professional practice for impact analysis in the field of environmental acoustics. There are other conservative factors inherent in ISO 9613-2 and the models based on that standard; adding an additional factor, especially a +3 dBA amount, is not warranted.*
- (Page 16-20) *Although labeled as Building Vibration Impact, the Study #2 report from page 16 through page 20 discusses airborne noise phenomenon, ANSI Standards, International Standards, and the country of Denmark’s dBG sound weighting scale.*
 - *FTA/FRA guidelines for assessing noise and vibration impact due to transit/railroad operations are the applicable guidelines. ANSI and ISO impact criteria are not relevant except as they have been interpreted, summarized, and incorporated by FTA/FRA into their criteria for assessing environmental impact.*
 - *The dB values presented don’t state whether they are A-weighted or not (that is very important when discussing low frequency sound).*
 - *The measurements presented are for locations 100 feet and 175 feet from a locomotive. No residences are located within this distance of the proposed layover facility or the tracks that will be constructed to access the facility.*
 - *The basis for RSE’s assumption of a 10 dB Insertion Loss for a residential structure is not consistent with published information. The Federal Highway Administration (FHWA) has published information¹ on the noise reduction of common buildings of wood and masonry*

¹ Highway Traffic Noise Analysis and Abatement Policy and Guidance. June 1995. Table 7. US DOT FHWA.

construction that could have been used (Light Frame building provides minimum of minus 20 dB; with storm windows, or Masonry w/ single glazed windows, provides minus 25 dB). Old, but still valid, HUD publications provide voluminous data regarding this issue as do publications from the FAA regarding aviation jet noise reduction from buildings, etc. This available information could have been used but was not. Thus, RSE have no evidence upon which to base their assertions that the Project will create adverse impact due to low frequency airborne noise.

- *Based on its measurements of actual ground vibration and following FTA/FRA methodology, Parsons Brinckerhoff calculated the expected Ground-Borne-Noise (GBN) level inside a typical residence at the actual set back distance from the rail. The resulting interior GBN was 21 dBA. This is twice as quiet as a very quiet bedroom at night with the ventilating system off. An analysis presented by RSE’s sub consultant S.W. Cole Engineering, Inc., presented as an appendix to Study 2, also showed that vibrations would not exceed the appropriate (residential) building damage criterion curve, or the FTA human vibration annoyance criterion for infrequent train events.*
- RSE notes that the site layout information, data regarding the acoustic characteristics of the layover facility’s building and mechanical equipment, and operating characteristics were not available to them. *The site plan provided to RSE is sufficiently close to scale to serve as a basis for a noise study. The operating characteristics and relevant details regarding the building characteristics are available in the EA report and its appendices. Acoustic characteristics of the specific building features and mechanical equipment may be determined using information in published guidebooks.*

Response to Study #2 Conclusions

It is evident that a substantial effort went into RSE’s measurements of various train sounds. However, the subsequent assumptions and assertions made by RSE in Study 2 are not supported by a meaningful application of this amassed data. This is especially evident in RSE’s conclusions presented on pages 20-22, which are either irrelevant or simply not supported by the work presented.

Conclusion 1 notes that 1100 hours of additional data confirm the prior findings (Study 1). We continue to note the issues we raised previously with regard to Study #1 and Study #2; namely that FTA/FRA procedures and criteria were not properly applied and are not the basis for conclusions noted.

Conclusion 2 simply states the contents of the binders.

Conclusion 3 claims that over 500 residents “will be impacted by noise and vibrations to varying degrees ranging from moderate to severe”. The basis for this claim is unclear. Is the claim based on Local or State regulations (which are preempted by Federal regulations)? Does it apply specifically to the proposed action under review in the EA (construction and operation of the Layover facility), or to existing Downeaster service in general? What analysis specifically identifies noise levels that exceed “moderate” or “severe” impacts? How was the claim of 500 affected residences established (note that there are approximately 27 residences located within 1000 feet of the proposed facility)?

“Moderate” and “severe” impacts are defined for train operations in a NEPA environmental evaluation by FTA/FRA guidelines and procedures. RSE has not conducted a noise study that properly follows FRA/FTA guidelines, as described elsewhere in this response. Such a study was conducted for the EA and demonstrated that project-related noise would not exceed the moderate or severe impact thresholds for even the closest residential receptors.

Conclusion 4 states that all residences within 500 feet of the project site will be subject to annoyance from noise and vibration. “Annoyance” is an undefined term. We concur that residents who live close to the tracks may perceive noise and/or vibrations as trains travel to and from the proposed Layover facility; the same is true when scheduled Downeaster service or freight trains pass by. Detailed noise analysis conducted for the EA according to FTA/FRA procedures demonstrates that the amount of noise and vibration generated by the proposed project will not be sufficient to constitute a moderate or severe impact to neighbors.

Conclusion 5 states that the closest residents “will be severely impacted by noise and vibrations that will be substantially higher than pre-development ambient background conditions” that existed previously. Again, the claim of “moderate” and “severe” impact is not demonstrated since RSE has not conducted a noise study that properly follows FRA/FTA guidelines. Further, the predictive modeling conducted by RSE assumed that a locomotive would be idling in the rail yard; conversely, the project will eliminate Downeaster idling outdoors that occurs today by putting locomotives inside a building. The detailed noise analysis conducted for the EA according to FTA/FRA procedures demonstrates that the amount of noise and vibration generated by the proposed project will not be sufficient to constitute a moderate or severe impact to even the closest neighbors.

Conclusions 7-10 relate specifically to low frequency sounds and their effects on nearby residences. We have noted above a number of flaws with regard to the assumptions and analysis approach for Study #2’s discussion of low frequency noise. More importantly, the applicable criteria in determining impacts in this case are those from the FTA/FRA, which are established and evaluated at the receptors’ exterior locations. FTA/FRA criteria were developed specifically to address human annoyance from train noise, and the contribution of low frequency noise is inherent with the criteria limits. The analysis conducted for the EA properly account for the low frequency noise associated with trains. ANSI and ISO impact criteria are not relevant except as they have been interpreted, summarized, and incorporated by FTA/FRA into their criteria for assessing environmental impact.

Conclusion 11 of RSE Study 2 is that train operations will “cause severe annoyance both outside and inside and will interfere with the quiet enjoyment” of nearby residential properties. Again, annoyance is not defined and the analysis presented does not substantiate this claim. The analysis conducted for the EA demonstrates that the level of noise attributable to the layover facility and its operation will not constitute either a moderate or severe impact.

Conclusions 12-15 suggest that other sites, notably the Brunswick Industrial Park and Brunswick East, would be better locations for the proposed facility on the basis of higher existing ambient sound levels and absence of adverse noise or vibration impacts associated with outdoor operations at these sites. There are several problems with these conclusions:

- These assertions imply that moderate or severe impacts will occur at the proposed (Brunswick West) site; however, the EA analysis demonstrates that this is not true. The claim of moderate and severe impact asserted in RSE’s studies are not based on correct application of FTA procedures for determining impact, and do not have standing in a NEPA analysis.
- A fundamental flaw throughout the RSE Study 2 analysis is that it apparently ignores that the proposed facility will eliminate outdoor idling. Trains will move through the railyard at slow speed, but they will not stop and idle outdoors as they do presently. Idling will occur inside of a building with a Sound Transmission Class (STC) rating of 44. The analysis conducted for the EA models this operational behavior.
- Locating the proposed facility at the other sites mentioned would still necessitate operating trains through Brunswick neighborhoods to travel between Brunswick Station and the alternate sites. These trains would operate at generally the same times and with the same frequency, regardless of where the layover facility is located. Locations to the east of Brunswick Station would expose additional residential receptors to train noises, since Downeaster service currently does not operate east of the station.
- Alternate sites were eliminated from further consideration because they are not suitable for a variety of reasons, including insufficient size, unsuitable terrain, and operational complications that could not reasonably be rectified, as described in EA section 2.2

Binder 3: Annotated EA Document

Binder 3 includes comments that have been written directly onto copies of the EA document and Appendix B: Downeaster Layover Facility Project Siting Report. While these comments generally cover the same material as other written comments and public testimony, specific responses have been prepared to the substantive comments in these materials. These comments have been assigned ID labels beginning with the prefix “EA” (“Environmental Assessment” document) or “SR” (“Siting Report”), and are number consecutively in the order in which they appear.

Comments on EA Document

Comment EACover

Topic: NEPA Process

Summary: What does “Approved” mean?

Response: *The EA document has been approved for release by agency officials.*

Comment EA1

Topic: Project Need

Summary: Construction of the MLF is pre-mature with no demonstrated need now or unsupported by objective expansion.

Response: *The Purpose and Need for the facility is outlined beginning on page 2, Section 1.2 of the EA.*

Comment EA2

Topic: Land Use

Summary: The proposed 50,530 square foot building in a zone that limits the size to 20,000 square feet is fundamentally incompatible with the adjacent residential land use and is in conflict with the slated goals of the Comprehensive Plan.

Response: *That the building size exceeds that allowed in the MU2 zone is disclosed in section 3.3.2 Land Use and Zoning. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically). The building is consistent with other dimensional and use requirements of the town’s zoning ordinance.*

As stated on page 3, Section 1.3 of the EA, federal law preempts the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility. A dimensional variance for size under that ordinance is therefore not necessary for the project to go forward.

Additionally, in a letter dated August 9, 2011, Brunswick Town Planner, Anna Breinich, noted that “it is staff’s determination that the use of this site for the train layover facility would be consistent with the Comprehensive Plan.” That letter is included in Appendix A of the EA.

Comment EA3

Topic: NEPA Process

Summary: This process potentially creates a conflict of interest for FRA as the objective party with respect the decision requiring an EIS or a FONSI.

Response: *Federal agencies are the lead sponsor of any NEPA document, and their staff participates in the development and review of the document. This is standard course of action for all NEPA documents issued by any Federal agency.*

Comment EA4

Topic: Cost/Funding

Summary: “NNEPRA intends to request ...” This raises fundamental question as to whether funding has been secured or is still pending at the time of the EA.

Response: *Funding has been identified and will be requested upon a final NEPA decision.*

Comment EA5

Topic: Project Need

Summary: Amtrak has provided passenger rail service to NNEPRA for over ten years without NNEPRA providing an enclosed facility for storing and servicing train cars. If a facility is so important, why wasn’t an enclosed facility provided in Portland ten years ago?

Response: *Amtrak requires a facility for storage and servicing of equipment. NNEPRA has provided an outdoor facility for Amtrak in Portland since the inception of Downeaster service in 2001. As articulated in the Purpose and Need (section 1.2), an indoor facility addresses a number of needs that the current outdoor facility does not, and the facility should be located at the terminus of the service corridor.*

Comment EA6

Topic: Project Need

Summary: The fact that Amtrak has operated for over ten years clearly indicates that constructing an enclosed facility at the Brunswick West site is not an immediate need.

Response: *As stated in Section 1.2, bullet #3 of the EA, an enclosed facility is needed to reduce wear and tear on Amtrak rolling stock and allow Amtrak's maintenance 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.*

Comment EA7

Topic: Site Selection/Alternatives, Project Need

Summary: Adequate time should be taken to objectively evaluate alternate sites as well as objectively analyze current ridership numbers including potential ridership numbers.

Response: *NNEPRA conducted an initial alternatives assessment which compared the physical and functional merits of six potential sites using consistent criteria to evaluate their potential viability to be considered as a site for the proposed layover facility. NNEPRA's initial review of sites did not consider locations east of Maine Street due to the complexities associated with a facility outside the service territory, however in response to public input, the alternatives analysis was expanded to include sites to the east and west of Maine Street to be sure all options were equally considered.*

This assessment is documented in the Downeaster Layover Facility Project Siting Report (August 18, 2011), which is included as Appendix B of this EA. Appendix C of the EA includes further analyses of the Industrial Park site, which were conducted by the MaineDOT and Parsons Brinckerhoff. As part of the Alternatives Analysis, NNEPRA conducted a series of public meetings, between June 23, 2011 and August 18, 2011, to give the public information about these alternatives. These and other outreach efforts are described in Section 4 of the EA: Agency and Public Involvement.

Ridership projections were prepared and included in the application for service expansion to Brunswick.

Comment EA8

Topic: Project Need

Summary: The MLF is needed in Brunswick at current service levels is not objectively demonstrated.

Response: *The Purpose and Need for the facility is described beginning on page 2, Section 1.2 of the EA.*

Comment EA9

Topic: Federal Preemption, Land Use

Summary: Section 1.3 presents bogus arguments favoring NNEPRA's preemption from State and Local Land Use Codes. The underlying reason for claiming preemption is related to the fact that the MLF located at the Brunswick West site cannot meet a variety of Land Use Codes and Standards normally applied to other commercial and industrial facilities located in Brunswick including those located in the nearby Industrial Park.

Response: *The building is consistent with dimensional and use requirements of the town's zoning ordinance with the exception of building footprint; this is disclosed in section 3.3.2 Land Use and Zoning.*

As stated on page 3, Section 1.3 of the EA, federal law preempts the Town of Brunswick's zoning ordinance in connection with the proposed layover facility. A dimensional variance for size under that ordinance is therefore not necessary for the project to go forward. Specifically, the proposed layover facility is an "improvement," "undertaken ... for the benefit of Amtrak," in furtherance of Chapter 247 of Title 49, one section of which authorizes Amtrak to "enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree." 49 U.S.C. § 24702(a). The Downeaster is one such intercity rail service, operated by Amtrak pursuant to a contract with NNEPRA. Therefore, no "local building, zoning, subdivision, or similar or related law" – including the Town of Brunswick's zoning ordinance – applies in connection with the construction or operation of the proposed layover facility or the land on which the proposed layover facility is located. 49 U.S.C. § 24902(j).

Comment EA10

Topic: Project Need, General

Summary: BWNC wanted to be sure that the coalition had the most current FRA Contract Amendments to the Downeaster-Portland North Project and sent a FOIA request to NNEPRA on 9/27/2013. NNEPRA responded on 10/4/2013 and provided a copy of Amendment No. 3. After receiving Amendment No. 3 a FOIA request was sent to NNEPRA on 10/4/2013 requesting copies of the revised Preliminary Engineering Drawings and Construction Agreement between Pan-AM and NNEPRA that are described in Sub-Element 7A of Amendment No. 3 to the Downeaster-Portland North Project. A reply to the 10/4/2013 FOIA request was received on 10/10/2013. NNEPRA claims to not have the requested documents.

BWNC is surprised that Amendment No. 3 is not discussed in the September 2013 EA because the work described in Amendment No. 3 is a partial solution to some of the issues discussed on Page 3 of the September 2013 EA. The electric power supply as described in Work Element 7 and Sub-Element 7A when supplemented with a source of compressed air and "Hot Start" equipment would permit a Downeaster train set to layover without generating any noise, vibration or diesel engine exhaust emissions once shutdown. BWNC is surprised such a system was not pursued because Amendment No. 3 was authorized on 1/10/2013 and must be completed by 12/31/2013.

Response: *It is true that the noise, vibration and diesel emissions associated with locomotives are reduced or eliminated once trains shut down. NNEPRA did fully explore the construction of outdoor holding tracks with an electric power supply. While this would allow trains to power down to varying levels dependent upon ambient temperatures, an outdoor day-time holdover location would not fully meet the Purpose and Need, including the need for overnight storage and servicing of equipment near the terminus of service. Therefore, it was not pursued and the documents requested do not exist.*

Comment EA11

Topic: Site Selection/Alternatives

Summary: A supplemental or enhanced electric power supply on holding track should have been presented in the September 2013 EA as an intermediate step between the Build and No-Build Alternative. The BWNC believe the supplemented or enhanced electric power supply on a holding track

option was not pursued by NNEPRA because this option would have eliminated or reduced the crisis atmosphere that was used to support the Build Alternative.

Even this step does not mitigate noise and vibration, socio-economic and groundwater impacts from siting the MLF at Brunswick West.

Response: *Installation of a holding track and head-end power in the Rail Yard would impede construction of a future layover building in that location, and therefore is not a reasonable intermediate step. Additionally, such an arrangement would not fully meet the Purpose and Need, including the need for overnight storage and servicing of equipment near the terminus of service.*

Comment EA12

Topic: General

Summary: Of equal importance is the fact that the MLF design presented in the September 2013 EA eliminates the holding track and moves the entire facility closer to the residential neighborhoods. Neither the September 2013 EA or the Contract Amendment No. 3 resolves this inherently conflicting situation.

Response: *Page 9, paragraph 4 of the EA states that, "A fourth siding track had been considered as part of the proposed action outdoors adjacent to the south side of the building to allow for the possible storage of spare passenger cars, but has since been eliminated from the facility design."*

While the elimination of the outdoor track does move the building approximately 12 feet south, this action was considered a mitigation strategy for the following reasons:

- *It increased the buffer between the facility and the northern property boundary, which allows more of the natural tree line to remain intact.*
- *The additional room on the northern side of the facility enables the primary facility access to be Lombard Street. This eliminates the need for a paved road and the associated pole lighting which would have been required for approximately 800 feet on the west end of the building.*
- *Removal of the fourth track also eliminates the storage and switching of rail cars on the south side of the building, at the point closest to residential homes.*
- *The revised plan uses the ladder tracks, primarily on the west end of the building, to switch and store equipment, which is located furthest away from residences on the south side of the facility.*

Comment EA13

Topic: General, NEPA Process

Summary: Furthermore, Appendix C, Appendix D and Appendix E do not reflect the current MLF design thereby rendering the September 2013 EA incomplete and invalid.

Response: *Designs often change following analysis in a NEPA document; Final design is not required for an EA. Design changes are allowed so long as they do not substantively conflict with findings presented in the NEPA document. Minor design changes do not change the findings of Appendices C, D or E.*

Comment EA14

Topic: Site Selection/Alternatives, Downeaster Service

Summary: The No Build Alternative would result in keeping the MLF status quo in Portland as described in the 2009 EA. With no impact on current service levels to Brunswick and Freeport.

Response: *Comment noted.*

Comment EA15

Topic: Site Selection/Alternatives

Summary: In an after-the-fact siting report the Brunswick Industrial Park, Naval Air Station Brunswick and East Brunswick (Crooker) sites were all artificially eliminated in favor of the Brunswick West site already committed for development by NNEPRA.

Response: *NNEPRA conducted an initial alternatives assessment which compared the physical and functional merits of six potential sites using consistent criteria to evaluate their potential viability to be considered as a site for the proposed layover facility. This assessment is documented in the Downeaster Layover Facility Project Siting Report (August 18, 2011), which is included as Appendix B of this EA. Appendix C of the EA includes further analyses of the Industrial Park site, which were conducted by the MaineDOT and Parsons Brinckerhoff. As part of the Alternatives Analysis, NNEPRA conducted a series of public meetings, between June 23, 2011 and August 18, 2011, to give the public information about these alternatives. These and other outreach efforts are described in Section 4 of the EA: Agency and Public Involvement.*

The Rail Yard property was acquired by NNEPRA in September 2011.

Comment EA16

Topic: Site Selection/Alternatives

Summary: Brunswick Naval Air Station (BNAS) had rail service in the past. Some of the tracks and most of the rail bed still exist. The railroad tracks crossed Bath Road near the entrance of the Merrymeeting Shopping Center and the grades were very reasonable. If PB had reconstructed the prior rail access they would have found suitable sites for a MLF.

Response: *The creation of an additional at grade crossing on Bath Road would be deemed unfavorable at any location. The BNAS was eliminated for a variety of reasons, as documented in the EA.*

Comment EA17

Topic: Site Selection/Alternatives

Summary: Developing rail service to BNAS would also have led to having a multimodal facility which would have been a significant factor to enhance redevelopment of BNAS thus creating jobs and stimulating the regional economy.

Response: *The development of a multi-modal facility is not part of the project Purpose and Need. The redevelopment plans for BNAS do not include rail access of any kind, nor is a multi-modal center envisioned as part of the BNAS site in any town or regional plans.*

Comment EA18

Topic: General

Summary: At best, this is a Conceptual Sketch (Exhibit 4 of the EA) and not a Site Plan from which development impacts can be evaluated for all elements of the proposed MLF.

Response: *As stated on page 9 of the EA, Exhibit 4 was provided to depict the layout of the facility.*

Comment EA19

Topic: General

Summary: This paragraph confirms that the facility is clearly intended to be a Maintenance and Layover Facility.

Response: *The building will be used to perform the same activities which are currently performed at the Portland layover facility including overnight storage of Amtrak Downeaster train sets, cleaning, servicing and light repair work.*

Comment EA20

Topic: General

Summary: Clearing, stumping and rough grading has already been completed at the Brunswick West site. These activities constitute a start of construction and were done before an EA was prepared by NNEPRA.

Response: *Clearing of the property was performed to provide a lay down and storage area for supplies associated with the Downeaster Expansion Project (Portland North), and subsequently to provide automobile access for crews and trains which currently hold-over on yard tracks adjacent to the NNEPRA-owned parcel at the Rail Yard.*

Comment EA21

Topic: General, Land Use

Summary: The property now owned by NNEPRA was NOT developed as a railroad in the 1860's as state on page 11 of the EA. Maine Central Railroad acquired the property that NNEPRA now owns during the period of August through December 1913, as shown on the Maine Central Railroad Right-of-Way and Track map dated June 30, 1916. During September and October 1988 ALL of the yard tracks were taken up after a single siding was constructed adjacent to the mainline track. The single siding started at Stanwood Street and extended only part way towards Church Road. The site currently owned by NNEPRA has been vacant since 1988. Two existing siding track, constructed as part of the Portland North Expansion Project, are located on land owned by the State of Maine. The freight interchange for Pan Am Railway's and the Maine Eastern Railroad as well as the layover location for the Amtrak Downeaster trains is located on property owned by the State of Maine not the NNEPRA owned land. Therefore, this land is not the site of the proposed layover facility. Aerial photographs support this contention.

Response: *As stated on page 11, section 2.3.1 of the EA, the project site is comprised of the former Brunswick rail freight yard developed by the predecessors of the Maine Central Railroad in the 1850's which once consisted of numerous siding tracks. Several wood frame railroad office, storage, crew, equipment storage buildings in addition to one rail car inspection building also once occupied the perimeter of the site.*

Although the tracks on the parcel currently owned by NNEPRA were removed in 1988, the property has continually remained in railroad ownership and borders State of Maine-owned property which includes the Brunswick Branch mainline tracks plus two siding tracks and functions as a rail yard today. Pan Am and Maine Eastern Railroad use this location for switching freight and it is also used as a holdover location for Downeaster trains during the day.

Comment EA22

Topic: Land Use

Summary: Obviously, the aerial photos show the conditions on the ground as of the date of the flights. The 1960 Air Photo shows the large undeveloped parcel bordered by Stanwood, McKeen, Church and the Railroad Corridor. You can see why the Dickson Report and the Town’s Comprehensive Planning Committee/Plan targeted this area for residential development. Note the Military housing on McKeen Street. The 1972 photo shows the implementation of the Dickson Report and Comprehensive Plan recommendation with the expansion of Hennessey and the development of Bouchard Drive. Note that only three rail cars are stored in the Marshalling Yard. This is a clear indication of diminished rail activities. The 1977 photo show the extensive development of Hennessey Ave. and initial development of Bouchard Dr. Changes from 1972 to 1977 would only happen because this area was a desirable place to live. The 1977 photo is not clear enough to evaluate rail activities. The 1985 & 1990 photos are poor quality and of little value. The 1977 photo show significant residential development with the completion of Country Lane as well as residential development of the easterly side of Church Road. Again, residential development of this scope would only occur in an area that was very desirable to live. The 2007 & 2011 photos clearly show the land now owned by NNEPRA, site of proposed, MLF, was vacant land where significant tree growth had developed. This area was no longer a “rail yard” and had been unused, vacant land with no rail use at all because the tracks were completely removed and the site allowed to re-vegetate.

Response: *Comments noted. The development of nearby neighborhoods are described later in section 3.3.2 Land Use and Zoning.*

Comment EA23

Topic: Project Need, Downeaster Service

Summary: EA Section 2.4.1 demonstrates the NNEPRA did not objectively evaluate the need for Current Service Levels. This process artificially created the crisis atmosphere suggesting the need for a Brunswick MLF. In fact there is no clearly demonstrated need for the problematic trips that allegedly require a layover in Brunswick.

Response: *The Purpose and Need for the project begins on page 2, section 1.2 of the EA. These needs are associated with any Downeaster service level to Brunswick; they are not dependent upon a specific service threshold.*

Comment EA24

Topic: General, Noise/Vibration

Summary: The operating schedule for the Build Alternative clearly demonstrates that critical nighttime sleep periods will be affected by train operations daily from 2:30am to 6:45am. This is the critical residential sleep period.

Response: *Project impact analyses, including noise assessment, were conducted considering the specific operating characteristics described (including time of day/night). Operations occurring at night were “penalized” with a 10 dB increase per FRA/FTA guidelines. Even with these factors taken into account, the proposed operations demonstrated no impacts per Federal guidelines for impact assessment. (Note that the EA states that outdoor operations will primarily occur between approximately 6:45 AM and 2:30 AM; not between 2:30 AM and 6:45 AM as claimed in the comment).*

Comment EA25

Topic: Project Need, Downeaster Service

Summary: There is no independently verified and demonstrated need for the Current Service levels – especially the problematic noon time runs. The Brunswick MLF is a response to a self-induced problem involving poor planning by NNEPRA.

Response: *The Purpose and Need for the project begins on page 2, section 1.2 of the EA. These needs are associated with any Downeaster service level to Brunswick; they are not dependent upon a specific service threshold.*

Comment EA26

Topic: Downeaster Service

Summary: Service Expansion cannot happen without a bypass constructed in Yarmouth. There is no currently authorized funding for this bypass.

Response: *As stated on page 12 of the EA, “with the Build Alternative, trains would start and end the day at the Brunswick layover facility rather than in Portland. This would allow Amtrak to eliminate the two Portland – Brunswick train movements at the start and end of each service day, and instead operate six daily Amtrak Downeaster passenger trains over the entire Brunswick – Portland – Boston route.” This increases the train service to three round-trips daily between Brunswick and Boston without increasing the number of train trips to or from Brunswick, which is three round-trips daily.*

Additional track capacity in Yarmouth would be needed to support future service levels of five round-trips daily between Brunswick and Boston. Service expansion to five trains, and any additional improvements needed to support such increases, are not the subject of this EA. The Future Service levels are analyzed only to disclose potential impacts of the proposed Layover project should those higher service levels occur in the future.

Comment EA27

Topic: Air Quality

Summary: Amtrak requested and EPA approved a waiver for Amtrak to continue operating the GE P-42 Diesel Electric Locomotives at the Tier 0 Emission Standard. Tier 0 is the lowest EPA standard (i.e. dirtiest) for regulated diesel locomotives. This means Amtrak P-42 Locomotives are certainly not the Best Available Control Technology (BACT) and will probably be the standard equipment used by Amtrak in the Downeaster service.

Response: *Comments noted. Choice of locomotive power is an Amtrak decision that is independent of the Proposed Action. Amtrak is legally allowed to operate these locomotives on the Downeaster.*

Comment EA28

Topic: Air Quality

Summary: We are concerned about the Amtrak maintenance practices of the GE P-42 locomotives. On April 17, 2013 a very significant exhaust plume was observed emitting from Amtrak P-42 locomotive No. 76 as it idled on Track S-1 near Church Road. The exhaust plume was recorded on a video camera and the attached still photograph was made from the video data. This exhaust plume does not indicate that this locomotive is well maintained and operating with the EPA Tier 0 Emission Standard. NEPRA's EA does not even discuss Amtrak's testing for compliance with EPA Tier 0 Air Emission Standards as a demonstration that even these emission levels are meeting those standards.

The 4/17/2013 situation is not unique. During the September 26, 2013 Public Hearing Amtrak P-42 Locomotive No. 90 arrived at the Brunswick Station. The Public Hearing was held in the Town Council Chambers which is on the second floor of the Brunswick Station. Shortly after locomotive No. 90 arrived there was the distinct odor and taste of diesel engine exhaust. There was also noticeable vibration from the very low frequency energy emitted from the idling locomotive. A well maintained locomotive would not have emitted such noxious exhaust emissions.

NNEPRA does not indicate in the September 2013 EA how emissions from E P-42 have been or will be monitored to comply with EPA tier 0 Exhaust Emissions Standards. How will this information be available for public inspection?

Response: *Amtrak operates the Downeaster service under contract to NNEPRA and is responsible for maintaining the equipment within all federal guidelines. Comments have been noted and will be shared with Amtrak.*

Comment EA29

Topic: Air Quality

Summary: Since the "Downeaster" Amtrak GE P-42 diesel electric locomotives are not Best Available Control Technology we believe that BACT should be applied to the HVAC system that captures the exhaust emissions inside the MLF building. Why should captured respirable particulate matter and other noxious pollutants be released in the adjacent neighborhoods when technology exists to remove the respirable particulate matter and other noxious pollutants? Since the GE P-42 locomotives will remain in service for the foreseeable future, BWNC considers discharging captured respirable matter and other noxious pollutants a very severe impact that can be mitigated using BACT.

BWNC has been lead to believe that the GE P-42 locomotives produce significantly more noxious exhaust emission in the cold starting mode. This condition is alleged to improve as the diesel engine warms. We consider the sources of this information are reliable which means that the daily 30-minute warm-up period will produce very toxic exhaust emissions, most likely caused by unburned diesel fuel. This condition emphasizes the need for applying BACT to the captured exhaust emissions.

Unfortunately, none of this will reduce noxious and dangerous air pollutants while operating outside the MLF.

Response: *The design specifications for the exhaust system within the layover building do not include filtration because it was deemed that the investment would not produce a noticeable net benefit for abutters or for the environment at large for the following reasons:*

- *The Air Quality analysis conducted by PB indicates that emissions associated with the layover facility fall well below thresholds of significant impact as established by federal government agencies.*
- *The building HVAC system will collect and release emissions from the building at approximately 35 feet above ground level, where they will mix with ambient air.*
- *At existing service levels, locomotives will collectively idle a total of approximately 1.5 hours per day within the facility; at future projected levels the total idling within the building will be 2.5 hours per day.*

Comment EA30

Topic: Air Quality

Summary: A review of NNEPRA’s 2011 Air Quality Assessment, Appendix D of the September 2013 EA does not generate much confidence in the assessment process. The information concerning the horsepower ratings of the freight and passenger locomotives is not correct. The information on the throttle settings used for MLF operations are inconsistent with information presented by Amtrak at the Advisory Group meetings. The Operations Plan available in August 2011 would have been based on the Parsons Brinkerhoff Site Plan which has been changed by the Consigli Design/Build Group. There isn’t any indication that the 2011 Air Quality Assessment has been updated to the current design. The 2011 Air Quality Assessment uses an engine family different than the engine family used in the GE P-42 locomotives but does not discuss the impact in the Air Quality Assessment.

Response: *A screening level air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. Amtrak operates a mix of equipment of different horsepower in the northeast corridor, while freight operators also have a variety of equipment at their disposal. The air quality analysis assumed use of 3,200 HP Amtrak locomotives and, conservatively, 4,000 HP freight locomotives. In practice, Amtrak is currently using 4,250 HP GE P-42DC locomotives, while freight operators typically use locomotives in the 2,000 HP range.*

The results of the dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility could nearly triple over proposed initial service levels before emissions would approach any of the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Recalculation of emissions dispersion assuming 4,250 HP Amtrak locomotives and 2,000 HP freight locomotives shows these findings to still be true; emissions are within 10 percent of the original calculations.

Other operating and site design assumptions employed in the air quality analysis remain valid.

Comment EA31

Topic: General, Air Quality

Summary: The November 2, 2012 Times Record article where the emissions of the “Downeaster” were compared to Trucks and Buses peaked our interest in Air Quality because we had observed that the emission from the “Downeaster” were much more detectable than the emissions from the Concord Coach buses that also stop at the Brunswick Station.

Response: *Comments noted. Discussion is not relevant to the EA.*

Comment EA32

Topic: Cost/Funding, Air Quality

Summary: It is ironic that Congestion Mitigation and Air Quality Improvement (CMAQ) Funds are planned to be used on the proposed MLF project that will not use PACT to remove captured respirable particulate matter and other noxious pollutants. What makes this situation more ironic is the fact that MAP-21 places considerable emphasis on diesel engine retrofits and other efforts that underscore the priority on reducing fine particulate pollution (PM 2.5).

Response: *The layover project will eliminate 3 hours of equipment idling each day and will also eliminate the need to operate deadhead trains 30 miles each day or idle trains outdoors for several hours each day.*

Comment EA33

Topic: Air Quality

Summary: The use of the wrong diesel engines and the failure to consider the impact of 22 future potential trips to and from the MLF as part of Exhibit 10 renders the Air Quality Impact Statement and thus the EA completely inadequate in this critical area of human health impact.

Response: *A screening level air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. Amtrak operates a mix of equipment of different horsepower in the northeast corridor, while freight operators also have a variety of equipment at their disposal. The air quality analysis assumed use of 3,200 HP Amtrak locomotives and, conservatively, 4,000 HP freight locomotives. In practice, Amtrak is currently using 4,250 HP GE P-42DC locomotives, while freight operators typically use locomotives in the 2,000 HP range.*

The results of the dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility could nearly triple over proposed initial service levels before emissions would approach any of the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Recalculation of emissions dispersion assuming 4,250 HP Amtrak locomotives and 2,000 HP freight locomotives shows these findings to still be true; emissions are within 10 percent of the original calculations.

Potential future operational increases were analyzed under a different scenario, but are also contained within the EA. A potential increase in operations for the Downeaster service would still not meet the impact criteria under the NAAQS. Other operating and site design assumptions employed in the air quality analysis remain valid.

Comment EA34

Topic: Natural Resources

Summary: The unnamed, ditched, perennial stream which empties into the Androscoggin River could be impacted by mobilized contaminants in the coal ash on the proposed project site. An analysis of the situation by a qualified hydrogeologist is needed to determine the potential scope of the situation and to develop an appropriate mitigation plan. .

Response: *As documented on page 37, section 3.3.8 of the EA, a Phase I and Limited Phase II assessment were completed and submitted to the Maine Department of Environmental Protection (MaineDEP). These assessments and on-site sampling determined that coal ash and stockpiled soils with contaminants were present on the Build Alternative site, which is consistent with the prior rail use of the site. The Phase I report also indicated the presence of underground piping of undetermined origin or use.*

As stated beginning on page 42, section 3.7.1 of the EA, 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 described in section 3.3.8 is specifically designed to remediate the existing 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 ditch described in section 3.1.2 of the EA also lies at the eastern edge of the property, away from areas that will be disturbed during construction.

Comment EA35

Topic: Natural Resources, Groundwater/Stormwater

Summary: The hydrogeologist is also needed to evaluate the impact on ground water from the construction of the industrial size layover facility. Any potential rise in groundwater level could impact the dryness of cellars as well as cause additional problems for the inadequate storm water systems in adjacent areas to the North and South of the railroad corridor.

The Haley & Aldrich, Inc. August 9, 2011 report on ASTM Phase 1 and Limited Phase II Environmental Site Assessment Brunswick Railroad Siding Project states on Page 6 that hydrogeologic investigations were not performed therefore some information on groundwater is unknown. Pages iii and iv contain the Summary and Recommendations which state there are no known public or private water supply wells within approximately 0.5 miles of the site property The SWNC is aware of at least one private water supply well that is well within 0.5 miles of the site property. The information within the August 9, 2011 Haley & Aldrich, Inc. report clearly indicates the shortcomings of the September 2013 revision of the EA and demonstrates need for a hydrogeologic study that is not part of the September 2013 EA. .

Response: *In addition to the Haley & Aldrich, Inc. report of August 9, Consigli Construction Company, Inc. contracted with Summit Geoengineering Services (CSG) to conduct a geotechnical investigation of the project site which included both explorations (conducted in April 2013) and laboratory tests for moisture content.*

Their exploration included observations of subsurface conditions at the site with the drilling of 24 borings. Groundwater monitoring wells were installed at 4 boring locations. Cone Penetration testing (CPT) was performed at 4 locations along the centerline of the building footprint. Resistivity testing was

performed within the centerline of the building footprint and seismic testing was performed at 1-meter intervals during the CPT.

Their complete findings are included in a Geotechnical Report completed on May 13, 2013 which is attached as Appendix H of the EA. The facility will be designed and engineered based to meet any parameters or specifications determined through this investigation. The study was completed in compliance with NEPA requirements, and identifies no significant adverse impacts from the Proposed Action.

Comment EA36

Topic: Noise/Vibration

Summary: There will be severe Noise and Vibration Impacts from the MLF located at the Brunswick West site. These impacts are presented in two Sound Level Assessment Reports under separate cover in Binders 1 and 2.

Response: *FTA/FRA guidelines establish impacts for moderate and severe noise impacts. Analysis of noise resulting from operation of the proposed Layover Facility – conducted per FTA/FRA guidelines and reflecting the operations that will occur at the site – demonstrates that neither moderate nor severe noise impact thresholds will occur. The noise studies presented in Binders 1 and 2 are addressed separately; they do not demonstrate impacts per applicable regulatory guidelines.*

Comment EA37

Topic: General

Summary: When do two siding tracks make a railyard?

Response: *A rail yard is an area having railway tracks and sidings for storage and maintenance of cars and engines. The location in question has been referred to as the Brunswick rail yard historically and contemporarily. It contains siding tracks and facilitates the storage and interchange of rail cars.*

Comment EA38

Topic: Traffic

Summary: What is the level of service on Pleasant Street when traffic related to the proposed layover facility could enter or leave on Pleasant Street? What mitigation would be needed at these intersections?

Response: *The estimated traffic flow to and from the facility is less than 50 vehicle trips occurring during a typical day. In addition, shift changes will occur outside of peak traffic periods. The additional traffic will have an inconsequential effect on traffic conditions, and no additional mitigation is warranted.*

Comment EA39

Topic: Traffic

Summary: The additional 15 to 20 vehicle trips to Brunswick Station per day will not result in a significant increase in ridership. This data certainly questions the need for additional service. The impact on air quality needs to be evaluated to determine the mass load from 15 to 20 vehicles traveling from Brunswick to Portland as compared with the mass load of the Amtrak Downeaster traveling from Brunswick to Portland.

Response: *As stated on page 12 of the EA, “with the Build Alternative, trains would start and end the day at the Brunswick layover facility rather than in Portland. This would allow Amtrak to eliminate the two Portland – Brunswick train movements at the start and end of each service day, and instead operate six daily Amtrak Downeaster passenger trains over the entire Brunswick – Portland – Boston route.” This increases the train service to three round-trips daily between Brunswick and Boston without increasing the number of trains travelling to or from Brunswick, which remains at three round-trips daily.*

Comment EA40

Topic: Air Quality

Summary: There is no objective quantitative analysis of reduction in peak hour traffic on highways heading to/from Portland and Brunswick based on Current Levels of Service. There also is no analysis comparing air pollutant mass loads from the Downeaster compared to peak hour or off peak hour air pollution load from passenger vehicles. There is no discussion of diesel combustion sources mass loads from either Downeaster or highway traffic. And, by its very nature, the Downeaster does not reduce diesel combustion exhaust emissions from commercial vehicles on the highways from Brunswick to/from Portland. This is yet another flaw of NNEPRA’s September 2013 EA. .

Response: *The comment is not relevant to the subject of the EA. The EA is evaluating the construction of a layover facility in Brunswick and concludes that it will not adversely affect traffic operations on area roadways.*

Comment EA41

Topic: Land Use

Summary: The Build Alternative project site is not an existing Brunswick rail yard. The site is currently vacant land void of all tracks, track structures and buildings. The proposed site has been vacant re-vegetated land since October 1988. The two existing tracks are not located on the project site. The two existing tracks are located on land owned by the State of Maine. Contrary to what is stated on Page 32 of the September 2013 Environmental Assessment the Build Alternative will have significant impact on Land Use and Zoning. The site does not have two siding tracks and is not functioning as a rail yard. The site has been vacant land since October 1988 and remains vacant land today.

Response: *As stated on page 11, section 2.3.1 of the EA, the project site is comprised of the former Brunswick rail freight yard developed by the predecessors of the Maine Central Railroad in the 1850’s which once consisted of numerous siding tracks. Several wood frame railroad office, storage, crew, equipment storage buildings in addition to one rail car inspection building also once occupied the perimeter of the site.*

Although the tracks on the parcel currently owned by NNEPRA were removed in 1988, the property has continually remained in railroad ownership and borders State of Maine-owned property which includes the Brunswick Branch mainline tracks plus two siding tracks and functions as a rail yard today. Pan Am and Maine Eastern Railroad use this location for switching freight and it is also used as a holdover location for Downeaster trains during the day.

Comment EA42**Topic: Land Use**

Summary: Since zoning is an implementation of the Comprehensive Plan, a review of The Brunswick Zoning Ordinance Table 206.1 Use Table for District MU2/Intown Railroad Corridor should contain permitted uses consistent with railroad transportation activities. The only permitted use in Table 206.1 that remotely relates to railroad transportation activities is Warehousing and Storage.

Response: *The site is within the MU-2 Intown Railroad Corridor zoning district. This zone encourages a mix of non-residential uses, including industrial uses. The proposed use is consistent with the industrial uses allowed in the district. As noted in the EA, local zoning regulations are preempted by Federal law.*

Comment EA43**Topic: Land Use**

Summary: During a discussion at the July 30, 2013 Advisory Group (AG) meeting, Anna Breinich, Town of Brunswick's Director of Planning and Development, indicated how the Town of Brunswick determined the proposed MLF is a permitted use in an after-the-fact justification. Ms. Breinich stated that the Town reviewed the permitted uses for the Intown Railroad Corridor (MU2) and found that the proposed MLF was similar to a Motor Vehicle Repair/Service which is a permitted use. (As a side note such a use would require a full application to the Planning Board with a demonstration of compliance with all applicable local and State of Maine standards before ever getting to the BZBA.) A copy of Table 206.1 of the Town of Brunswick Zoning Ordinance is enclosed. Also enclosed are copies of pages 10 and 11C, Definition; 12 Special Permits for Unclassified and Omitted Uses; and 155, 156 and 157 Special Permit Process from the Town of Brunswick Zoning Ordinance. The third definition from the bottom of page 11C defines a Transportation Facility. It is the opinion of BWNC that the proposed MLF is better described as a Transportation Facility rather than a Motor Vehicle Repair/Service. Because the Transportation Facility is not listed on Table 206.1 the procedures for a Special Permit on page 12 of the Zoning Ordinance applies. Special permits are considered in accordance with section 701, pages 155 through 157. If this process had been followed there would have been numerous opportunities for public involvement prior to the Appeal to the Zoning Board of Appeals for a Dimensional Variance. A Dimensional Variance was needed because the proposed MLF greatly exceeds the maximum building footprint per structure of 20,000 square feet found in the standard for the MU2 zone.

To say that the proposed Brunswick West MLF complies with the Brunswick Zoning Ordinance is a wild stretch of one's imagination. The way this project was orchestrated through the zoning process would indicate that public involvement was minimized to achieve a predetermined outcome. .

Response: *Comments noted. The site is within the MU-2 Intown Railroad Corridor zoning district. This zone encourages a mix of non-residential uses, including industrial uses. The proposed use is consistent with the industrial uses allowed in the district. As noted in the EA, zoning regulations are preempted by Federal law.*

Comment EA44**Topic: Economics**

Summary: The impact to property values nearby the MLF is not contained in the EA. Absence of this important element renders the EA Socio-economic impact assessment incomplete.

Response: *The Socio-economic effects of the project, described in section 3.3.4, disclose the potential effects of the project on the local and regional economy, but do not attempt to quantify such effects. The reason for this is that the overall scale of impact is likely very small, and so many factors influence economic conditions that identification of this project's contribution would be subjective and speculative at best. This is typical in NEPA evaluations; specific estimation of monetary changes in property value and tax base are usually only conducted for parcels that will be acquired.*

Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.

Comment EA45

Topic: Hazardous Materials, Groundwater/Stormwater, Natural Resources

Summary: Mobilization of metals contained in coal ash during or after construction is always an issue of concern. The September 2013 Environmental Assessment contains no evidence that these important issues were evaluated by a hydrogeologist. Absence of a hydrogeologist analysis of impacts to groundwater was previously noted.

Response: *As stated beginning on page 42, section 3.7.1 of the EA, 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 described in section 3.3.8 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.*

Comment EA46

Topic: Hazardous Materials, Groundwater/Stormwater, Natural Resources

Summary: Operations of the MLF and maintenance of the train sets will require the storage and handling of oils and other hazardous substances. Potential for spill of oils and chemicals is always possible. The EA does not discuss this risk area. Site Safety and Health Plans or Spill Prevention Control and Countermeasure Plane (SPCC). Location of the MLF on a mapped sand and gravel aquifer with known high groundwater tables increases the risk for adverse impacts from spills. These are not addresses in the EA.

Response: *NNEPRA contracts with Amtrak to provide all equipment maintenance. Amtrak is required to comply with all applicable federal and state laws imposing environmental and resource conservations requirements (Environmental Law) and includes those requirements in any third party contract for the service and as such has defined polices to address areas including but not limited to, facility maintenance, accident and injury reporting, operating and safety rules, Spill Prevention Control and Countermeasure (SPCC) Plan regulations, use of Amtrak-approved chemicals and Amtrak chemical approval procedures; chemical storage and use; oil filter disposal; spill remediation and notification*

procedures and all other requirements under 29 CFR Part 1910 which pertain to Amtrak employees and operations. Amtrak contractors are required to abide by the same policies and Amtrak provides training and oversight to assure compliance.

Comment EA47

Topic: Hazardous Materials, Groundwater/Stormwater, Natural Resources

Summary: The handling of contaminated soils and the risk of spills from fueling and maintenance activities are recognized by USEPA as risks to groundwater and surface water in 40 CFR Part 112 and 114. Health risks from handling hazardous materials and hazardous wastes are recognized by USDOT in 49 CFR Parts 100-180. OSHA standards 1910,120 also applies but is absent. .

Response: *As stated beginning on page 42, section 3.7.1 of the EA, 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 described in section 3.3.8 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. Accidental spills of fuel or hazardous materials will be addressed following all applicable laws and regulations, including CERCLA and RCRA requirements.*

Comment EA48

Topic: General, Economics, Land Use

Summary: The canopy of trees & brush that separate the proposed site from abutters to the North and the neighboring properties to the south are not on NNEPRA own or controlled property. There is an unavoidable stigma related to impacts that result from constructing an industrial type activity adjacent to well established neighborhoods. Unfortunately, these stigma related impacts defy mitigation and manifest themselves in reduction in value of residential property and changes in the character of these neighborhoods.

Response: *Comments noted. The project site is zoned for industrial uses, and other industrial uses exist in the vicinity of the project.*

Comment EA49

Topic: Visual/Lighting

Summary: During the September 12, 2013 Advisory Group meeting, Bob McEvoy (BWNC) asked if an objective evaluation of the exterior lighting had been completed by the Design/Build Contractor. This evaluation is often referred to as a Luminescence Study. Mr. McEvoy also request and electronic copy of the Site Plan Engineering drawing and was again assured that the information would be provided. A FOIA request was sent to NNEPRA for these documents on September 25, 2013. On October 3, 2031 NNEPRA responded that the documents were not available. This leads to the question of how can one evaluate impacts when evaluation data or objective design criteria are not available? Their absence in the September 2013 EA renders the EA incomplete. .

Response: *The only electronic copy of the site plan for the Brunswick Layover facility NNEPRA has is posted on the NNEPRA.com website and has been provided.*

The facility design-build requirements and NNEPRA's project commitments include that the project will employ, to the extent practical, fixtures and light placement that will limit light spillover onto adjacent parcels. A photometric simulation has been developed by a lighting engineer subsequent to the publication of the EA. The photometric drawing for the Brunswick layover lighting design shows only minor spillover of light (0.1 and 0.2 foot-candles) at the north property line, none of which extends near the location of existing buildings. The study conducted meets NEPA requirements for visual impacts studies, and based on this evaluation, it has been determined that there will be no significant adverse impacts on the surrounding community.

Comment EA50

Topic: Hazardous Materials, Construction/Permitting

Summary: Due to the known presence of contaminated soils, training of workers will be needed and procedures will be needed to insure that contaminated soils are not transported off the site by construction traffic tracking contaminated soils off site on their tires. This already occurred during the clearing, stumping, grubbing and rough grading of the proposed site. The Voluntary Response Action Program (VRAP) is not mentioned in this section of the September 2013 EA. There is no Site Safety Health Plan or SPCC plan discussed for the construction period. Their absence renders the EA incomplete.

Response: *Page 40, section 3.4 of the EA states that best practices will be employed during construction and that prior to the start of any construction activities, sedimentation and erosion control measures would be installed. Further, the contractor is required to provide a site-specific Health and Safety Plan (HASP) and Soil Management Plan (SMP) prior to initiation of construction activities to ensure worker safety and minimize the potential of off-site migration of contaminants (dust or particulates). The SMP shall address the excavation, transport, reuse and/or disposal of on-site soils. These documents are independent of the EA document.*

Comment EA51

Topic: Hazardous Materials, Construction/Permitting

Summary: Because this project has not been evaluated by a qualified hydrogeologist we are concerned about the mobilization of heavy metal contaminants in the coal ash. A thorough review of this project by a qualified hydrogeologist is needed to quantify the various risks and develop a mitigation plan for the construction phase of the project.

Response: *As stated beginning on page 42, section 3.7.1 of the EA, 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 described in section 3.3.8 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.*

Comment EA52

Topic: Hazardous Materials, NEPA Process

Summary: Because of the known contamination of this site and the potential for greater contamination as construction proceeds into untested soils and groundwater, a Site Safety and Health Plan (SSHP) must be prepared. There is no mention of a SSHP in the September 2013 EA. There is also no mention of the need for Construction Worker Safety and Training per OSHA Hazardous Waste and Emergency Response Standard (HAZWOPER). Their absence renders the EA incomplete. .

Response: *Section 3.4 of the EA states that best practices will be employed during construction and that prior to the start of any construction activities, sedimentation and erosion control measures would be installed. Further, the contractor is required to provide a site-specific Health and Safety Plan (HASP) and Soil Management Plan (SMP) prior to initiation of construction activities to ensure worker safety and minimize the potential of off-site migration of contaminants (dust or particulates). The SMP shall address the excavation, transport, reuse and/or disposal of on-site soils. These documents are independent of the EA document.*

Comment EA53

Topic: Open Space/Recreation

Summary: The September 2013 revision of the EA does not discuss recreational opportunities even though the Build Alternative does significantly impact recreational opportunities. The proposed project site has been used for recreational activities since all railroad activities ceased on October 1988. The vacant land has been used extensively as walking paths, cross country skiing, snowmobiling, snow shoeing, nature walks, dirt biking and mountain biking. How does NNEPRA propose to mitigate this significant loss of recreational opportunity?

Response: *As stated on page 36 of the EA, “no parks or recreation areas are located in the proposed project area.” The project area was private railroad property prior to acquisition by NNEPRA; Recreational activities by trespassers has never been an approved use of this property.*

Comment EA54

Topic: Noise/Vibration

Summary: The cumulative impact on noise and vibration at the proposed MLF is not addressed in the context of alternate sites.

Response: *One site was evaluated in detail in the EA. Other sites were eliminated from detailed consideration based on their inability to meet the project Purpose and Need.*

Comment EA55

Topic: Public Participation

Summary: The Project Chronology, the complaint to the USDOT and USEPA OIGs, discussion of preemption and public participation discussed elsewhere in the BWNC comments also applies to this section on Public Involvement.

Response: *Comment noted.*

Comment EA56

Topic: NEPA Process

Summary: As preparers of this EA, FRA is potentially in an inherent conflict-of-interest situation with respect to rendering an objective opinion on the merits of the September 2013 EA. This is a potentially critical position because the FRA must objectively decide whether or not to prepare an EIS for the Brunswick West MLF.

Response: *Federal agencies are the lead sponsor of any NEPA document, and their staff participates in the development and review of the document. This is standard course of action for all NEPA documents issued by any Federal agency.*

Comments on Appendix B: Amtrak Downeaster Layover Facility Project Siting Report

Comment SR1

Topic: **General, Site Selection/Alternatives**

Summary: When one looks at the timeline to become aware of the actions taken prior to NNEPRA retaining Parsons Brinckerhoff (PB), it's very obvious that Parsons Brinckerhoff was retained to develop an "after-the-fact" justification of selecting Brunswick West as the Build Alternative regardless of the facts..

Response: *Initially, sites outside Downeaster operating territory were not considered as potential locations for a layover facility due to the operating constraints. Parsons Brinckerhoff was asked to conduct an objective and thorough site selection in response to concerns from the public that all potential sites had not been fully evaluated.*

Comment SR2

Topic: **General**

Summary: When NNEPRA applied for the dimensional variance on April 4, 2011 the proposed MLF could accommodate two train sets. (Attachment 1) The need for accommodating three sets came about at the 7/14/2011 Senatorial Informational Meeting without NNEPRA providing any justification of need for the change.

Response: *NNEPRA decided to expand the size of the facility to meet future service levels as a direct result of public input. Concern had been raised about the potential of extra locomotives idling outside, and NNEPRA agreed that the facility should be able to accommodate train sets at present and future service levels. The growth in ridership and the subsequent change in the operating plan to use three train sets in the service validates the necessity for a three train facility.*

Comment SR3

Topic: **Site Selection/Alternatives**

Summary: The only reason NNEPRA considered alternate sites was to placate the affected abutters and landowners. This process was flawed from the start because NNEPRA was already committed to acquire the property in anticipation of constructing the Maintenance and Layover Facility at Brunswick West. See the attachment entitled Timeline for more details concerning decisions made by NNEPRA which clearly shows NNEPRA's strategy.

Response: *Regardless of where or whether a layover facility is constructed, NNEPRA and MaineDOT concurred that the property should be acquired from Pan Am and retained for railroad purposes because it was going to be needed as a lay-down area for construction purposes in the short term and because it was required to access the siding tracks being built as part of the Portland North Project in the long term.*

Comment SR4

Topic: **Site Selection/Alternatives**

Summary: 175 Bath Road: this site was a bogus site; it was included solely to show it was incompatible with the needs of the layover facility. It was never intended to be a serious site.

Response: *This site was considered because the property owner contacted NNEPRA and suggested that it would be a viable alternative. In an effort to fully exhaust all possibilities, it was reviewed.*

Comment SR5

Topic: **Site Selection/Alternatives**

Summary: 393 Bath Road was another red herring site.

Response: *This site was considered because the property owner contacted NNEPRA and suggested that it would be a viable alternative. In an effort to fully exhaust all potential locations, it was reviewed.*

Comment SR6

Topic: **Site Selection/Alternatives**

Summary: Brunswick Naval Air Station (BNAS) had rail service in the past. Some of the tracks and most of the rail bed still exist. The railroad tracks crossed Bath Road near the entrance of the Merrymeeting Shopping Center and the grades were very reasonable. If PB had reconstructed the prior rail access they would have found suitable sites for a MLF. Developing rail service to BNAS would also have led to having a multimodal facility which would have been a significant factor to enhance redevelopment of BNAS thus creating jobs and stimulating the regional economy.

Response: *The creation of an additional at grade crossing on Bath Road would be deemed unfavorable at any location. The development of a multi-modal facility is not consistent with the project Purpose and Need. The redevelopment plan for BNAS does not include rail access of any kind*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Comment SR7

Topic: **General, Land Use**

Summary: The name says it all: Brunswick Industrial Park.

Response: *Comment noted.*

Comment SR8

Topic: Site Selection/Alternatives, Cost/Funding, Noise/Vibration

Summary: While site preparation [Brunswick Industrial Park site] work may be more costly, the building size could be reduced and would require only STC-21 instead of STC-44 as currently required at Brunswick West site. This would result in a significant cost saving.

Response: *Based on current and projected operating plans, it has been determined that the Brunswick layover building will accommodate three full train sets, regardless of where it is located. Additionally, without a full noise evaluation, it is not possible to assume what the required STC rating of a building would need to be in that location, although it was determined that a sensitive noise receptor location was nearby which would require some level of sound retention. Further, the cost differential between constructing an STC-21 and STC-44 building is far lower than the likely cost of site preparation and mitigation at the Brunswick Industrial Park site.*

Comment SR9

Topic: General

Summary: Multimodal Facility not possible due to topographical considerations.

Response: *Comment noted. The development of a multi-modal facility is not part of the project Purpose and Need. The redevelopment plans for BNAS do not include rail access of any kind, nor is a multi-modal center envisioned as part of the BNAS site in any town or regional plans.*

Comment SR10

Topic: Land Use

Summary: All buildings and yard tracks (all railroad activities) on the proposed site were removed by October 1988. (Attachment 2). The Brunswick West site has not been used for freight interchange since October 1988. The freight interchange takes place on tracks and land owned by the State of Maine. In the early-sixties, rail was all but dead here in Brunswick. Passenger rail service to Brunswick ended in April 1959. The train station was demolished sometime between 1960 and 1963, and is now the Hannaford parking lot. Freight slowed to nearly a halt at this time, and as stated in the EA now comprises two Pan Am freight trains weekly. This is because there is little or no industry in Midcoast Maine requiring the need for freight trains. The conventional wisdom then was that rail was no longer viable in Brunswick.

Some of the businesses that existed along the rail corridor in 1960:

- Booker Coal Company
- Brunswick Coal & Lumber Company (now Downeast Energy)
- Brunswick Ferrule Shop (now the Women's Fitness Center)
- Fortin Fuel & Lumber Company (now a child consignment store)

It was at this time that Rodolphe and John Bouchard purchased a certain parcel of land that is now Hennessey Avenue (west side) and later Bouchard Drive and Country Lane. In the early sixties, Hennessey barely extended west beyond Stanwood Street. The remainder of the parcel was forest land. Ralph developed the property into a subdivision, after securing the necessary approvals and permits from the Town of Brunswick (which by its actions believed that train travel was in severe decline), and

over the years the property became the residential neighborhood that exists today. This is why the properties at the East end of Bouchard are only 100 feet from the actual railroad track.

Response: *Comments noted.*

Comment SR11

Topic: **Site Selection/Alternatives, Cost/Funding, Noise/Vibration**

Summary: While site acquisition [Brunswick East site] may be more costly, the building size could be reduced and would require only STC-21 instead of STC-44 as currently required at Brunswick West site. This would result in a significant cost saving.

Response: *NNEPRA has determined that a facility in any location should be able to accommodate three train sets. Noise analyses have not been completed at Brunswick East to determine what the appropriate sound rating would need to be based on their exclusion from further study during preliminary scoping procedures.*

Comment SR12

Topic: **General, Site Selection/Alternatives**

Summary: The need for the second track at the grade crossing of Old Bath Road could be eliminated with the installation of an electric track switch such as installed east of Maine St. and at Rock Junction. During the Senatorial informational meeting on 7/14/11 sponsored by Senator Stan Gerzofsky, the Amtrak representative made laughable statements about electric track switches and train travel time between the Brunswick Station and the Brunswick East site.

Response: *Amtrak is the operator of the Downeaster service and their input and comments are deemed credible.*

Comment SR13

Topic: **General**

Summary: This (Brunswick West) site is not large enough for a multimodal facility.

Response: *A multi-modal facility is not consistent with the Purpose and Need of this project, which is to construct a layover and storage facility. Brunswick Station serves as the point of access for Downeaster service in Brunswick.*

Comment SR14

Topic: **Construction/Permitting, Groundwater/Stormwater**

Summary: The Brunswick West site has become more complicated as the final design progresses. BWNC has spoken many times about the high groundwater issue. The current design now requires nearly a two foot raise in grade for the building and ladder tracks requiring a significant amount of fill material to be brought to the site. Installation of underground utilities will also be more difficult due to high groundwater conditions.

Response: *The project contractor, Consigli Construction, has not expressed concerns about constructability at the Brunswick West site. Design modifications have been minor and typical for this type of design process.*

Comment SR15

Topic: General

Summary: This site (Brunswick East) is large enough for a multimodal facility.

Response: *A multi-modal facility is not consistent with the Purpose and Need of this project, which is to construct a layover and storage facility. Brunswick Station serves as the point of access for Downeaster service in Brunswick.*

Comment SR16

Topic: General

Summary: This site area was filled to provide raised rail bed now in use. Water courses were generally disturbed by construction of the Brunswick Industrial Park especially the adjacent LL Bean manufacturing facility.

Response: *Comments noted.*

Comment SR17

Topic: Cost/Funding, Hazardous Materials

Summary: The Brunswick West Site is contaminated with coal ash for which NNEPRA is a party to a VRAP Agreement with the Maine DEP. The cost of remediation is unknown and unaccounted for. By way of information, a developer at what is now Maine Street Station had to abandon an earlier project due to soil contamination.

Response: *A remediation plan is in place and the cost has been accounted for in project cost estimates.*

Comment SR18

Topic: Geotech, Groundwater/Stormwater, Construction/Permitting, Cost/Funding

Summary: Hydrogeologic conditions similar to the Brunswick West site occurred at the site of the new Brunswick Police Station on Stanwood Street. High groundwater and unconsolidated sands and gravel typical of the area also plagued construction of the Police Station and increased the costs of construction.

Response: *Comments noted.*

Comment SR19

Topic: Site Selection/Alternatives

Summary: Other environmental issues are more serious at the Brunswick West site. There are significant noise, vibration, visual, socio-economic and hydrogeologic impacts at the Brunswick West site.

Response: *The impacts of a facility located at the Brunswick West site are fully evaluated in the EA document.*

Comment SR20

Topic: General

Summary: The one siding track is located on land owned by the State of Maine not NNEPRA.

Response: *Comment noted. The siding track located is on the adjacent MaineDOT property.*

Comment SR21

Topic: Land Use, Federal Preemption

Summary: This site is not consistent with Brunswick zoning and requires a variance for structures exceeding 20,000 square feet. The appeal process followed by NNEPRA is too lengthy to discuss here; however, it is addressed more fully in a separate analysis that shows the process was hijacked by NNEPRA with the willing complicity and assistance of Town of Brunswick officials and Town Council.

Response: *That the building size exceeds that allowed in the MU2 zone is disclosed in the EA document in section 3.3.2 Land Use and Zoning. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically). The building is consistent with other dimensional and use requirements of the town’s zoning ordinance.*

As stated on page 3, Section 1.3 of the EA, federal law preempts the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility. A dimensional variance for size under that ordinance is therefore not necessary for the project to go forward.

Comment SR22

Topic: General, Land Use, Visual/Lighting

Summary: In addition to noise and air quality, abutters are very concerned about vibration, public safety, i.e. attractive nuisance and the visual pollution of a structure which is two football fields long and four stories high. A “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” will have a significant impact on the visual environment. It is naïve and irresponsible to claim that there will be little effect on the environment and that a few trees will mitigate the situation. This is yet another example of how the stakeholders were neglected in this process. Even at the height of use as a rail yard, there was never a building or combination of buildings of this magnitude.

Response: *Comments noted. Potential impacts are fully described in the EA document.*

Comment SR23

Topic: Traffic

Summary: It is true that “Lombard Street is a lightly traveled, dead-end road that provides local access from US Route 1”. The EA neglects to address the fact that this portion of Route 1, i.e. Pleasant Street is extremely busy and left turning traffic into and out of Lombard Street will cause a severe safety hazard.

Response: *The EA specifically notes that Pleasant Street (Rte 1) carries between 25,090 and 29,070 vehicles per day. The small amount of traffic generated by the proposed facility (fewer than 50 trips throughout the day) will not notably affect the safe performance of the intersection at Lombard Street. Further, most of these trips will occur outside of peak traffic hours*

Comment SR24

Topic: Traffic

Summary: Further, the EA claims that there will be less vehicular traffic between Brunswick and Portland owing to the increased use of the train, however, this is only partially true since employees of NNEPRA will be commuting from elsewhere to Brunswick. Also, there is no objective quantitative

evidence to demonstrate that any significant reduction of traffic to and from Portland will be mitigated by an MLF located anywhere in Brunswick.

Response: *Comments noted. The EA does state the number of trips expected to occur to/from the site, including three shifts of workers. The EA does not speculate on where workers currently or will ultimately live.*

Comment SR25

Topic: General

Summary: Noise and air quality, together with vibration, safety, visual pollution and degradation of property values are major concerns of the abutters, and NNEPRA acknowledges that certain items connected with the building at this location cannot be mitigated.

Response: *Comments noted. Potential impacts are fully described in the EA document.*

Comment SR26

Topic: Noise/Vibrations

Summary: The noise study referred to above is at best incomplete and at worst faulty in its conclusions. Resource Systems Engineering has conducted an extensive noise study and its report is hereby incorporated by reference.

Response: *FTA/FRA guidelines establish impacts for moderate and severe noise impacts. Analysis of noise resulting from operation of the proposed Layover Facility – conducted per FTA/FRA guidelines and reflecting the operations that will occur at the site – demonstrates that neither moderate nor severe noise impact thresholds will occur. The noise studies presented in Binders 1 and 2 are addressed separately; they do not demonstrate impacts per applicable regulatory guidelines.*

Comment SR27

Topic: Economics

Summary: In connection with socio-economic costs, PB analysis either completely ignores or minimizes the concerns of the abutters and affected property owners.

Response: *The Socio-economic effects of the project, described in section 3.3.4, disclose the potential effects of the project on the local and regional economy, but does not attempt to quantify such effects. The reason for this is that the overall scale of impact is likely very small, and so many factors influence economic conditions that identification of this project's contribution would be subjective and speculative at best. This is typical in NEPA evaluations; specific estimation of monetary changes in property value and tax base are usually only conducted for parcels that will be acquired.*

Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.

Comment SR28

Topic: General

Summary: A second track had to be installed at the Church Rd. crossing at the Brunswick West site for the same reasons stated for the Brunswick East site. Why is this a problem at the Brunswick East site but not a problem at the Brunswick West site?

Response: *The second track at Church Road was installed to accommodate switching and storage of freight cars in the Rail Yard. The installation of a second track at Old Bath Road is an additional consideration related to the development of a layover facility at the Brunswick East Site.*

Comment SR29

Topic: **General, Site Selection/Alternatives**

Summary: The text significantly overstates the case. In actual fact, the EA states that there are two freight trains per week. Great Eastern conducts tourist trips to Rockland during the summer months until the foliage drops, but these trips are sporadic. We vigorously dispute the assertion of the 32 minutes alleged in Table 1.

Response: *Train speeds are governed by the class of trackage, train control, and dispatching capabilities, which are considerably different on trackage east of Brunswick Station. Time estimates have been verified as reasonable estimates by Amtrak, the service operator.*

Comment SR30

Topic: **Project Need**

Summary: We also dispute the claim that the train sets need to go to the Layover and Maintenance Facility each trip to restock the snack bar and clean the cars.

Response: *Downeaster trains must be serviced between runs. Servicing them at the facility is more effective and efficient and eliminates transportation of crews, equipment and supplies; this is part of the Purpose and Need for the project.*

Comment SR31

Topic: **General, Site Selection**

Summary: The Amtrak representative made a laughable presentation on the travel time from the Brunswick Station to the Brunswick East site. Our discussions with people associated with train operations have indicated the alleged delays are greatly exaggerated. Amtrak trains often operate on signalized tracks. Does Amtrak stop all operations when signal system failure occurs? Now that electric switches have been installed east of Maine St. crossing and at Rock Junction travel time to East Brunswick will be much less than described. Electric switches at Old Bath Rd. crossing and track signal enhancement will result in further reduction in travel time.

Response: *Train speeds are governed by the class of trackage, train control, and dispatching capabilities, which are considerably different on trackage east of Brunswick Station. Time estimates have been verified as reasonable estimates by Amtrak, the service operator. Considerable investment would be required to upgrade the existing train control signal systems sufficiently to reduce travel times on the section of track east of Brunswick Station.*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the

normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Comment SR32

Topic: General, Cost/Funding, Site Selection

Summary: There is a gigantic “elephant in the room” when considering potential MLF sites east of Maine Street. This elephant becomes obvious when one reads pages 26 through 28 of NNEPRA's Brunswick Layover Facility Design Basis Document. BWNC is not aware of the exact grant from FRA referred to in the Design Basis Document but we assume the grant is somehow related to the Downeaster Portland-Brunswick North Project which has an easterly limit of work near Maine St. Therefore, proposed sites in the vicinity of Cook's Corner would be beyond the limit of work and thus may not be eligible for 100% FRA funding. Building and impact reductions from locating at Brunswick East (Crooker) could reasonably be expected to offset cost impacts from reduced funding splits.

Response: *If the Brunswick East site met the Purpose and Need of the project, alternate funding or a grant modification could have been made to address this issue.*

Comment SR33

Topic: General, Economics

Summary: At the same time opportunities for further economic development at Brunswick Landing could also occur from multimodal potential east of Maine Street that is not at Brunswick West.

Response: *A multi-modal facility is not consistent with the Purpose and Need of this project, which is to construct a layover and storage facility. Brunswick Station serves as the point of access for Downeaster service in Brunswick.*

Comment SR34

Topic: Traffic, Site Selection/Alternatives

Summary: Ramp B to US 1 (Cook's Corner) is controlled by a traffic signal as well as crossing protection. Experience with Great Eastern crossing show that it is not nearly the issue as portrayed herein.

Response: *The number of grade crossings located between the facility and the Station is a valid project safety consideration. It is especially a concern at this location, where the crossing has potential to back traffic onto the access controlled highway.*

Comment SR35

Topic: General

Summary: Two legs of the wye at Rock Junction are in place. The third leg was removed many years ago. The road bed and the right of way is still owned by the State of Maine. Clearing, grubbing, installation of ballast and reconstruction of track structure would be needed to make the Rock Junction Wye operational.

Response: *Comments noted.*

Comment SR36

Topic: Noise/Vibration

Summary: Abutters and nearby land owners vigorously dispute this assertion. See RSE Sound Assessments under separate cover and vibration survey results (Binders 1 and 2).

Response: *FTA/FRA guidelines establish impacts for moderate and severe noise impacts. Analysis of noise resulting from operation of the proposed Layover Facility – conducted per FTA/FRA guidelines and reflecting the operations that will occur at the site – demonstrates that neither moderate nor severe noise impact thresholds will occur. The noise studies presented in Binders 1 and 2 are addressed separately; they do not demonstrate impacts per applicable regulatory guidelines.*

Comment SR37

Topic: Site Selection/Alternatives

Summary: Brunswick West Neighborhood Coalition Evaluation of Sites and Scoring. Based on the evaluations described in this report, the following scoring was assigned – (unweighted scores).

Table 5: Unweighted Evaluation Scores

Scoring range

Excellent	10
Neutral	5
Poor	0

		Brunswick Industrial Park	Brunswick West	Brunswick East
Availability of Land		6	10	9
Topography		3	3*	10
Hazardous Materials		7	3	9
Utility Connections		0	9	9
Residence Proximity		9	0	9
Land Use Compatible		8	3**	8
Railroad Operations		7	10	7
Road Connections		5	7	9
Traffic Impacts		9	9	6
Cost		5	5	10
TOTAL		59	59	86
*Groundwater & need to raise grade approximately 2 ft.				
**Not compatible with surrounding Residential land use				

Properly Unweighted Objective Evaluation scores clearly show the Brunswick East is a superior site and Weighted Evaluation is not needed.

Response: *NNEPRA does not agree that the criteria considered carry equal importance, nor does NNEPRA agree with the BWNC’s scoring. Further, as detailed in the EA document, the decision to not*

carry forward these other sites was based on an inability to meet the project's purpose and need, and not strictly the results of this scoring exercise in the Siting Report.

Comment SR38

Topic: Site Selection

Summary: The abutters and effected property owners vigorously dispute and challenge the PB procedures and the selection process.

Response: *Comments noted. As detailed in the EA document, the decision to not carry forward these other sites was based on an inability to meet the project's purpose and need, and not strictly the results of this scoring exercise in the Siting Report.*

Comment SR39

Topic: Site Selection/Alternatives, NEPA Process

Summary: The Brunswick East site or possibly a BNAS site are far more superior to the Brunswick West or Brunswick Industrial Park sites when objectively evaluated. The Brunswick West site has unmitigatable, severe environmental impacts and high construction costs. Brunswick West is attractive to NNEPRA from an operations view point and also solves the "Elephant in the room" situation. NNEPRA needs to acknowledge NEPA and the benefits of an alternative site.

Response: *Neither the Brunswick East site nor the BNAS site meet the Project Purpose and Need, as described in the EA document. NEPA does not require full, detailed study of more than a single build alternative in the EA document.*

Binder 4: OIG Compliance Document

Binder 4 contains a copy of the Office of Inspector General Compliance Document. We have no comment on this document.

Binder 5: West Brunswick Coalition Correspondence

Written Comment: C55

Commenter: BWNC Letter (Robert Morrison)

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 1)

Comment C55a

Topic: General

Summary: Layover facility should be renamed “Layover and Maintenance Facility” to accurately depict its functions.

Response: *Comment noted. Thank you.*

Comment C55b

Topic: NEPA Process

Summary: Requests that EIS be conducted because the EA has not adequately addressed natural or socio-economic conditions.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C55c

Topic: Public Participation

Summary: Public participation has been questionable. NNEPRA claims public hearings that were actually sponsored by others and not properly noticed. The public hearing on the EA was not properly noticed to abutters.

Response: *NNEPRA has continuously engaged with the neighboring community since 2011 as detailed in section 4 of the EA. Neighbors’ concerns have been investigated and, while no significant impacts have been identified, voluntary commitments have been added to the project, as described in section 3.7.1. Under NEPA, there is no requirement to hold a Public Hearing (with corresponding notification requirements) during the EA process.*

Comment C55d

Topic: Site Selection

Summary: Site selected in 2008 without public knowledge.

Response: *NNEPRA does not contest that the Brunswick Railyard site was originally selected for the site of the facility based on its functional and operational advantages. Once a determination was made that the project would need to comply with NEPA, a re-evaluation of sites was initiated. This evaluation confirmed the advantages of the proposed site and other locations were dismissed from further consideration. Additionally, as documented in the EA (section 2.2), the alternatives dismissed do not meet the Project’s Purpose and Need.*

Note that an EA is not required to evaluate more than one build alternative; other alternatives may be considered initially and dismissed. If an EA does not result in a Finding of No Significant Impact (FONSI), then a more robust consideration of alternatives is required in an EIS.

Comment C55e

Topic: General

Summary: NNEPRA's original EA for the 2009 extension of service stated that the Layover Facility would remain in Portland.

Response: *The 2009 EA did not propose to move the Layover Facility, nor did it make a commitment to keep the Layover Facility in Portland.*

Comment C55f

Topic: NEPA Process

Summary: The siding track was inappropriately separated from the larger project and constructed independently. It was inappropriately approved by a Categorical Exclusion, rather than an EA.

Response: *The siding track which was proposed to be constructed in Brunswick was not included as a component of the proposed action in the 2009 EA. It was one of four actions identified subsequent to the 2009 EA. The action was appropriately evaluated and deemed eligible for Categorical Exclusion. The siding track would have had independent utility with respect to the action proposed in the Brunswick Layover Facility EA, since it would have a functional purpose on its own, regardless of whether the proposed Brunswick Layover Facility is constructed. That said, this siding track was not constructed at the railyard site, and is therefore not a consideration when analyzing the environmental impacts of the Proposed Action.*

Comment C55g

Topic: Site Selection/Alternatives

Summary: Siting Report was prepared after the fact and its analysis is flawed, as described further in Binder 3.

Response: *NNEPRA does not contest that the Brunswick Railyard site was selected for the site of the facility prior to the initiation of the NEPA environmental process. The facility was originally to be constructed without Federal funding, in which case NEPA would not apply (i.e. – no environmental evaluation would be required for the project if there was no federal participation).*

The Siting Report assessed potential sites using data and information sufficient to determine a preferred site. The proposed Layover site was evaluated in more detail in the EA. Responses to specific comments on the Siting Report are also provided elsewhere, including responses to Binder 3 materials.

Comment C55h

Topic: General

Summary: Scaled engineering plan has not been provided, and the EA evaluation was based on an unscaled plan.

Response: *The drawings provided in the EA reflect the correct size and layout of the site in relative proportion. They are marked “not to scale” because the plan is not printed in the document to a specific, standard scale (e.g. – “one inch =”). They are sufficient for the analysis needs for an environmental assessment.*

Comment C55i

Topic: General

Summary: The project “background and need” section is inadequate. It does not disclose that an enclosed Layover facility was initially attempted in Portland without success.

Response: *The construction of an indoor layover facility is important to the reliability of Downeaster service. Prior to receiving funds to expand the terminus of the Downeaster service to Brunswick, NNEPRA explored options for locating that facility in Portland. However, that effort was suspended when it became apparent that Brunswick service was likely to happen, and was discontinued when it was confirmed that service would be expanded and that the terminus would be in Brunswick.*

Comment C55j

Topic: Site Selection/Alternatives, Project Need, Downeaster Service

Summary: There is interest in extending Downeaster Service to Lewiston/Auburn. Additional track improvements are needed to extend 5 roundtrips to Brunswick. Layover should be located at the Hub (Portland) rather than the spokes.

Response: *There are no firm plans to extend service to Lewiston/Auburn. If such service were established in the future, it would be separate and independent from the Downeaster service to Brunswick. The Layover facility would still be needed in Brunswick regardless of whether service is established to Lewiston/Auburn or additional service is extended to Brunswick. Returning empty trains to a Layover facility at the “Hub” wastes fuel and increases operating expenses.*

Comment C55k

Topic: Downeaster Service

Summary: The EA does not analyze the cost/benefit of the track work needed to extend additional Downeaster trains to Brunswick

Response: *Extension of additional trains is not part of the proposed action. The project under consideration is construction of a Layover facility to support existing Amtrak Downeaster service, which could also accommodate expanded service if needed.*

Comment C55l

Topic: Cost/Funding

Summary: Funding has not been secured.

Response: *Funding is not an issue of relevance to a NEPA assessment, except that projects with Federal funding are subject to compliance with NEPA.*

Comment C55m

Topic: Land Use

Summary: The site has not been a railyard since 1988. Conventional wisdom was that rail was no longer viable in Brunswick, which is why town approved subdivisions nearby.

Response: *The EA accurately depicts the history of the site (section 2.3.1). The site is zoned for MU-2 Intown Rail Corridor, which allows industrial uses and discourages residential uses.*

Comment C55n

Topic: Land Use

Summary: Questions that the use is compatible with Town zoning. Suggests that the appropriate use categorization is “Transportation Facility”, which would require a special permit.

Response: *Because federal law preempts the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility, no action by the Town or Planning Board is necessary for the project to go forward. The question of use and dimensional standards is relevant to the Environmental Assessment only in terms of describing consistency with the Town’s zoning and disclosing inconsistencies.*

The site is within the MU-2 Intown Railroad Corridor zoning district. This zone encourages a mix of non-residential uses, including industrial uses. The proposed use is consistent with the industrial uses allowed in the district. The proposed building would exceed the maximum square footage allowed in the zoning district without a variance, as noted in the EA.

Comment C55o

Topic: NEPA Process, Economics

Summary: After two draft EAs and one “Final” EA, NNEPRA has not presented any socio-economic data.

Response: *There is only one EA, not multiple drafts. The EA remained a working document under development until officially released for public review on September 14, 2013.*

The Socio-economic effects of the project, described in section 3.3.4, disclose the potential effects of the project on the local and regional economy, but do not attempt to quantify such effects. The reason for this is that the overall scale of impact is likely very small, and so many factors influence economic conditions that identification of this project’s contribution would be subjective and speculative at best. This is typical in NEPA evaluations; specific estimation of monetary changes in property value and tax base are usually only conducted for parcels that will be acquired.

Comment C55p

Topic: Safety/Security

Summary: The EA does not present any safety impact data. A trespass detection system is not adequate security; a 6-ft or higher fence should be constructed on the southerly side of the corridor to prevent children from wandering onto the property.

Response: *Safety is assessed in section 3.3.10 of the EA. The trespass detection system is being implemented independently by several project partners; it is not part of the proposed Brunswick Layover*

facility project. NNEPRA does not have legal authority to fence the south side of the rail corridor; this property is owned by MaineDOT.

The corridor is an active rail corridor today, none of which is fenced. The proposed facility will increase the number of Downeaster train trips in the vicinity of the Layover facility from eight today to 12 after operation of the facility begins (section 2.4.3 of the EA). Whether eight trains or 12 trains are operating will not appreciably alter the safety of the railyard and neighboring mainline track; hence the project is not introducing a new safety impact.

Comment C55q

Topic: Noise/Vibration

Summary: Noise and vibration from the MLF will result in unavoidable severe impacts on over 500 residences. The impact zone for noise will extend 1000 feet north and south of the proposed Layover Facility. Local and State noise standards will be violated by 5-minutes or less of a single locomotive operating outside of the MLF building. The FRA Ldn standard will be violated by eight 30-minute periods of outside locomotive activity (further detailed in Binder 2).

Response: *FTA/FRA guidelines establish impacts for moderate and severe noise impacts. Analysis of noise resulting from operation of the proposed Layover Facility – conducted per FTA/FRA guidelines and reflecting the operations that will occur at the site – demonstrates that neither moderate nor severe noise impact thresholds will occur.*

Local and State guidelines are preempted by Federal noise standards. State noise regulations also specifically note that they do not apply to railroad operations. Though they do not have regulatory standing, the EA did compare project related noise to these standards for informational purposes (section 3.1.4). The analysis found that with the project, the projected highest hourly noise level would exceed MaineDEP nighttime limits at the property line of one of the three nearby receptors evaluated. Noise levels at the exterior of the building location on the properties would not exceed MaineDEP limits however. Nighttime noise levels would exceed Brunswick’s standard at the property line of two of the three nearby residences, and at the exterior of one residence (current building location). There is no credible evidence of adverse noise effects to 500 residences or extending 1000 feet; audibility does not constitute impact.

As stated above, the FTA/FRA’s noise standards will not be exceeded. The proposed project will greatly reduce outside idling of trainsets; trains will not idle outdoors for extending periods of time, as suggested by the comment.

The analyses conducted in Binder 2 are flawed both in terms of defining the operations associated with the project and with respect to various technical aspects of performing noise impact analysis per FTA/FRA guidelines. Please see responses to Binder 2 for further details.

Comment C55r

Topic: Noise/Vibration

Summary: Neighbors are concerned about vibration. A survey of nearby residents found that 68% said that vibrations are impacting their residences. These effects are connected to a high groundwater table and stationary idling of locomotives.

Response: *Vibration analysis, conducted in accordance with FTA/FRA guidelines, demonstrates no expected project-related vibration impacts. The project will greatly reduce the amount of idling by allowing trains to shut down and connect to electrical power inside the building. The only periods of extending idling that will occur are 30-minute warm-up periods that will occur inside the building. The S.W. Cole study provided in Binder 2 submitted by the BWNC also confirms that vibration impacts are not expected to occur.*

Comment C55s

Topic: Groundwater/Stormwater

Summary: The EA does not present any groundwater/hydrogeologic data. The area contains a high water table and raising the grade of the Layover Facility will increase the surcharge on saturated soils.

Response: *A Geotechnical Report was completed on May 13, 2013 by Summit Engineering and is attached as Appendix H of the EA. The 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.*

Comment C55t

Topic: Groundwater/Stormwater

Summary: Storm water and potential impacts to public utilities is not addressed.

Response: *The project will be designed to comply will all applicable stormwater rules and regulations. Prior to construction of the proposed project, NNEPRA would be required to obtain a Maine Multisector Industrial Stormwater Permit and file a Notice of Intent (NOI) to comply with Maine Construction General Permit (MCGP).*

Comment C55u

Topic: Air Quality

Summary: GE P-42DC locomotives is EPA Tier 0 emissions classification. It has not been properly accounted for in the air quality analysis. The use of these locomotives will result in concentration of air pollutants at the site, including particulates.

Response: *A screening level air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. Amtrak operates a mix of equipment of different horsepower in the northeast corridor, while freight operators also have a variety of equipment at their disposal. The air quality analysis assumed use of 3,200 HP Amtrak locomotives and, conservatively, 4,000 HP freight locomotives. In practice, Amtrak is currently using 4,250 HP GE P-42DC locomotives, while freight operators typically use locomotives in the 2,000 HP range.*

The results of the dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility could nearly triple over proposed

initial service levels before emissions would approach any of the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Recalculation of emissions dispersion assuming 4,250 HP Amtrak locomotives and 2,000 HP freight locomotives shows these findings to still be true; emissions are within 10 percent of the original calculations.

Other operating and site design assumptions employed in the air quality analysis remain valid.

Comment C55v

Topic: Air Quality

Summary: The HVAC will not remove particulates. Removal of particulates should be required to mitigate operation of the Tier 0 locomotives.

Response: *Locomotives will operate for a combined total of 90 minutes each day within the layover facility. Given the duration of indoor operations, particulate-removing HVAC equipment would have a limited effect on changing overall particulate levels. Air quality analysis shows that concentration of criteria pollutants will be well below NAAQS standards. Other toxic and/or carcinogenic emissions were also evaluated and found to be well below applicable thresholds for determining impacts established by the United States Environmental Protection Agency's (EPA) Human Health Risk Assessment Protocol (HHRAP).*

Comment C55w

Topic: Visual/Lighting

Summary: The BWNC has not received a Site Plan Engineering Drawing nor Luminescence Study, making evaluation of visual and lighting impacts difficult.

Response: *The Site Layout is shown in Figure 4 of the EA, while Figure 20 is a conceptual sketch to illustrate the relationship of the proposed building and its setting.*

As described in section 3.3.11, outdoor lighting will be designed to minimize light spillover and will be provided only as necessary for the safe and secure operation of the facility.

A photometric simulation has been developed by a lighting engineer subsequent to the publication of the EA. The photometric drawing for the Brunswick layover lighting design shows only minor spillover of light (0.1 and 0.2 foot-candles) at the north property line, none of which extends near the location of existing buildings. Based on this evaluation, it has been determined that there will be no significant impact on the surrounding community.

Comment C55x

Topic: General

Summary: There is no Site Plan of any kind in the EA, and therefore impacts from the whole development cannot be determined.

Response: *The Site Layout is shown in Figure 4 of the EA. In conjunction with narrative descriptions of the project, it is of sufficient detail to evaluate potential impacts of the proposed project. NEPA assessments are typically conducted prior to detailed, final design.*

Comment C55y

Topic: Federal Preemption

Summary: The EA asserts that State and Local regulations are preempted. BWNC understands that Amtrak only has preemption in the northeast corridor and not globally, and urges the FRA to consider the applicability to the Downeaster since it is not part of the Northeast Corridor.

Response: *The proposed layover facility is an “improvement,” “undertaken ... for the benefit of Amtrak,” in furtherance of Chapter 247 of Title 49, one section of which authorizes Amtrak to “enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.” 49 U.S.C. § 24702(a). The Downeaster is one such intercity rail service, operated by Amtrak pursuant to a contract with NNEPRA. Therefore, no “local building, zoning, subdivision, or similar or related law” – including the Town of Brunswick’s zoning ordinance – applies in connection with the construction or operation of the proposed layover facility or the land on which the proposed layover facility is located. 49 U.S.C. § 24902(j). The preemption is not geographically limited because the cross-reference to Chapter 247 contained in 49 U.S.C. § 24902(j) contains no geographic limitation.*

Comment C55z

Topic: Federal Preemption

Summary: Preemption doesn’t apply because the land has been vacant for 25 years and this constitutes a major change of land use.

Response: *The status of the property is irrelevant to the question of preemption.*

Comment C55aa

Topic: Federal Preemption

Summary: Opinion of Connecticut Attorney General demonstrates that preemption is not global.

Response: *This comment relies on an opinion by the Attorney General of Connecticut dated October 30, 1995, pertaining to whether a Connecticut state council’s jurisdiction over the siting of certain electric transmission lines and substations needed to complete the electrification of the Northeast Corridor was preempted by FRA’s oversight and involvement in that project. Assuming for the purposes of discussion that this 1995 opinion remains valid in Connecticut, it is not relevant to the preemption determination here. The Connecticut statute that was the subject of the 1995 opinion was not a local zoning law, and the issue there was whether FRA’s review of that project – not 49 U.S.C. § 24902(j) – preempted the state council’s jurisdiction. Indeed, the 1995 opinion raises the possibility that FRA’s review of the proposed layover facility could itself preempt local regulation. But, given the application of the specific federal preemption provided in 49 U.S.C. § 24902(j) to the layover facility project, there is no need to pursue that alternative avenue of preemption any further.*

Comment C55ab**Topic: Federal Preemption**

Summary: NNEPRA has previously obtained permits for improvements in Portland, and has identified permits that it intends to obtain for the proposed Layover Facility. This demonstrates a selective application of preemption.

Response: *The fact that NNEPRA in the past has obtained certain permits in connection with its existing layover facility in Portland and anticipates obtaining certain permits in connection with the proposed layover facility in Brunswick does not preclude NNEPRA from invoking federal preemption of the Town of Brunswick's zoning ordinance in connection with the proposed layover facility.*

Comment C55ac**Topic: NEPA Process**

Summary: FRA staff are listed as preparers of the EA document, which brings into question their independence and objectivity.

Response: *Federal agencies are the lead sponsor of any NEPA document, and their staff participates in the development and review of the document. This is standard course of action for all NEPA documents issued by any Federal agency.*

Written Comment: C56**Commenter: John MacKillop****Date of Correspondence:** Received Oct 11, 2013 (hand delivered in Binder 5, item 2a)

Comment C56a**Topic: Economics**

Summary: Letter addressing Section 3.3.4 "Social and Economic Justice" (sic) states that the Layover Facility is not part of the Town Plan, which would reject that there can be "no significant change to the local residential or business economic community" (EA, pg 34). By fact of omission, the EA concludes that there is no impact upon property values, tax revenues, etc.

Response: *Comments noted. There is no requirement that the proposed facility be included in the Town Plan. Whether economic conditions are affected by a project is not related to whether it is included in the Town Plan.*

Comment C56b**Topic: Economics**

Summary: Neighborhoods will be adversely affected by vehicular traffic, safety issues, vibration, noise, pollution, and stigma/perception. These effects will adversely affect property values and tax revenues. Noise impacts at night are especially impactful.

Response: *Traffic, noise, vibration and air emissions are evaluated in the EA, which demonstrates that significant impacts are not expected. Trains already operate daily through the project area. The proposed project is not expected create new or more pronounced risks than those associated with current conditions and operations.*

Comment C56c**Topic: Land Use**

Summary: Size of building is inconsistent with zoning and will create the perception that neighboring houses are within an area impacted by an industrial facility.

Response: *Comment regarding size of building noted. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically). The site is zoned for 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.*

Comment C56d**Topic: General, Site Selection/Alternatives**

Summary: States that other maintenance facility projects in the Northeast have been or constructed or are being planned away from residential areas (Pawtucket, RI; South Coast Rail, Boston South Station).

Response: *Large residential areas are located in close proximity to some of the proposed sites (e.g. – the Fall River Weaver’s Cove East site, comprised of six outdoor storage tracks, is located directly across the street with an established residential neighborhood). Additionally, the examples provided are of different scale and characteristics. Most are larger, outdoor facilities with multiple holding tracks that will service more trains than the proposed Layover Facility in Brunswick.*

Comment C56e**Topic: Economics**

Summary: References studies by Anderson and MacFarlane and calculates impacts to neighbors at \$7.2M decrease in assessed value, \$10.3M lost market value, and \$192k lost annual property tax revenue.

Response: *Secondary effects to property values (i.e. – those not involving a direct impact such as property acquisition) are typically not quantified in NEPA environmental documents, since they would be speculative and isolating project-induced effects from other factors influencing real estate values is difficult. For example, the South Coast FEIS/FEIR cited in the comment letter calculates the impacts to property taxes associated with property takings, but does not attempt to quantify changes in property values for those properties in close proximity to the rail corridor or facilities.*

The calculation in the comment letter grossly overstates potential impacts to property values. First, the studies cited estimate between 5% and 20% decrease in property values when new rail corridors are established; in other words, an effect to properties that previously did not border rail corridors. In the case of Brunswick, the residences in question already border an active rail corridor. The effects of the proposed layover facility are difficult to differentiate from the pre-existing effects of train activity and proximity to an active rail corridor. Second, the reports also identify community wide positive benefits to property values, which are ignored in the calculations provided in the comment letter.

Comment C56f

Topic: NEPA Process

Summary: Requests that an EIS be undertaken to further evaluate potential impacts to property values.

Response: *For reasons described in C56g, if an EIS were prepared, it likely would not include a detailed assessment of secondary impacts to property values. The appropriate inquiry in assessing whether an EIS should be prepared is whether the EA adequately covers the anticipated impacts of the project and results in a finding of no significant adverse impacts. FRA has determined that for the reasons set forth in sections V.T. & U of the FONSI, the Build Alternative will not have a significant adverse impact on land use or the surrounding business or residential economic communities. Therefore, no EIS is necessary.*

Written Comment: C57

Commenter: John MacKillop

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 2b)

Comment C57a

Topic: Federal Preemption

Summary: 49 USC 10501 and 49 USC 10102 refer to the jurisdiction of the Surface Transportation Board, which applies to freight carries only. They therefore do not apply to Amtrak or NNEPRA.

Response: *In light of the specific federal preemption that applies to improvements undertaken for the benefit of Amtrak, an analysis of possible alternative avenues of preemption is not necessary.*

Comment C57b

Topic: Federal Preemption

Summary: 49 USC 24902(j) does not apply because its intent and relevance is to the development of the Northeast Corridor only.

Response: *The proposed layover facility is an “improvement,” “undertaken ... for the benefit of Amtrak,” in furtherance of Chapter 247 of Title 49, one section of which authorizes Amtrak to “enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.” 49 U.S.C. § 24702(a). The Downeaster is one such intercity rail service, operated by Amtrak pursuant to a contract with NNEPRA. Therefore, no “local building, zoning, subdivision, or similar or related law” – including the Town of Brunswick’s zoning ordinance – applies in connection with the construction or operation of the proposed layover facility or the land on which the proposed layover facility is located. 49 U.S.C. § 24902(j).*

The preemption is not geographically limited because the cross-reference to Chapter 247 contained in 49 U.S.C. § 24902(j) contains no geographic limitation.

Comment C57c

Topic: Federal Preemption

Summary: The “furtherance” of Amtrak does not depend upon a Layover Facility being constructed at the proposed site.

Response: *“Furtherance” means advancement and connotes moving forward. The reasons for selecting the preferred site are articulated in the EA’s Purpose and Need Statement.*

Comment C57d

Topic: **Federal Preemption**

Summary: NNEPRA has previously obtained permits for improvements in Portland, and has identified permits that it intends to obtain for the proposed Layover Facility. This demonstrates a selective application of preemption.

Response: *The fact that NNEPRA in the past has obtained certain permits in connection with its existing layover facility in Portland and anticipates obtaining certain permits in connection with the proposed layover facility in Brunswick does not preclude NNEPRA from invoking federal preemption of the Town of Brunswick’s zoning ordinance in connection with the proposed layover facility.*

Written Comment: C58

Commenter: Nicole Vinal

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 3)

Comment C58a

Topic: **NEPA Process**

Summary: Requests that an EIS be conducted.

Response: *The EA is a comprehensive environmental study that has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C58b

Topic: **General**

Summary: Has requested a scaled site plan; site plan on NNEPRA’s website is not to scale and not useful in determining impacts.

Response: *The drawings provided in the EA reflect the correct size of the site in relative proportion. They are marked “not to scale” because the plan is not printed in the document to a specific, standard scale (e.g. – “one inch =”). The location of the site is slightly to the southwest of the figure in the EA. Noise impacts were calculated based on the new location, but changes to the noise impacts presented in the EA were minimal. There are still no significant impacts to any of the nearby receptors based on the new location of the layover facility. The current figure is still sufficient for the analysis needs for an environmental assessment.*

Comment C58c

Topic: **Visual/Lighting**

Summary: Underbrush and deciduous trees do nothing to block access or views of the site from homes that are less than 100 feet away

Response: *Deciduous plant cover will provide less screening in winter months than summer. Note that the proposed Layover building is located more than 200 feet from the nearest residences. NNEPRA will also be constructing a 6-foot high chain link fence with a visual screen on it on the north side of the proposed facility. This should help to block the view of the facility in the winter months when there is less natural cover.*

Comment C58d

Topic: Air Quality

Summary: Air quality is of particular concern. Operations related to the layover facility will pollute the neighborhood. Diesel exhaust is a known carcinogen.

Response: *Combustion of carbon based fuels, including diesel exhaust, produces toxic pollutants. These pollutants have the potential to cause cancer and other adverse health problems, including respiratory illnesses, and increased risk of heart disease.*

As summarized in section 3.1.1 and Appendix D of the EA, several analyses of emissions were conducted. A dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility would need to more than triple over proposed initial service levels before emissions would approach the 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. Cancer risks were evaluated following the EPA Human Health Risk Assessment Protocol and comparing results to EPA approved health values for cancer risk assessments, which establishes a one-in-one million (1E-06) probability of cancer occurring as a result of toxins as a threshold of significance. 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 established significance threshold of one-in-one million.

Comment C58e

Topic: Safety/Security

Summary: The proposed facility should have fencing or other barriers to prevent children from the surrounding neighborhood from accessing the tracks or facility. The proposed Trespass Detection System is still in testing and not reliable.

Response: *The trespass detection system is being implemented independently by several project partners; it is not part of the proposed Brunswick Layover facility project.*

NNEPRA does not have legal authority to fence the south side of the rail corridor; this property is owned by MaineDOT. However, NNEPRA has agreed to install fencing on the north side of the layover parcel.

The corridor is an active rail corridor today, none of which is fenced. The proposed facility will increase the number of Downeaster train trips in the vicinity of the Layover facility from eight today to 12 after operation of the facility begins (section 2.4.3 or the EA). Whether eight trains or 12 trains are operating

will not appreciably alter the safety of the railyard and neighboring mainline track; hence the project is not introducing a new safety impact.

Written Comment: C59

Commenter: Chris Casey

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 4)

Comment C59a

Topic: NEPA Process

Summary: Requests an EIS because the EA doesn't adequately address all topics required by federal regulations.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C59b

Topic: General, Public Participation

Summary: NNEPRA's conduct has been unsatisfactory. NNEPRA has not responded to numerous FOIA requests.

Response: *Comment noted. NNEPRA has strived for an open and fair process, including meeting with the community on several occasions and establishing a project Advisory Group. These activities are detailed in section 4 of the EA.*

Since July 24, 2012 NNEPRA has received 22 pieces of correspondence from members of the BWNC requesting 55 different pieces of information. NNEPRA is not aware of any requests to which a response has not been issued. In cases where the information requested does not exist, the requester has been informed in writing. Documents requested have been provided in instances where the information requested exists and is readily available. Requests for information or documentation which require more extensive research and/or photocopying have been responded to stating the associated fee and asking how to proceed. No response has been received regarding these inquiries to date.

Comment C59c

Topic: Air Quality

Summary: The Air Quality analysis, conducted in 2011, contains incorrect or outdated assumptions regarding horsepower of locomotives.

Response: *A screening level air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. Amtrak operates a mix of equipment of different horsepower in the northeast corridor, while freight operators also have a variety of equipment at their disposal. The air quality analysis assumed use of 3,200 HP Amtrak locomotives and, conservatively, 4,000 HP freight locomotives. In practice, Amtrak is currently using 4,250 HP GE P-42DC locomotives, while freight operators typically use locomotives in the 2,000 HP range.*

The results of the dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility could nearly triple over proposed initial service levels before emissions would approach any of the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2). Recalculation of emissions dispersion assuming 4,250 HP Amtrak locomotives and 2,000 HP freight locomotives shows these findings to still be true; emissions are within 10 percent of the original calculations.

Other operating and site design assumptions employed in the air quality analysis remain valid.

Comment C59d

Topic: Air Quality

Summary: The Air Quality analysis, conducted in 2011, contains outdated operational assumptions.

Response: *The analysis conducted for the EA assumes an average of 1.5 freight trains per day (i.e., one or two trains on any given day), 3 Downeaster scheduled roundtrips, trips to/from the layover facility for servicing and layover, startup (30 minutes) and shut down indoors at the beginning and end of the day, and emissions from HVAC equipment. This is consistent with current expectations for operations at the layover facility. As noted in the EA, should service levels increase in the future (to 5 daily roundtrips between Portland and Brunswick), emissions would still be well below NAAQS standards (i.e. – a 67 percent increase in train activity, as described in section 2.4.3, would not triple or quadruple emissions, as would be required to approach NAAQS thresholds that determine impact.).*

Comment C59e

Topic: Air Quality

Summary: No air quality studies were conducted at the proposed project site or Brunswick neighborhoods.

Response: *The term study in the comment appears to relate to ambient monitored data, or existing air quality conditions. It is common practice to use data from a representative, permanent air quality monitoring station to estimate background ambient air quality. To be conservative, the highest pollutant levels monitored in Maine by DEP were used to represent background (ambient) concentrations prior to implementation of Downeaster service. There is no reason to believe that ambient air quality in Brunswick is worse than the highest measurements recorded elsewhere in the state by DEP.*

Modeled emissions associated with all train activity – freight, Downeaster, and project-related Layover train operations – are added to the ambient monitored levels to estimate total concentrations. This too is standard practice.

Comment C59f

Topic: Land Use

Summary: A 60,000 ft. industrial facility is inappropriate for a residential neighborhood

Response: *The proposed building is approximately 50,500 square feet. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically). The site is zoned*

for industrial uses, and is partially screened by vegetation from adjacent neighborhoods. 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.

Written Comment: C60

Commenter: Maurice and Lorraine Bisson

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 5)

Comment C60a

Topic: NEPA Process

Summary: Requests an EIS.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Comment C60b

Topic: Public Participation, Land Use

Summary: States that abutters were not properly notified of the ZBA hearing where NNEPRA was granted a variance, and the result was therefore illegal. Section 1.3 doesn't mention this.

Response: *In light of the determination that federal law preempts the Town of Brunswick's zoning ordinance in connection with the proposed layover facility, NNEPRA did not record a certificate of variance in the local registry of deeds. The variance, therefore, is void.*

Because federal law preempts the Town of Brunswick's zoning ordinance in connection with the proposed layover facility, no dimensional variance under that ordinance is necessary for the project to go forward. And since NNEPRA is not proceeding in reliance on the variance granted by the Zoning Board, neither the variance, nor the fact that the variance is void, is relevant to the issues that are the subject of the Environmental Assessment.

Comment C60c

Topic: Federal Preemption

Summary: Preemption only applies to the Northeast Corridor, which terminates at South Station.

Response: *The preemption is not geographically limited because the cross-reference to Chapter 247 contained in 49 U.S.C. § 24902(j) contains no geographic limitation.*

Comment C60d

Topic: Land Use

Summary: Section 2.3.1 Site History does not accurately portray that the area developed into a residential neighborhood in the 1960's. Residential development was allowed here because the Town believed train travel was in severe decline.

Response: *Section 2.3.1 accurately portrays the historic use of the site, including that tracks and buildings were removed over time. The EA does not speculate as to why residential development was allowed in the area.*

Comment C60e**Topic: Noise/Vibration**

Summary: The September 2011 public involvement is an “example of incomplete facts”. Charles Wallace’s (RSE) findings do not verify PB’s findings and instead conclude that noise is excessive. RSE submitted their findings to NNEPRA; these findings are absent from the EA.

Response: *The item in question summarizes activity related to noise measurements conducted in September 2011 and is an accurate representation of events. RSE has submitted two reports; An August 2011 report (also included in Binder 1), and an October 2013 report (Binder 2) during the public comment period for the EA. Both are part of the public record as comments on the EA. Detailed responses to analyses presented in Binders 1 and 2 are provided. In summary, the RSE analysis presented was not conducted following FTA/FRA procedures for noise assessment, and the conclusions of impacts are unfounded.*

Comment C60f**Topic: Public Participation**

Summary: Public comment at the August 18, 2011 NNEPRA Board Meeting was severely restricted by the NNEPRA board chair. This was also the case during the September 2013 public heading for the EA.

Response: *Comment noted. Commenters at the public hearing for the EA were restricted to three minutes to ensure that all speakers had an opportunity to speak. This is a common practice at hearings for environmental documents. Commenters also had the opportunity to provide written comments.*

Comment C60g**Topic: Traffic**

Summary: The EA does not address the fact that Pleasant Street is very busy and traffic turning to/from Lombard Street will cause a severe safety hazard.

Response: *The EA specifically notes that Pleasant Street (Rte 1) carries between 25,090 and 29,070 vehicles per day. The small amount of traffic generated by the proposed facility (fewer than 50 trips throughout the day) will not notably affect the safe performance of the intersection at Lombard Street. Further, most of these trips will occur outside of peak traffic hours.*

Comment C60h**Topic: Traffic**

Summary: The EA does not note that additional train service may decrease traffic regionally, but does not note that commuters from elsewhere to the Layover Facility will increase traffic.

Response: *The EA does state the number of trips expected to occur to/from the site, including three shifts of workers.*

Comment C60i**Topic: Visual/Lighting**

Summary: The size of the building will result in a significant visual impact that cannot be mitigated by a few trees.

Response: *The building will not create a significant visual impact 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.*

Comment C60j

Topic: NEPA Process

Summary: FRA staff are listed as preparers of the EA document, which brings into question their independence and objectivity.

Response: *Federal agencies are the lead sponsor of any NEPA document, and their staff participates in the development and review of the document. This is standard course of action for all NEPA documents issued by any Federal agency.*

Comment C60k

Topic: Economics

Summary: The EA ignores impacts to property values. Neighborhood has already experienced a decline in property values. Accordingly, we request an EIS be conducted.

Response: *The Socio-economic effects of the project, described in section 3.3.4, disclose the potential effects of the project on the local and regional economy, but do not attempt to quantify such effects. The reason for this is that the overall scale of impact is likely very small, and so many factors influence economic conditions that identification of this project's contribution would be subjective and speculative at best. This is typical in NEPA evaluations; specific estimation of monetary changes in property value and tax base are usually only conducted for parcels that will be acquired.*

Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service. The appropriate inquiry in assessing whether an EIS should be prepared is whether the EA adequately covers the anticipated impacts of the project and results in a finding of no significant adverse impacts. FRA has determined that for the reasons set forth in sections V.T. & U of the FONSI, the Build Alternative will not have a significant adverse impact on land use or the surrounding business or residential economic communities. Therefore, no EIS is necessary.

Written Comment: C61

Commenter: Robert Morrison

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 6a)

Comment C61a

Topic: Public Participation

Summary: June 23, 2011 should not be called a "NNEPRA Hosted Public Meeting." Senator Gerzofsky hosted this and the July 14, 2011 meeting as well. The July 14th meeting summary incorrectly states that only non-quantitative issues were raised by citizens who objected to the facility.

Response: *Both meetings were public meetings, advertised by NNEPRA, in which NNEPRA and their consultant participated. The July 14th meeting does not state that “only” non-quantitative issues were raised. It states that questions about the operation of the facility were asked as well.*

Comment C61b

Topic: Land Use

Summary: Section 2.3.1 Site History omits important information. It ignores that passenger service to Brunswick ceased in the 1960’s. It doesn’t state that the original Comprehensive Plan for Brunswick zoned the area residential, and that at the time nobody imagined that a huge industrial building would be built in their neighborhood.

Response: *The section in question deals with the project site, not the surrounding area. The neighborhood and its development in the 1960’s is described in section 3.3.2. The EA does not speculate as to why the property was rezoned residential.*

The project site has long been zoned for industrial uses, lies adjacent to an active rail corridor, and has other neighboring industrial uses including petroleum storage and warehousing.

As a former freight interchange yard, the end of passenger service in the 1960’s is not of particular relevance to the site history.

Comment C61c

Topic: Land Use

Summary: Section 3.3.2 Land Use and Zoning only mentions that there are twenty homes directly abutting the layover facility. This is incorrect. The Brunswick West neighborhood is composed of homes on both sides of Bouchard Dr, Hennessey, and Country Lane. There are approximately 500 residents in the neighborhood.

Response: *Comment noted. The intent of the statement in the EA was to identify the number of houses in the neighborhood that front (or directly face) the rail corridor.*

Written Comment: C62

Commenter: Robert Morrison

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 6b)

Comment C62a

Topic: General, Public Participation

Summary: Letter communicating the public testimony provided by Mr. Morrison on September 26, 2013

Response: *Comments noted. Additional responses are provided to public hearing transcript.*

Comment C62b

Topic: Land Use, Site Selection/Alternatives

Summary: The proposed Layover facility is a large industrial building out of scale with any residential area. It will be located in a well-established residential area.

Response: *The EA describes the setting and scale of the building. The site is zoned for 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. Neighboring residential areas are to varying degrees screened from the site by vegetation. All existing homes are located approximately 300 feet or farther from the proposed building.*

Comment C62c

Topic: **Cost/Funding**

Summary: Costs are out of control and paid for by taxpayer dollars.

Response: *Comment noted. The funding of the proposed Layover facility is not a topic of relevance to a NEPA assessment.*

Comment C62d

Topic: **General**

Summary: By its sheer magnitude, the Layover Facility will cause severe impacts.

Response: *The EA investigated potential environmental and socioeconomic effects and found no significant impacts.*

Comment C62e

Topic: **Public Participation**

Summary: Neighbors have been denied access to due process.

Response: *Comment is not specific. NNEPRA has strived for an open and fair process, including meeting with the community on several occasions and establishing a project Advisory Group. These activities are detailed in section 4 of the EA. In terms of requests for information, since July 24, 2012 NNEPRA has received 22 pieces of correspondence from members of the BWNC requesting 55 different pieces of information. NNEPRA is not aware of any requests to which a response has not been issued. In cases where the information requested does not exist, the requester has been informed in writing. Documents requested have been provided in instances where the information requested exists and is readily available. Requests for information or documentation related to topic areas which require more extensive research and/or photocopying have been responded to stating the associated fee and asking how to proceed. No response has been received regarding these inquiries to date.*

Comment C62f

Topic: **Economics**

Summary: Project will not increase jobs or support economic development. Land is now non-taxable and Maine now is responsible for cleaning up the contaminated parcel.

Response: *Economic development effects are discussed in section 3.3.4 of the EA. As noted, the project will result in temporary construction related jobs. Operation of the facility will also support the local economy through the purchasing of consumables from local suppliers.*

The site was formerly owned by the Maine Central Railroad and sold to NNEPRA on September 15, 2011. Any property developed by NNEPRA for the purposes of storing and servicing equipment – whether the

proposed site or elsewhere – would be non-taxable. The project will result in the remediation of contaminated soils as described in section 3.3.8 of the EA.

Comment C62g

Topic: NEPA Process

Summary: An EIS is needed for a fair, transparent process, and also to lead to a reasonable decision.

Response: *The environmental review process is defined by federal law under the National Environmental Policy Act (NEPA) of 1969 and other related regulations. NNEPRA has conducted environmental review as specified by these regulations, which stipulate that an EA is the adequate and appropriate environmental review vehicle for initially considering potential environmental impacts. Should the FRA, as lead Federal Agency, concur with the findings of the EA and issue a Finding of No Significant Impacts (FONSI), then an EIS is not warranted.*

Written Comment: C63

Commenter: Mary Heath

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 7)

Comment C63a

Topic: Public Participation

Summary: Public stakeholders have not been involved from the beginning; public first became aware in April 2011. NNEPRA misrepresented facts to the neighborhood. Process has not been democratic.

Response: *Comment noted. NNEPRA has strived for an open and fair process, including meeting with the community on several occasions and establishing a project Advisory Group. These activities are detailed in section 4 of the EA. NNEPRA does not agree that they have conveyed misinformation.*

Comment C63b

Topic: NEPA Process

Summary: Supports EIS. NNEPRA's opposition to conducting an EIS shows that they know that the EA is inadequate.

Response: *The environmental review process is defined by federal law under the National Environmental Policy Act (NEPA) of 1969 and other related regulations. NNEPRA has conducted environmental review as specified by these regulations, which stipulate that an EA is the adequate and appropriate environmental review vehicle for initially considering potential environmental impacts. Should the FRA, as lead Federal Agency, concur with the findings of the EA and issue a Finding of No Significant Impacts (FONSI), then an EIS is not warranted.*

Written Comment: C64

Commenter: Radka MacKillop

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 8)

Comment C64a

Topic: Air Quality

Summary: Child has health issues that will be triggered by pollution. Project will adversely affect his health.

Response: *Comments noted. An air quality analysis was conducted in 2011 using conservative assumptions regarding the ultimate operation of the facility. The results of the analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility would need to more than triple over proposed initial service levels before emissions would approach the National Ambient Air Quality Standards (NAAQS) for the criteria pollutants evaluated (PM10, PM2.5 and NO2).*

Comment C64b

Topic: **Air Quality**

Summary: Why aren't air pollution effects of old diesel locomotives being mitigated?

Response: *Locomotives will operate for a combined total of approximately 90 minutes each day within the layover facility. Given the duration of indoor operations, particulate-removing HVAC equipment would have a limited effect on changing overall particulate levels. Air quality analysis shows that concentration of criteria pollutants will be well below applicable NAAQS standards. Other toxic and/or carcinogenic emissions were also evaluated and found to be well below applicable thresholds for determining impacts established by the United States Environmental Protection Agency's (EPA) Human Health Risk Assessment Protocol (HHRAP). Mitigation is therefore not required.*

Comment C64c

Topic: **NEPA Process**

Summary: Requests an EIS.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Written Comment: C65

Commenter: Dan Sullivan

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 9)

Comment C65a

Topic: **General, Site Selection/Alternatives**

Summary: Train service to Brunswick is not related to whether layover service is provided at this site. There is an alternative site that can provide for multi-modal transportation, commerce and industry.

Response: *Comment noted. The proposed facility would help facilitate extension of additional service to Brunswick, but other actions would be necessary to expand service to Brunswick beyond three round trips, as noted in section 1.1 of the EA. As noted in section 3.6 (Indirect Effects), the proposed facility may increase the likelihood of extending additional service to Brunswick given the cost savings and operating efficiencies that would be achieved.*

Comment C65b

Topic: **NEPA Process**

Summary: The EA document does not address recreational impacts; the site has previously been used for recreational purposes.

Response: *Potential impacts to recreational facilities are covered in section 3.3.6 Section 4(f) and 6(f) Resources. As described in this section, there are no recreational lands or lands otherwise protected as open space or habitat that will be affected by the project. The proposed site has never been designated for recreational use, and is not suitable for recreation. Any unauthorized users of the property are, and have been, trespassing.*

Comment C65c

Topic: NEPA Process

Summary: Requests an EIS.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Written Comment: C66

Commenter: Richard Harrison

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 10)

Comment C66a

Topic: Land Use, Site Selection/Alternatives

Summary: The proposal has caused significant public debate. Its location sits between two neighborhoods containing over 300 families.

Response: *Comments noted. Thank you.*

Comment C66b

Topic: Site Selection/Alternatives, Air Quality

Summary: Site is not the best location for this facility due to diesel exhaust.

Response: *As summarized in section 3.1.1 and Appendix D of the EA, a dispersion analysis showed that emissions would be well below applicable air quality standards; train activity in the vicinity of the proposed Layover facility would need to more than triple over proposed initial service levels before emissions would approach the 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. Cancer risks were evaluated following the EPA Human Health Risk Assessment Protocol and comparing results to EPA approved health values for cancer risk assessments, which establishes a one-in-one million (1E-06) probability of cancer occurring as a result of toxins as a threshold of significance. 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 established significance threshold of one-in-one million.

Comment C66c

Topic: Noise

Summary: Site is not the best location for this facility due to noise.

Response: *Noise analysis conducted per FTA/FRA guidelines shows no moderate or severe noise impacts are expected.*

Comment C66d

Topic: **Safety/Security**

Summary: Site is not the best location for this facility due to safety.

Response: *The corridor is an active rail corridor today. The proposed facility will increase the number of Downeaster train trips in the vicinity of the Layover facility from eight today to 12 after operation of the facility begins (section 2.4.3 or the EA). Whether eight trains or 12 trains are operating will not appreciably alter the safety of the railyard and neighboring mainline track; hence the project is not introducing a new safety impact.*

Comment C66e

Topic: **Economics**

Summary: Site is not the best location for this facility due to decreased property values.

Response: *Comment noted. Property values are influenced by many market variables in addition to local considerations. Home values have decreased in recent years for factors unrelated to the project, including closure of the Brunswick NAS and regional/national market conditions. In addition, homes located near the proposed project site already border an active rail corridor with freight and daily passenger train service.*

Comment C66f

Topic: **Site Selection/Alternatives**

Summary: Site is not the best location for this facility because other, preferable sites are viable.

Response: *Other sites were considered and eliminated from further consideration as described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D).*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Written Comment: C67 **Commenter: William Taylor**

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 11a)

Comment C67a

Topic: **General**

Summary: Email also submitted to NNEPRA during public comment period.

Response: *Please see Responses to Comments - Correspondence (item #C23).*

Written Comment: C68

**Commenter: George and Linda Smith
(Email submitted by BWNC)**

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 11b)

Comment C68a

Topic: **Site Selection/Alternatives**

Summary: Email submitted by BWNC suggests Brunswick NAS site and notes that the site used to be served by a rail spur.

Response: *Other sites were considered, as described in section 2.2 of the EA and in the Layover Facility Siting Report (Appendix D). Discussions with Town and Redevelopment Authority officials confirmed that the facility would not be considered compatible with redevelopment plans for the site. In addition, the site would be difficult to access by rail due to topography and grade constraints, and the need to introduce a new grade crossing on one of Brunswick's busier arterial highways.*

Locating a layover facility at any location east of Brunswick Station is problematic from an operating perspective as described throughout the Siting Report and in the EA. All proposed locations east of the normal operating corridor would necessitate deadheading train sets outside service limits and beyond regular dispatch territory.

Written Comment: C69

Commenter: Robert McEvoy

Date of Correspondence: Received Oct 11, 2013 (hand delivered in Binder 5, item 11c)

Comment C69a

Topic: **Air Quality**

Summary: Letter notes health impacts of diesel exhaust. States that Downeaster locomotives are 60 times dirtier than buses manufactured after 2007. Note EPA findings related to public health problems caused by particulates. Notes that several people who reside near the proposed Layover facility have respiratory conditions.

Response: *Combustion of carbon based fuels, including diesel exhaust, produces toxic pollutants. These pollutants have the potential to cause cancer and other adverse health problems, including respiratory illnesses, and increased risk of heart disease.*

As summarized in section 3.1.1 and Appendix D of the EA, several analyses of emissions were conducted. A dispersion analysis showed that emissions would be well below applicable air quality standards; Train activity in the vicinity of the proposed Layover facility would need to more than triple over proposed initial service levels before emissions would approach the 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. Cancer risks were evaluated following the EPA Human Health Risk Assessment Protocol and comparing results to EPA approved health values for cancer risk assessments, which establishes a one-in-one million (1E-06) probability of cancer occurring as a result of

toxins as a threshold of significance. 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 established significance threshold of one-in-one million.

Comment C69b

Topic: Air Quality

Summary: The HVAC system will not remove toxins from diesel exhaust.

Response: *Locomotives will operate for a combined total of 90 minutes each day within the layover facility. Given the duration of indoor operations, particulate removing HVAC equipment would have a limited effect on changing overall particulate levels. Air quality analysis shows that concentration of criteria pollutants will be well below NAAQS standards. Other toxic and/or carcinogenic emissions were also evaluated and found to be well below applicable thresholds for determining impacts established by the United States Environmental Protection Agency's (EPA) Human Health Risk Assessment Protocol (HHRAP).*

Comment C69c

Topic: Air Quality

Summary: The layover facility will concentrate train activity at the Brunswick yard. Many activities will take place at idle speed, which generates the most pollution.

Response: *The Layover Facility will increase the number of Downeaster train movements in the Brunswick yard vicinity from 8 today to 12, at existing service levels. However, the Facility will allow trainsets to power down during daytime layovers, eliminating the daytime, outdoor idling that occurs today. Each trainset will idle for approximately 30 minutes indoors in the morning (90 minutes total), which exhaust being expelled through the buildings HVAC system.*

Comment C69d

Topic: Noise/Vibration

Summary: Noise will exceed Town of Brunswick standards. Outside noise will not be mitigated.

Response: *State and Local noise ordinances are preempted by Federal noise regulations. However, the construction of the proposed facility will incorporate several noise-reducing building practices, which should reduce noise impacts from the action. Analysis of noise relative to applicable FTA/FRA standards did not identify any moderate or severe noise impacts. Further mitigation of noise is typically considered only when severe noise impacts are identified.*

Comment C69e

Topic: Groundwater/Stormwater

Summary: The ground water table may rise, leading to wet basements.

Response: *A Geotechnical Report was completed on May 13, 2013 by Summit Engineering and is attached as Appendix H of the EA. The 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.*

Comment C69f

Topic: Land Use

Summary: The Layover Facility is much larger than the maximum size allowed for the MU-2 zone (20,000 sq. ft.), which is more appropriate adjacent to a residential neighborhood.

Response: *Comment noted. The size of the building is a physical requirement for housing the Downeaster trainsets, and does not reflect a higher intensity of use typically associated with larger buildings (e.g. – vehicular traffic generation is expected to be 50 trips per day or less, typically).*

Comment C69g

Topic: Site Selection/Alternatives, NEPA Process

Summary: Another site should be chosen, and an EIS should be conducted so that an unbiased analysis of alternative sites can occur.

Response: *The EA was conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) and applicable federal guidelines. The assessments conducted for the EA do not identify any significant impacts, and therefore an EIS is not warranted.*

Attachment 2

**Letters from Maine Governor Paul R. LePage and
Maine State Senator Stan Gerzofsky**



Paul R. LePage
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

FEDERAL RAILROAD
ADMINISTRATION
JZ 2014 MAR 21 PM 1:33
OFFICE OF ADMINISTRATOR
EXECUTIVE SECRETARIAT

The Honorable Joseph C. Szabo
Administrator
Federal Railroad Administration (FRA)
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Northern New England Passenger Rail Authority (NNEPRA) Proposed Amtrak Maintenance and Layover Facility (MLF) in Brunswick, Maine at Brunswick West Site

Dear Administrator Szabo:

I hereby respectfully request that the Federal Railroad Administration closely examine this above referenced project to ensure that all information was thoroughly considered in the approval process prior to a Finding Of No Significant Impact is made. This review should include an environmental impact statement. The overriding reason for my request is that significant changes to the scope of the MLF project were made after the NNEPRA-Consigli Design Build Contract was executed, and these changes were not incorporated into the September 2013 Environmental Assessment (EA).

Changes include a reduction in the size of the MLF Building; relocation of the Building and related tracks nearer to residential property to the south; and elimination of the outside holding track. The elimination of the holding track significantly changes overall operations and increases effects from project operations at the most sensitive time of day – the critical nighttime sleep period for residents. Appendix E, Noise & Vibration Technical Report, dated April 11, 2013, prior to the changes in scope, is part of the September 2013 EA. I am concerned that the September 2013 EA DOES NOT reflect current MLF design and its impacts on site abutters.

I have heard numerous other concerns from local citizens which include the following:

1. Possible significant environmental consequences stemming from non-mitigatable conditions.
2. Concerns about a lack of attention to public concerns through rigorous and objective due process.
3. Unreconciled differences between Brunswick West Neighborhood Coalition (BWNC) and NNEPRA's Noise Analysis, Socio-Economic Analysis, Vibration Analysis, Visual Impact Assessment, and related Zoning and quality of life impairments for adjacent residential neighborhoods.
4. Questionable validity of the preemption decision. NNEPRA's claim of preemption should be thoroughly vetted since the only case law cited is not applicable to the proposed location. Vetting is essential because absent preemption, NNEPRA would be required to follow Maine Department of Environmental Protection Site Law process, as well as local zoning regulations.



PRINTED ON RECYCLED PAPER

TTY USERS CALL 711
www.maine.gov

PHONE: (207) 287-3531 (Voice)

FAX: (207) 287-1034


(NNEPRA is apparently not preempted from Local Regulations in Portland, Maine and has processed a State of Maine Stormwater Discharge Permit.)

5. Concerns that NNEPRA has not adequately addressed all project impacts, asserting that the MLF building resolves all environmental issues. Numerous operational activities that adversely impact the adjacent neighborhoods will take place outside the MLF building.
6. Issues regarding ridership to and from Brunswick, Maine during the past year that question whether that MLF construction can be justified by a need for additional service.
7. Larger questions regarding the regional choice of location for any proposed MLF. Should the MLF be located at the hub of the Downeaster system, such as in the Greater Portland area? Or should it be located in Brunswick, Maine at one of three other sites in far more advantageous commercial areas, away from residential neighborhoods?
8. Concerns that the Brunswick West site has questionable economic benefit potential. Two of the three other locations in East Brunswick have positive economic potential by combining Passenger, Freight and Multi-Modal service to stimulate redevelopment of the former Brunswick Naval Air Station, without undue negative consequences for established residential neighborhoods.

As Governor, I have made Maine's economy a top priority of my administration. I am committed to supporting projects that will stimulate economic growth, including the redevelopment of the former Brunswick Naval Air Station, which would benefit directly from alternative MLF siting in East Brunswick.

In light of all these concerns I believe this process requires a significant and thorough review that ensures a rational, open, objective, and transparent process for MLF siting. This must include participation by all stake holders, and responsible resolution of current divergence on location alternatives and consequences.

Sincerely,


Paul R. LePage
Governor, State of Maine



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 11 2014

The Honorable Paul R. LePage
Governor of Maine
Augusta, Maine 04333

Dear Governor LePage:

Thank you for your March 21, 2014 letter, requesting that the Federal Railroad Administration (FRA) thoroughly consider all information during the environmental review process for the Northern New England Passenger Rail Authority's proposed maintenance facility in Brunswick Maine. FRA appreciates your interest and provision of specific comments regarding the proposed project.

Your comments, in addition to all the comments received on the Environmental Assessment and at the September 26, 2013, Public Hearing will be placed in the record and considered prior to FRA making any final determinations on the project.

Thank you for sharing your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Szabo".

Joseph C. Szabo
Administrator



Senator Stan Gerzofsky
Chair, Criminal Justice and Public Safety
3 State House Station
Augusta, ME 04333-0003
(207) 287-1515

3 Federal Street
Brunswick, ME 04011
(207) 373-1328

Federal Railroad Administration Board of Directors
1200 New Jersey Avenue, SE
Washington, DC 20590

To the Honorable Members of the Federal Railroad Administration:

I am sending this letter for your consideration with regards to the proposed location of a facility for train maintenance in the Brunswick West neighborhood near Bouchard Street in Brunswick, Maine.

I am still a strong supporter of expanding Amtrak Downeaster service to Brunswick. This expansion brings many economic benefits to our region and most Brunswick taxpayers agree on this. However, this presumes those managing the rail service will look out for the broader interests of the community and consider all viewpoints.

In the letter I sent last fall, I expressed concerns about the effect of putting a passenger train in Brunswick West. This concern is based on the effects of the train layover on my constituents in Brunswick West and in turn, their concern about the environmental impact it would have on their community. On their behalf, I asked for a full environmental study to be conducted.

As I believed last fall and still believe today, this should be done in a transparent way. I would like to inquire as to when we might hear a decision on pursuing a full environmental study that takes into account all possible impacts on the neighborhood and the region.

As a public official and representative of the people of this neighborhood, it is my priority to ensure that their voices are heard and that their living standards are respected. A comprehensive environmental study will give residents the opportunity to voice their concerns---a cornerstone of our democracy.

Thank you for your consideration and please keep me informed as to your decision.

Sincerely,

State Senator Stan Gerzofsky
Maine Senate District 10 - Brunswick, Freeport, Harpswell, and Pownal

41
OFFICE OF ADMINISTRATIVE
EXECUTIVE SECRETARIAT
2014 MAR 24 PM 6:00
FEDERAL RAILROAD
ADMINISTRATION



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 11 2014

The Honorable Stan Gerzofsky
Maine Senate District 10
Augusta, Maine 04333

Dear Mr. Gerzofsky:

Thank you for your March 24, 2014, letter expressing your concern about the construction of a maintenance building proposed by the Northern New England Passenger Rail Authority (NNEPRA) to support Amtrak's Downeaster service.

The Federal Railroad Administration (FRA) appreciates you sharing your concerns with the project and the proposed site location. The Brunswick Maintenance Facility Environmental Assessment (EA) released September 12, 2013, provides information on the alternatives considered, purpose and need for the project, and evaluates the potential effects on physical, biological and human resources that could occur as a result of the proposed project. Your comments, in addition to all the comments received on the EA and at the September 26, 2013, Public Hearing will be placed in the record and considered prior to FRA making any final determinations on the project.

Thank you for sharing your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Szabo".

Joseph C. Szabo
Administrator

Attachment 3

Booz Allen Hamilton Independent Reviews, January 9, 2014

Noise, Vibration, and Air Analysis

January 9, 2014

Mr. David Valenstein, Chief
Environment and Systems Planning Division
Office of Railroad Policy and Development
Federal Railroad Administration
U.S. Department of Transportation

Dear Mr. Valenstein:

In response to comments from the public, FRA requested that an independent analysis be performed on the methodologies and findings of the noise, vibration and air quality analysis presented in the Brunswick Layover Environmental Assessment (EA), dated September 2013, and technical appendices. In response to this request dated October 30th, 2013, Booz Allen Hamilton was tasked with performing an independent review and assigned noise, vibration, and air quality experts to assess the EA and appendices. This review did not include efforts to recollect data or conduct new measurements, but was done in order to verify that correct methodologies had been applied to the noise, vibration, and air quality sections of the EA. Based on this analysis, Booz Allen staff determined that the EA is correct in concluding that there would be no significant, adverse noise, vibration, or air quality impacts resulting from the proposed action presented in the EA.

Noise and Vibration

The review of the noise and vibration methodology focused on comparing analysis methodologies found in the EA and technical appendix to FRA/FTA guidance documents. The review found that the EA correctly applied FRA/FTA guidelines for measuring and analyzing noise and vibration impacts from project operations. Measurements of the existing ambient noise environment in the vicinity of the project location were conducted based on FRA/FTA specifications, and assumed a worst-case scenario (i.e., the quietest noise environment as a baseline) to compare to project-generated noise. Vibration methodologies were similarly compared to existing FRA/FTA guidance, and found to be in conformance with guidance policies. Even taking a conservative approach to baseline scenarios, no significant, adverse impacts from noise or vibration were projected using FRA/FTA methodologies.

However, as part of the review, Booz Allen staff determined that the noise and vibration analysis did not include a detailed analysis for the construction impacts from the proposed project, since these were deemed to be temporary and of minor effect. According to FRA/FTA guidance, these impacts should have been accounted for in the EA, and this recommendation was made to the client. The remainder of the noise and vibration analyses appears to be consistent with FRA/FTA methodologies, and is sufficient to conclude that there would be no significant, adverse impacts from noise or vibration from the Proposed Action.

Air Quality

The review of the air quality section and appendix looked at the sources included in the analysis based on the proposed action and methods used to estimate emissions and evaluate impacts to ambient air quality. Booz Allen staff did not attempt to validate their air modeling results but there was no indication that there was a problem with the method of modeling changes in air quality emissions. Methodologies in the EA and technical appendix were compared to relevant FRA/FTA guidance documents to determine if a full review of impacts had been performed. After performing the review, Booz Allen staff determined that the air quality analysis was conducted in accordance with FRA/FTA methodologies.

Similar to the noise and vibration review, the air quality analysis did not substantially address construction-related emissions and concluded emissions from construction activities would not impact ambient air quality because these emissions would be temporary and minor in nature. According to 64 FR 28545, *Procedures for Considering Environmental Impacts*, impacts from construction activities should be addressed in an environmental assessment. While not required per FTA guidance, a more robust analysis of Particulate Matter with a diameter of 10 and 2.5 microns (PM10 and PM2.5) from surface preparation activities and equipment exhaust as well as products of combustion (e.g, Nitrogen Oxides and Sulfur Oxides) from diesel-burning construction equipment would help support the conclusion that construction activities would not impact air quality.

The remainder of the air quality analysis appears to be in compliance with FRA/FTA methodologies, and is sufficient to reach the conclusion that there will be no significant, adverse impacts to ambient air quality from the Proposed Action.

Conclusion

Based on the review of the EA's methodologies, Booz Allen concludes that while there was no analysis of construction impacts on noise, vibration, or air quality, if such an analysis is performed, the EA has been conducted based on correct applications of FRA/FTA guidance, and is correct in the conclusion of no significant, adverse noise, vibration, and air quality impacts from the Proposed Action.

Sincerely,

A handwritten signature in black ink that reads "Bradley Decker". The signature is written in a cursive, flowing style.

Bradley Decker

Lead Associate

BOOZ ALLEN HAMILTON INC.