

**U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

PURPLE LINE

RECORD OF DECISION

Montgomery and Prince George's Counties, MD

INTRODUCTION

The Purple Line is a proposed 16.2-mile light rail transit line north and northeast of Washington DC, inside the circumferential I-95/I-495 Capital Beltway. The Purple Line will extend between Bethesda in Montgomery County and New Carrollton in Prince George's County connecting five major activity centers including Bethesda, Silver Spring, Takoma/Langley Park, College Park, and New Carrollton, Maryland. The Federal Transit Administration (FTA) and Maryland Transit Administration (MTA), pursuant to § 102 (2) (c) of the National Environmental Policy Act of 1969 (NEPA) (P.L. 91-190, as amended), and regulations promulgated by the Council on Environmental Quality (CEQ) (at 40 CFR 1505.2), prepared their Final Environmental Impact Statement/Section 4(f) Evaluation (FEIS) and Record of Decision (ROD) for the development of the Purple Line Project. The Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) was completed and published in 2008.

FTA served as the lead federal agency for the FEIS, MTA is the Project sponsor, and the National Park Service (NPS) and the National Capital Planning Commission (NCPC) served as cooperating agencies. NPS is serving as a cooperating agency because FTA's Preferred Alternative requires NPS's approval for the use of land within the Baltimore-Washington Parkway, which is a unit of the National Capital Parks-East.

As a cooperating agency, and in accordance with the CEQ regulations (40 CFR 1501.6), NPS actively participated in the NEPA process for the Purple Line that culminated in the FEIS. FTA signed its ROD for the Purple Line Project on March 19, 2014.

After consultation with FTA and the MTA, review of the FEIS and other NEPA documentation, NPS, in accordance with 43 CFR 46.120, is adopting the Purple Line EIS and making its decision to authorize the use of land within the Baltimore-Washington Parkway as described in this ROD. The FEIS fulfills the requirements of NEPA, the applicable regulations, and it meets the policies set forth in NPS's Director's Order 12, *Conservation Planning, Environmental Impact Analysis and Decision-Making*, and accompanying Handbook.

This ROD authorizes the use of land from the Baltimore-Washington Parkway for the Selected Alternative, otherwise known as the Purple Line Preferred Alternative in the FEIS issued on September 6, 2013 by the FTA. In consultation with NPS, FTA and MTA identified and committed to implementing specific minimization and mitigation measures to reduce the impact of the Selected Alternative on the visual, cultural, natural and operational aspects of the Baltimore-Washington Parkway. The minimization and mitigation measures pertain to maintenance of traffic during construction, permanent replacement of bridge structures, landscaping and invasive species avoidance and removal program, protection of sensitive resources, design element provisions, a land exchange agreement, and temporary construction related impacts. This approval is conditioned on MTA's implementation of the commitments contained in

the FEIS, the FTA's ROD, and this ROD that relate to the Project's impacts on the Baltimore-Washington Parkway. The decision made by NPS and documented herein is the culmination of consultation efforts between NPS, FTA, and MTA in the NEPA process, as well as in Section 106 consultation under the National Historic Preservation Act of 1966, as amended, and Section 4(f) of the US Department of Transportation Act, 49 USC 303(c). During these two latter processes, NPS served as a consulting party and official with jurisdiction, respectively.

This ROD includes descriptions of the Project purpose, need, and background; a description of the Purple Line Selected Alternative; synopses of other alternatives considered; a statement of the decision made and the basis for the decision; a description of measures to minimize and mitigate environmental harm; and an overview of public involvement and agency consultation in the decision-making process. **Attachments A through C** to this ROD include:

- **Attachment A:** the FTA ROD, including the Section 106 Programmatic Agreement, the Final Section 4(f) Evaluation, the Section 4(f) *de minimis* Concurrence Letter for the Baltimore-Washington Parkway
- **Attachment B:** Determination of Non-Impairment
- **Attachment C:** Selected Alternative Maps C-1 and C-2

PURPOSE AND NEED

The purpose of the Purple Line Project includes the following:

- Provide faster, more direct, and more reliable east-west transit service connecting the major activity centers in the Purple Line corridor at Bethesda, Silver Spring, Takoma/Langley Park, College Park, and New Carrollton,
- Provide better connections to Metrorail services located in the corridor, and
- Improve connectivity to the communities in the corridor located between the Metrorail lines.

As described in FEIS Chapter 1.3, Corridor Setting, there is a demand for high quality east-west transit service in the Purple Line corridor; however this demand is not being met because of the limitations of the existing transportation infrastructure. Specifically, the need for improved east-west transit service in the Purple Line corridor has three distinct components: (1) the need for faster and more reliable east-west transit service, (2) the need for more direct east-west transit connections with Metrorail, and (3) the need for improved east-west transit connections within the corridor.

Need for Faster and More Reliable Transit Service

The transit service market demands described in FEIS Chapter 1.3 Corridor Setting demonstrate the nature and importance of the local and regional travel occurring in the Project corridor. Expected growth in population, employment, and activity centers will place a substantial burden on the roadway and transit service networks in the corridor between now and the design year. Road-based bus dependability will deteriorate as traffic congestion grows, making access to destinations such as major activity centers and radial transit services slow and unreliable. Populations that are transit-dependent will be particularly adversely affected by these conditions.

Need for More Direct Transit Connections to Metrorail

The corridor is deficient in fast, reliable east-west transit services providing access to and from the Metrorail system. The Washington Metropolitan Area Transit Authority's (WMATA) Metrorail service connects Bethesda, Silver Spring, College Park, and New Carrollton. However, since this service is radially oriented, rail travel between these centers requires a lengthy, time-consuming trip into Washington DC and then, in most cases, transferring to a different radial line.

Need for Better Connectivity to the Communities In Between the Metrorail Lines

Communities located in the wedges between the Metrorail lines are dependent on local bus services, which are often slow and unreliable because of the existing congested roadways. The county bus services, provided by Montgomery County Ride On and Prince George's TheBus, both terminate in Takoma/Langley Park at the county boundary, requiring the through traveler to transfer to continue an east-west trip.

PROJECT BACKGROUND

The need for an east-west transit route in Montgomery and Prince George's counties has been identified, in various forms, for more than 20 years in regional studies and local land use plans. The FTA and MTA developed the purpose and need for the Purple Line Project during the NEPA scoping process and presented it to the public in 2003. The Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) was completed and published in 2008. The FEIS, released in September 2013, updates the purpose and need in light of currently available data. Subsequent to the development of the conceptual engineering plans that were used as the basis for the August 2013 FEIS for the Purple Line, MTA refined the design of the Selected Alternative in response to FEIS comments and public and agency coordination, to reduce environmental and socioeconomic impacts, and to respond to updated mapping and more detailed engineering. None of these design refinements is on the Baltimore-Washington Parkway property.

Beginning in January 2012, NPS met with FTA, MTA staff monthly to discuss potential avoidance, minimization and mitigation efforts to the use of and impacts to the Baltimore-Washington Parkway. These meetings included NPS staff from both NPS, National Capital Parks - East and NPS National Capital Region. Particular efforts were directed at maintaining traffic flow on the Parkway, maintaining park visitor experience, complementing existing park design elements, reducing the impact to the forest area in the median of the Parkway, minimizing effects from construction, and decreasing potential visual impacts to the extent reasonably feasible. The avoidance, minimization and mitigation measures incorporated into the Selected Alternative are described in the Minimization and Mitigation Measures section of this ROD.

Baltimore-Washington Parkway Description

The Baltimore-Washington Parkway (MD 295, the Gladys Noon Spellman Parkway) is a 32-mile-long, four-lane, grade-separated highway that extends between US 50/MD 201 at the eastern border of Washington D.C. and I-95 in Baltimore. The Parkway was originally designed as a defense highway and alternate commuter route in a park-like setting. Built between 1950 and 1954 and opened in 1954, the Parkway has a variable-width median and is bounded by a buffer of forest and cultivated vegetation. The Parkway follows gently rolling terrain and has modest vistas. The median vegetation ranges from mown grass to dense woodland. The NPS owns and maintains 19 miles of the Parkway extending from the

eastern border of Washington, DC northeast through Prince George's County and into Anne Arundel County to the MD 175 (Jessup Road) interchange. The portion of the Parkway within NPS jurisdiction was listed in the National Register of Historic Places (NRHP) in 1991 as part of the "Parkways of the National Capital Region, 1913-1965" multiple property listing. Applying the NRHP Criteria for Evaluation (36 CFR Part 63), the Parkway is significant under Criterion A for its association with mid-twentieth century transportation planning in the Washington, D.C. metropolitan area and under Criterion C for the design of its various components, including structures and landscape. The Parkway maintains original integrity of setting, design, and associations characteristic of the earliest parkways designed for pleasure motoring. For purposes of NRHP listing, the Parkway's period of significance is 1942 to 1954; these dates encompass the years it was planned and built to serve war-time defense traffic activities.

Within the Project area, the Baltimore-Washington Parkway crosses over Riverdale Road perpendicularly on two, two-lane bridges, one for northbound traffic and one for southbound traffic. The two bridges that carry the Parkway over Riverdale Road are replacement structures that are not original to the Parkway. Both were constructed in 1995 when Riverdale Road was widened and were placed over 20 feet outside of the original circa 1942 support footprint to accommodate the new road width. To make the new bridge supports compatible with the older Parkway elements, some of the original stone was reused as facing for the 1995 abutments. Despite the visual consistency, these two bridges and supports are replacement elements with a new design and in new locations that do not date to the Parkway's period of significance. As such, these bridges and supports are not eligible as individual resources and are noncontributing elements to the larger Parkway historic district. The bridges are separated by a wide, forested median. Park land outside the Parkway roads consists of forested slopes. Ramps provide connections between the Parkway and Riverdale Road.

SCOPE OF NPS RESPONSIBILITY

The Selected Alternative for the Purple Line Project, as described in FTA's FEIS and ROD, would cross the Baltimore-Washington Parkway. The elements of the Selected Alternative that affect lands in NPS jurisdiction include: the Selected Alternative transitway, the overhead contact wire power system, and ancillary infrastructure within the boundaries of the Baltimore-Washington Parkway. As described in the next section, the NPS's role is to decide whether to authorize MTA to 1) construct, maintain and operate these elements of the Selected Alternative; and if so, to 2) undertake the minimization and mitigation measures required for impacts to the Parkway.

NPS DECISION (SELECTED ACTION)

With this ROD, NPS will allow MTA, through an NPS Special Use permit, to construct, maintain and operate the Selected Alternative within the Baltimore-Washington Parkway property as described in the August 2013 Purple Line FEIS and the March 19, 2014 the FTA ROD, subject to minimization and mitigation measures described in this ROD, including a land exchange agreement and other measures. In summary, the authorized action includes the following:

Selected Alternative Description

Selected Alternative, Corridor-wide - The Selected Alternative is a 16.2-mile light-rail transit line from Bethesda in Montgomery County to New Carrollton in Prince George's County. The Selected Alternative

transitway will be located mainly in exclusive or dedicated lanes along existing roadways.¹ The Selected Alternative transitway will be at grade except for one short tunnel section (a 0.3-mile tunnel between Wayne Avenue and Arliss Street) and three sections elevated on structures. The Selected Alternative will have 21 stations.

Two maintenance and storage facilities will support the Purple Line. A storage yard will be located along Brookville Road in Lyttonsville. A maintenance facility will be located along Veterans Parkway on the site of the M-NCPPC Northern Area Maintenance – Glenridge Service Center. The Lyttonsville facility will be the primary vehicle storage area and will house the operations and control center, while the Glenridge site will be the primary maintenance and repair shop.

The Purple Line system infrastructure will include an overhead contact wire system, providing electricity and operating signals for the light rail vehicles. The traction power substations will convert electric power to the appropriate voltage for light rail operations. Based on the current level of design, the Purple Line will require 18 substations, placed approximately every mile along the transitway, as well as one each at the maintenance facility and yard. In addition, 14 central instrument houses will be at track crossover locations along the transitway.

Purple Line Within NPS Administered Properties - The Selected Alternative will be aligned adjacent to the south side of Riverdale Road (MD 410) on two dedicated transitway lanes where it will cross the Parkway property (see Figures F-1 and F-2 in **Attachment C** of this ROD). The alignment of the Selected Alternative along the southern side of Riverdale Road will require permanent use of approximately 0.6 acre of property from the Baltimore-Washington Parkway. As the existing Parkway bridges that carry traffic over Riverdale Road are insufficiently long to span the Baltimore-Washington Parkway roadway and the new transitway, MTA will replace the existing bridges with longer structures.

MTA anticipates construction of the Selected Alternative from July 2015 to late 2020. Construction activity on the Parkway property would occur during part or all of that timeframe. It is anticipated that construction of the bridges will be completed in 2 to 3 years, with periodic work during the five year Purple Line construction period to complete work within the Selected Alternative right-of-way along Riverdale Road, such as track and catenary wire work. MTA will coordinate with NPS during design with regard to construction durations and timeframes. As stated in the Section 106 Programmatic Agreement provided in **Attachment A**, final specifications for bridge design will be subject to review by NPS. MTA will obtain a NPS Special Use Permit prior to construction that will detail construction timeframes.

During construction, MTA will install two, two-lane temporary bridges, one in each direction, alongside and to the outside of the existing Parkway bridges to maintain traffic flow and avoid impacts to the median vegetation. The roadway approaches to the bridges will be temporarily shifted to align with the temporary bridges. MTA will require approximately 6.7 acres (4.1 vegetated acres and 2.6 roadway acres) of temporary construction easements on Parkway property to install the temporary bridges, realign the Parkway approaches to the temporary bridges, construct the new bridges, and construct the Purple Line. Throughout the duration of bridge construction, MTA will maintain full access to the Baltimore-Washington Parkway from Riverdale Road (FEIS p. 6-52).

¹ An “exclusive” lane is a right-of-way that is solely for use of transit vehicles and is not occupied by any other type of vehicle or by pedestrians. A “dedicated” lane is used solely for transit vehicles, separated and protected from parallel traffic but crossed by roads, driveways, and pedestrian pathways at-grade.

MTA will implement the specific measures described in the “Minimization and Mitigation Measures” section of this ROD. The minimization and mitigation measures pertain to maintenance of traffic during construction, permanent replacement of bridge structures, landscaping and invasive species avoidance and removal program, protection of sensitive resources, design element provisions, a land exchange agreement, and temporary impacts.

All other elements of the Selected Alternative are outside NPS jurisdiction and are described in FTA FEIS and the FTA ROD, both of which NPS has considered.

As also documented in the Purple Line Section 106 Programmatic Agreement, signed March 14, 2014, NPS will continue to coordinate with MTA and FTA regarding the design and construction of the Purple Line Project, including minimization and mitigation measures as they relate to the Baltimore-Washington Parkway.

ALTERNATIVES CONSIDERED

The CEQ regulations require a ROD to “Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable” (40 CFR 1505.2(b)). Through NPS’s involvement in the EIS, Section 106 and Section 4(f) processes, it considered the following alternatives prior to identifying an environmentally preferable alternative in this ROD.

Alternatives Development and Screening

The Selected Alternative presented and analyzed in the FEIS was identified after a multi-year alternatives development and screening process. Between 2004 and 2008, FTA and MTA examined a number of alternatives and design concepts. The screening process evaluated the alternatives based on a number of factors, including ability to meet the Project’s Purpose and Need, engineering feasibility, natural and social environmental impacts, preliminary cost estimates, and input from the public and agencies. Alternatives that did not meet these criteria were not considered reasonable. Alternatives that were not considered reasonable were eliminated from further consideration and not included in the AA/DEIS.

Many alternatives met the reasonableness standard. To reduce the number of reasonable alternatives for study in the AA/DEIS, FTA and MTA’s screening process focused on weighing the relative merits or disadvantages of the various alignments or options within the definition of low, medium and high investment. This approach followed the CEQ’s guidance for determining the range of alternatives in an EIS, which states “When there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS.”²

Alternatives Analysis in AA/DEIS and Selection of Locally Preferred Alternative

The AA/DEIS advanced eight alternatives and several design options for further study. Among the alternatives were the No Build Alternative, a Transportation Systems Management alternative, and six Build Alternatives. The Build Alternatives included three alternatives using Bus Rapid Transit technology

² *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, 46 Fed. Reg. 18026 (1981), Response to Question 1b. See also the FTA, Office of Planning and Environment, *Procedures and Technical Methods for Transit Project Planning*, Chapter 3, Framework for Alternative Analysis, October 2005, Page 3-3.

and three alternatives using Light Rail Transit (LRT) technology. In August 2009, Governor O'Malley announced the Locally Preferred Alternative (LPA), which was the medium investment LRT alternative with some elements of the high investment LRT alternative, each defined in the AA/DEIS. Since that time, the Preferred Alternative that was evaluated in the FEIS was identified. The Preferred Alternative in the FEIS consists of the LPA with some design refinements.

Refinement of the Locally Preferred Alternative

After the LPA was selected, MTA continued its engineering and public and agency engagement processes, making many refinements that resulted in the Preferred Alternative.³ MTA coordinated closely with NPS during refinement of the Preferred Alternative in the vicinity of the Baltimore-Washington Parkway (FEIS p. 6-52).

The LPA included an alignment for the Purple Line adjacent to Riverdale Road as it crosses under the Baltimore-Washington Parkway. At the request of NPS and as discussed at the February 1 and 28, 2012 and March 30, 2012 meetings with NPS, MTA evaluated three options for reducing impacts to the Baltimore-Washington Parkway, a single-track operation, a mixed-traffic lane operation, and a tunnel configuration:

1. Single-Track Option. A single track operation on Riverdale Road as the Purple Line crosses under the Baltimore-Washington Parkway would have reduced the required widening of Riverdale Road, and thus reduced the impacts to NPS property. The single-track segment would be approximately 1,600 feet long, and would be located in the eastbound left turn lane of Riverdale Road. As the transit vehicles and the motor vehicles could not use the lane at the same time, the shared use would require that the eastbound traffic be held at a signal when the light rail vehicle was in the lane. The resulting delay, both the time for the traffic to clear the lane and the time for the transit vehicle to traverse the single track, would cause queues of eastbound traffic over 4,000 feet long, extending to and beyond Kenilworth Avenue compared to queues of approximately 1,100 feet under the LPA. In addition, the projected traffic delay in the eastbound direction from west of Kenilworth Avenue to east of Veterans Parkway would increase from 5 minutes under the LPA, to 45 minutes. These traffic impacts would be so severe that single track operation is not a reasonable option.
2. Mixed-Traffic Option. As with the single track option, a mixed-traffic lane option would also share travel lanes with other traffic on Riverdale Road. This operation would cause undesirable conflicts with traffic movements to and from the Parkway ramps, resulting in substantial traffic delays and queuing on Riverdale Road as well as on the Parkway ramps. These traffic impacts would be so severe that the mixed-traffic lane operation is not a reasonable option.

³ In accordance with 23 CFR 771.129, MTA prepared a Re-evaluation because more than three years had passed since publication of the AA/DEIS for the Project. The Re-evaluation compared the Preferred Alternative as examined in the FEIS to the build alternatives considered in the AA/DEIS, and concluded that a Supplemental EIS of the AA/DEIS is not required because there are no new significant environmental impacts beyond those evaluated in the AA/DEIS. In correspondence dated October 2, 2012, FTA concurred with the findings in the Re-evaluation but indicated that the FEIS should include the information on the changes in the Project so that these changes would have wide public review.

3. Tunnel Option. Putting the LRT in a tunnel where the alignment would cross the Baltimore-Washington Parkway would avoid potential impacts to the Parkway. The tunnel option would have left the Parkway bridges untouched and would not have impacted traffic at the signals at the Parkway entrance and exit ramps and the nearby intersections on Riverdale Road. However, the tunnel would have been over 3,300 feet long, would have required ventilation and pumping, and would have resulted in additional residential displacements. It also would have required an underground station at Beacon Heights. The combined cost of the tunnel and the station was estimated at over \$300 million, which would have made the Project financially infeasible.

In consultation with NPS, the southern alignment of the transitway along Riverdale Road was selected as the preferred alignment of the Purple Line at the Baltimore-Washington Parkway. The Selected Alternative is aligned along the existing transportation corridor of Riverdale Road to minimize property, traffic, and visual impacts on the Parkway. Specifically, the Selected Alternative design will use existing Riverdale Road right-of-way to the extent that the existing Riverdale Road cross section configuration can be maintained and MD State Highway design standards allow. The Selected Alternative preserves Riverdale Road exit and entrance ramp operations. Visual impacts were minimized by aligning the Selected Alternative along the existing Riverdale Road transportation corridor, minimizing tree impacts in the Parkway median, and designing of the replacement Parkway bridges to complement the appearance of the existing bridges along the Parkway.

MTA developed and evaluated four maintenance of traffic (MOT) concepts in consultation with NPS.

- MOT Option 1 included the construction of one temporary bridge within the median of Baltimore-Washington Parkway over Riverdale Road with the permanent bridges being constructed one at a time.
- MOT Option 2 included the construction of two temporary bridges located adjacent to each of the existing bridges within the median of the Parkway. This alternative was evaluated both with and without the construction of retaining walls in an effort to minimize impacts to forested land within the median. Both of the permanent bridges would have been constructed at the same time to minimize construction time within NPS property.
- MOT Option 3 includes the construction of two temporary bridges located adjacent to the existing bridges to the outside of the Parkway, between the roadway and ramps. Both of the permanent bridges would be constructed at the same time. Retaining walls would be constructed to minimize impacts to the existing ramps.
- MOT Option 4 included widening the existing Parkway bridges to maintain traffic on the structure during construction. Three design options were associated with this alternative, including widening each bridge to the outside toward the existing ramps and widening inside the Parkway toward the median, both with and without the construction of retaining walls. No temporary bridges would have been constructed with MOT Option 4.

Ultimately MOT Option 3 was selected by MTA and NPS. MOT Option 3 aligns the two two-lane temporary Parkway bridges and approaches to the outside of the existing bridges to minimize impacting the forested areas and avoiding an archeological site located within the median. The bridges will enable normal traffic operations (2 lanes in each direction matching existing posted speed limits) on the Parkway during construction.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The NPS is required to identify the environmentally preferable alternative in its NEPA documents. According to the CEQ regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative “that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources.” While the Selected Alternative does have benefits as described in the “Basis for NPS Decision,” it does not meet the definition of environmentally preferable. The Selected Alternative will introduce a new element on the Parkway that will have short and long term impacts, as well as beneficial impacts. Therefore, the environmentally preferable alternative is the No Build Alternative.

However, the No Build Alternative will not meet the purpose of the Purple Line Project as summarized below and described in the FEIS and FTA ROD:

- Provide faster, more direct, and more reliable east-west transit service connecting the major activity centers in the Purple Line corridor at Bethesda, Silver Spring, Takoma/Langley Park, College Park, and New Carrollton,
- Provide better connections to Metrorail services located in the corridor, and
- Improve connectivity to the communities in the corridor located between the Metrorail lines.

Minimization and mitigation measures were developed in consultation with FTA, MTA and NPS for the Selected Alternative. Through this coordination, and as described in more detail in this ROD and in the Attachments to this ROD, the Selected Alternative, including MOT Option 3 will be designed and implemented so as to protect the resources and values of the Parkway from adverse impacts. The measures include the design and appearance of the new permanent bridges, landscaping and invasive species removal, protection of forest and cultural resources on the Parkway property in the vicinity of Purple Line construction, design elements, a land exchange agreement, commitments to protect resources protected by Section 106 of the National Historic Preservation Act, and best management practices during construction and operation of the Purple Line within the Parkway property. MTA will implement these minimization and mitigation measures as part of the Selected Alternative.

Basis for NPS Decision

In this ROD, NPS authorizes the use of NPS land for the Selected Alternative within the Baltimore-Washington Parkway, with minimization and mitigation commitments as described in the ROD. The basis for this decision is summarized below. The Selected Alternative meets the Project purpose and need as it will offer a faster, more direct, more reliable ride between all Metrorail stations and other transit services within the Project corridor. The Selected Alternative will also improve connectivity to communities in the corridor to better link people to employment and activities in the corridor and beyond. See FEIS, Chapter 9.1, Effectiveness in Meeting the Project Purpose and Need. As indicated in the FTA ROD, the Selected (Preferred) Alternative was deemed by FTA to be best suited to meet the region’s transportation goals, responsive to community concerns and input, and superior to the other alternatives relative to its social, economic, and environmental effects and benefits.

The transportation, economic, and community benefits of the Purple Line come with some adverse effects to the Baltimore-Washington Parkway. In coordination with NPS during the EIS process, MTA refined the design and alignment of the Selected Alternative, where reasonably feasible, to avoid or minimize

effects and reduce right-of-way needs to a minimum. Yet some adverse effects cannot be overcome due to the design and safety standards MTA must meet, the clearance limitations of the Parkway bridges over Riverdale Road, the configuration of the Parkway ramp intersections with Riverdale Road, as well as the needs to avoid adversely affecting Parkway operations, visitor experience, and forest and an archeological site in the Parkway median. Where adverse effects of the Selected Alternative remain, MTA committed to specific minimization and mitigation measures developed in coordination with NPS that are intended to offset remaining effects to the Parkway. These commitments are described in this ROD as well as the FTA ROD.

NPS considered MTA's refinements to the Selected Alternative as well as its minimization and mitigation commitments to NPS regarding the Parkway, and determined through application of the criteria in Section 1.4.5 of its Management Policies 2006 that implementing the Purple Line Selected Alternative on the Baltimore-Washington Parkway will not rise to levels that constitute impairment of the resource or its values (**Attachment B**).

MINIMIZATION AND MITIGATION MEASURES

In consultation with NPS during the FEIS and prior to the FTA ROD, FTA and MTA identified and committed to implementing specific minimization and mitigation measures to reduce the impact of the Selected Alternative on the visual, cultural, natural and operational aspects of the Baltimore-Washington Parkway. The minimization and mitigation measures are provided in the FTA ROD, the Section 106 Programmatic Agreement, FTA's Final Section 4(f) Evaluation, and the Section 4(f) *de minimis* impact concurrence letter for the Parkway (**Attachment A**). The following is a discussion of the minimization and mitigation measures specific to the Baltimore-Washington Parkway:

Maintenance of Traffic

MTA will implement MOT Option 3 during construction and will avoid impacts to trees in the median. MOT Option 3, developed in consultation with NPS and first discussed at the May 25, 2012 meeting with NPS, includes construction of temporary bridges on the outside of the existing bridges, between the existing roadway and the ramps. These temporary bridges will maintain two lanes of traffic in each direction during construction and avoid the forest area and archeological site in the median of the Parkway.

Permanent Replacement of Bridge Structures

MTA's permanent replacement bridge structures will have a similar arch design as the existing bridge structures. The new structures will be constructed on the same horizontal alignment as the existing Parkway roadways and will be the same width (across the roadway) as the existing bridges. The bridges will include horizontal arched concrete shields above the transitway overhead contact wires as first discussed with NPS on June 22, 2012. The design of the shields was developed in consultation with NPS. The design of the shields will match the shape of the existing arch of the bridge structure, blending in visually as vehicles approach the bridges on Riverdale Road. In addition, the shields will not extend above the bridge railings so as to maintain views from the Parkway to the adjacent landscape.

MTA will re-use the stone façade on the existing bridge abutments to maintain the appearance of the new abutments as practicable. The existing stone will be removed from the existing abutments, stored during construction to maintain integrity, and be re-used to the extent reasonably feasible. If additional stone is

required, it will come from the same source, if possible. MTA will identify new stone, if needed, in consultation with NPS, to match to existing stone.

MTA will attach the overhead contact wires to the bridges as agreed upon during consultation with NPS at the June 22, 2012 meeting. Attaching the wires to the bridges will reduce the number of contact wire poles within the park. Final specifications for bridge design will be subject to review by NPS.

Landscaping and Invasive Species

MTA will develop landscape plans including tree and vegetation replacement (at agreed upon ratios in consultation with NPS) using native and approved species to mitigate the temporary and permanent removal of vegetation and trees. Landscape plans for areas within the Parkway will be included in the Project plans and specifications, and will be made available for review and approval by NPS at milestones in the Project development process (i.e., 60% design and 90% design).

MTA will conduct a survey prior to construction in all Parkway areas where vegetation will be disturbed to identify the presence of invasive species. A two-year invasive species avoidance and removal program within the Project limits will be developed, submitted to NPS for approval, and implemented by

The maintenance of traffic plan calls for temporary bridges and approach roadways to be constructed between the existing mainline roadway and bridges and the ramps between the Parkway and MD 410. Upon completion of construction all temporary roadway, structures, and construction materials will be removed and the ground returned to pre-construction grade using stockpiled materials from the site, or similar, to support vegetation. Any residual structures or pavements will be removed. The area will be stabilized and planted with appropriate species. The final landscape plan for the slope between the mainline roadway and ramps will be determined in consultation with NPS.

Protected and Sensitive Resources

Sensitive natural resources, including trees, will be identified and a buffer area will be established and marked on the design plans and in the field to protect the resources. MTA will also identify the sensitive resources on the Project design plans, including the buffer area required for protection. NPS will be consulted and MTA will locate the resources and buffer in the field prior to construction activities. The NPS-NCR tree guidelines in the Purple Line FTA ROD, provided in **Attachment A**, will be incorporated into Project specifications, contract documents, and the NPS Special Use permit.

The sensitive archeological resource identified as Area K Domestic Site is located on the Parkway property. The Selected Alternative as currently designed will not affect this archeological site. MTA will identify the site, establish and mark a buffer area in the design plans and in the field to protect the site. Specific measures for protection of archeological resources on NPS property are described in the Section 106 Programmatic Agreement provided as part of **Attachment A** of this ROD. **Attachment F** of the Section 106 Programmatic Agreement describes the process for unanticipated discoveries for archeological properties including human remains. Part III of this attachment describes the protocol specifically to unanticipated archeological discoveries on Parkway property.

Design Elements

MTA will take the following actions regarding the design elements:

- MTA will design sidewalk improvements along Riverdale Road to meet ADA requirements.

- MTA will not construct stormwater management facilities within the boundaries of the Parkway.
- During design reviews, MTA will provide NPS with plans for the material, colors and finishes for permanent traffic signals and roadway lighting poles and fixtures within the Parkway. The NPS will approve the plans prior to final design.

Land Exchange Agreement

A land exchange agreement will be executed between MTA and NPS to mitigate for the permanent use of approximately 0.6 acres of Parkway land along Riverdale Road. The land around the bridges consists of sparsely treed and grassed slopes within the interchange, with a denser, forested median to the north and south of the interchange and dense forests along the eastern and western boundaries of the Parkway to the north of Riverdale Road. Denser forests exist along the eastern and western boundaries of the Baltimore-Washington Parkway, to the south of Riverdale Road and residential development abuts both sides of the Parkland property.

MTA is the appropriate authority to implement the mechanism for the land exchange for the Selected Alternative. In this exchange, NPS will transfer to MTA the 0.6 acre of Parkway land that is needed for the Selected Alternative, and MTA will transfer property to the NPS for incorporation into the Baltimore-Washington Parkway or another location determined by consultation between MTA and NPS. The specific parcel or parcels to be transferred to NPS will be determined jointly by MTA and NPS and will be of equal value to the land used for the Selected Alternative. The purpose of the land that will be acquired by NPS through the land exchange agreement will be determined through consultation between MTA and NPS. The financial valuation and exchange of the permanent land will be determined through an approved appraisal process between NPS and MTA following all applicable Federal and State laws and practices. The general steps of the land exchange include the following:

1. The property being exchanged is identified by NPS.
2. The NPS-NCR Lands Office contacts the U.S. Department of the Interior (DOI) Office of Valuation Services (OVS) and provides details of exchange.
3. OVS prepares Statement of Work (SOW) to be used by contract appraiser.
4. OVS provides SOW and a list of qualified and DOI approved appraisers to MTA.
5. MTA hires appraiser from list.
6. Appraiser prepares appraisal based on DOI SOW.
7. OVS reviews appraisal for conformance with SOW and applicable regulations.
8. Once appraisal is approved OVS informs the NPS-NCR Lands Office of appraisal acceptance.
9. Proceed with transaction and enter into agreement.

To mitigate for temporary impacts, MTA will replace sections of metal guardrail that were previously installed along the Baltimore-Washington Parkway in the Purple Line Project area. The guardrail was installed to address immediate safety concerns and does not meet the design aesthetic or guidelines of NPS. Guardrail will be replaced with an approved FHWA crash-tested longitudinal barrier system such as the Stone Masonry Guardwall (TL-3) system, which is an approved design for FHWA's Eastern Federal Lands roadways including NPS's Baltimore-Washington Parkway. The guideline can be found in the Design Elements Guidelines at <http://www.efl.fhwa.dot.gov/technology/abs.aspx>.

The exact location and limits of this work will be determined in consultation with NPS and the Maryland State Historic Preservation Officer and will be selected in areas that do not result in adverse effects to the Parkway. The Section 106 Programmatic Agreement describes the consultation process, roles and responsibilities of the signatories, and the NPS design approvals for work on the Parkway. MTA will fund all mitigation as described in the FTA ROD and Programmatic Agreement for the Selected Alternative.

To establish equitable compensation, the scope of the mitigation including the cost of design, overhead, fees, mitigation, construction, and other attributable items will be commensurate with the value of temporary use of NPS property by the Purple Line Project in accordance with all applicable Federal and State laws. To support this work, NPS will waive fees associated with construction permits and temporary lease agreements, design reviews, and other administrative or other fees that may be required for the mitigation. In addition, NPS will facilitate design review and approval including construction access and maintenance of traffic plans.

Commitments in the Section 106 Programmatic Agreement

The Section 106 Programmatic Agreement for the Selected (Preferred) Alternative (provided in a portion of **Attachment A** of this ROD) and **Attachment E** of the Programmatic Agreement stipulate commitments MTA will implement and fund regarding the Baltimore-Washington Parkway. Briefly, the commitments include:

- Development and implementation of Construction Protection Plans to avoid damage to historic property;
- Avoidance of adverse effects to the historic Parkway through the use of design and positive protection measures involving guiding principles of design and design review procedures;
- Obtaining an NPS Special Use permit;
- Use of context sensitive design practices and consultation with NPS, selection of materials that are consistent with existing materials, and enhancement of the aesthetic and historic qualities of the Parkway in a manner that NPS approves, including the commitments to store and replace the stone façade as reasonably feasible or obtain NPS approval if not reasonably feasible;
- MTA will re-use the stone façade on bridge abutments to maintain the appearance of the abutments as practicable. The existing stone would be removed from the existing abutments, stored during construction to maintain the integrity, and be re-used to the extent practicable. If additional stone is required, it would come from the same source, if possible. MTA will identify new stone, if needed, in consultation with NPS to match the existing stone;
- Implementation of the minimization and mitigation measures described in **Attachment E** of the Programmatic Agreement;
- Adherence to the April 2006 NPS, National Capital Region Guidelines for Tree Preservation described in **Attachment G** of the Programmatic Agreement;
- Development and implementation of an historically-themed Interpretive Plan that includes the Parkway and Area K Domestic site (18PR1032)
- Development and implementation of a web-based map of historic properties including the historic Parkway;

- Implementation of an Unanticipated Discoveries Plan for non-human archeological resources and human remains in the event that such discoveries occur on Parkway property as described in the Section 106 Programmatic Agreement **Attachment F** – Unanticipated Discoveries for Archeological Properties Including Human Remains (provided as a part of **Attachment A** of this ROD);
- Additional consultation, as warranted, with the Maryland State Historic Preservation Office regarding design modifications or ancillary activities including, but not limited to, construction staging areas and environmental mitigation, or other actions; and
- Ongoing coordination and oversight involving NPS.

Best Management Practices

The FTA ROD contains minimization and mitigation commitments that apply to the entire Project, including the Parkway. Briefly, the commitments MTA will implement that apply to the Parkway include:

- Managing construction activities by developing and implementing a Transportation Management Plan;
- Maintaining an orderly appearance of active work zones and staging areas during construction;
- Preparing and implementing a spill management plan and water quality and quantity controls for construction area containment, use and storage of fuels and other potential contaminants based on current regulations and Project permit conditions;
- Prior to construction, developing an Erosion and Sediment Control Plan, in accordance with the Stormwater Management Act of 2007 (and the Energy Independence and Security Act, Section 438, as it relates to the Baltimore-Washington Parkway), which will specify proper slope and soil stabilization techniques, erosion and sediment controls, and stormwater management facilities;
- Developing a site-specific health and safety plan including equipment and procedures to protect workers and general public during construction, procedures for monitoring contaminant exposures, and identification of the chain of command;
- Prior to construction, developing an action plan to be used if contaminated soils are identified or encountered prior to or during construction. The plan will describe procedures for evaluating off-site remediation, chemical stabilization, or other treatments and disposal options, in cooperation with the Maryland Department of the Environment (MDE). MTA will implement the plan during construction;
- Implementing dust control measures in accordance with MDE requirements and assure that construction equipment complies with the U.S. Environmental Protection Agency's (EPA) Tier 2 engine emission standards. Possible dust and emission control measures are listed in the air quality portion of FEIS Chapter 4.20;
- Developing and implementing an Environmental Compliance Plan for the Project prior to the initiation of Project construction activities. The purpose of the plan is to identify and employ means and methods during construction to avoid or minimize impact to the environment and general public in compliance with construction contract documents (for example maintaining secure construction sites, minimizing noise, dust, and vibration, pest control, and meeting applicable ordinances and requirements);
- MTA will work to minimize construction impacts and the amount of time required to build the Purple Line;

- Implementing the commitments and mitigation identified in the Final Section 4(f) Evaluation and FTA's Section 4(f) *de minimis* and temporary occupancy exception concurrence letters signed by the officials with jurisdiction, which includes NPS;
- Implementing the Project in accordance with the Section 106 of the National Historic Preservation Act (NHPA) Programmatic Agreement (provided as part of **Attachment A** of this ROD), including any amendments to that Agreement; and
- Coordinating with MDE to determine the mitigation response and reporting required should a release of hazardous materials occur during Purple Line operations.

PUBLIC AND AGENCY INVOLVEMENT IN THE EIS PROCESS

From the initiation of the EIS process that culminated in this ROD, public involvement has had an essential role in the design and planning of the Purple Line. As a cooperating agency, and in accordance with the CEQ regulations (40 CFR 1501.6), NPS actively participated in the NEPA process for the Purple Line that culminated in the FEIS.

Public Scoping

The EIS scoping phase was formally initiated with FTA's publication of the Notice of Intent (NOI) in the Federal Register on September 3, 2003. The NOI announced the intention of FTA to prepare and Environmental Impact Statement (EIS) for the Purple Line and to conduct scoping, which provides agencies and the general public with an opportunity to raise issues and concerns to be addressed in the EIS. Four public scoping meetings and an agency scoping meeting were held in September 2003. Over 350 comments were submitted through the scoping process, covering a broad range of topics. Following the scoping meetings, MTA implemented an extensive public and stakeholder engagement process which included numerous small group meetings, open houses, presentations, and other opportunities for participation in the planning process.

Public Review of the Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS)

Public notice of availability of the AA/DEIS and opportunity to comment, along with an invitation to attend a public hearing, was provided in a Notice of Availability published in the Federal Register on October 17, 2008. The 90-day comment period extended from October 17, 2008 through January 14, 2009. Four public hearings were held in the Project area in November 2008. Over 750 people attended the public hearings. Over 3,300 comments were received on the AA/DEIS in the form of oral and written testimony at the public hearings, as well as letters, faxes, and emails.

A summary of the comments is provided in Chapter 8.5 in the FEIS. Appendix A of the FEIS includes FTA and MTA responses to the comments. All comments are documented in the Project record. The most frequent topics of comment included: support for the Purple Line; opposition to the Purple Line; opposition to the use of the Georgetown Branch right-of-way; support for other alternatives, modes, and alignments; and concerns about environmental impacts. Robust public involvement through informal meetings, newsletters, actively managed Project website and email continued throughout the DEIS and FEIS development, as further summarized in Chapter 8 in the FEIS.

Public Release of the Final Environmental Impact Statement (FEIS)

FTA's Notice of Availability of the FEIS was published in the Federal Register on September 6, 2013. FTA provided a 45-day public comment period through October 21, 2013. Approximately 1,000 comments were received on the FEIS in the forms of letters, faxes, emails, and website comment forms.

Of those supporting or opposing the Project, the number of supporting comments was most numerous by a wide margin and included federal and state agencies, most local jurisdictions, and many members of the public. Comments in support included a wide range of topics, most commonly the environmental benefits and improved accessibility in the region that would be provided by the Purple Line.

Comments opposing the Project were submitted by a local jurisdiction, several organizations, and members of the public. Comments opposing the Project primarily focused on the use of the Georgetown Branch right-of-way for the Project, loss of trees, the addition of a transitway adjacent to the trail (and behind residences), safety of trail users, noise and visual impacts; cost; adverse environmental impacts including development inducement; and lack of need. FTA and MTA received no comments related to the Baltimore-Washington Parkway during the FEIS.

A summary of the FEIS comments is provided in the FTA ROD. Responses to these comments are provided in the FTA ROD. All comments are documented in the Project administrative record. The most frequent topics of comment included: support for the Purple Line; opposition to the Purple Line; opposition to the use of the Georgetown Branch right-of-way; support for other alternatives, modes, and alignments; concerns about environmental impacts; construction; operations; cost and funding; and safety. The FTA and MTA received no comments related to the Baltimore-Washington Parkway.

REGULATORY AGENCY AND OTHER CONSULTATION

In addition to consulting with FTA and MTA during the development and refinement of the Selected (Preferred) Alternative and NEPA process, NPS served as a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and as an official with jurisdiction in accordance with Section 4(f) of the US Department of Transportation Act of 1966.

National Historic Preservation Act - Section 106

FTA completed consultation in accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended), which requires federal agencies to consider the impacts of their undertakings on historic properties. Section 106 regulations require that FTA identify historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) within the Project's Area of Potential Effects (APE); assess effects to historic properties; avoid, minimize, and/or mitigate any adverse effects; and consult with Maryland's State Historic Preservation Officer, as represented by the Maryland Historical Trust (MHT), and other consulting parties throughout the Section 106 process, as appropriate. NPS served as a consulting party to FTA's Section 106 consultation. In that role, NPS participated in meetings with FTA and the other consulting parties regarding Project effects on historic properties including the Baltimore-Washington Parkway.

In the Section 106 consultation process, FTA determined that the Purple Line will minimally alter a small section of the setting and design of the larger Parkway property, but will not diminish the integrity of the

characteristics that make the Parkway property eligible for the NRHP, including its location, materials, workmanship, feeling and association. For this reason, FTA determined that the Purple Line will have no adverse effect on the Parkway; NPS concurs with that determination. A signed Section 106 Programmatic Agreement between FTA, MTA, MHT, and NPS containing conditions and stipulations regarding the construction and operation of the Purple Line on and near the Baltimore-Washington Parkway, is provided with the FTA ROD in **Attachment A** of this ROD.

US Department of Transportation Act - Section 4(f)

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) is a federal law that protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned. FTA cannot approve a transportation project that uses a Section 4(f) property, as defined in 23 CFR 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR 774.14, to minimize harm to the property resulting from such use (23 CFR 774.3(a)); or
- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* use, as defined in 23 CFR 774.17, on the property (23 CFR 774.3(b)).

Section 4(f) applies to all transportation projects that require funding by the USDOT. As a USDOT agency, and because the Selected Alternative will use portions of several properties protected by Section 4(f) including the Baltimore-Washington Parkway, FTA completed a Section 4(f) evaluation as part of the FEIS in accordance with the Section 4(f) regulations at 23 CFR Part 774.

For the purposes of Section 4(f), the Parkway is considered a park and a historic property. The historic and parkland boundaries of the Parkway are slightly different in the vicinity of the proposed Purple Line.⁴ MTA will permanently use approximately 0.6 acre of Parkway property that is designated as parkland to accommodate the Selected Alternative right-of-way. MTA will temporarily impact approximately 6.7 acres of parkland within the boundaries of the Parkway during construction. The Selected Alternative will permanently use approximately 0.5 acre and temporarily impact approximately 6.6 acres of land within the historic boundaries of the Parkway. The park areas that will be temporarily or permanently used by MTA include: the bridges over Riverdale Road and short stretches of the Parkway approaches to the bridges; the grassy areas with scattered trees or wooded edges immediately adjacent to the bridges and approaches; and the grassy land strip on the south side of Riverdale Road.

As an official with jurisdiction over the Section 4(f)-protected Parkway property and as a NEPA cooperating agency, NPS coordinated with FTA and MTA to refine the Selected Alternative design. This refinement process has resulted in a design that minimizes impacts on the Baltimore-Washington Parkway and provides appropriate mitigation commitments for remaining impacts. NPS concurred with the FTA's proposed Section 4(f) *de minimis* impact determination on March 14, 2014. The Final Section

⁴The park boundary of the Baltimore-Washington Parkway is the parcel boundary; the historic boundary is the geographic limit the elements of the Parkway delineated at the time the Parkway was nominated for the NRHP. The historic boundary does not follow the parcel boundary.

4(f) Evaluation and Section 4(f) *de minimis* impact concurrence letter are provided with the FTA ROD and in **Attachment A** of this ROD.

CONCLUSION

As documented in the FEIS, the following key factors support implementation of the Selected Alternative:

- The Selected Alternative would meet the Project's purpose and need. In particular, the Selected Alternative would provide faster, more direct, and reliable east-west transit service with improved connections to communities, activity centers, and Metrorail. These benefits will preserve park visitor experience as well as inter- and intra-park transportation (FEIS, p. ES-6).
- The Selected Alternative, where reasonably feasible, avoids or minimizes effects on the Baltimore-Washington Parkway and reduces right-of-way needs to a minimum.
- Some adverse impacts on the Parkway cannot be overcome due to the design and safety standards MTA must meet, the clearance limitations of the Parkway bridges over Riverdale Road, the configuration of the Parkway ramp intersections with Riverdale Road, as well as the needs to avoid adversely affecting Parkway operations, visitor experience, and forest and an archeological site in the Parkway median.
- Where adverse impacts of the Selected Alternative remain, MTA committed to specific minimization and mitigation measures developed in coordination with NPS that are intended to offset remaining effects to the Parkway. These commitments are described in this ROD the FTA ROD and the Section 106 Programmatic Agreement.
- NPS considered MTA's refinements to the Selected Alternative as well as its minimization and mitigation commitments to NPS regarding the Parkway, and determined through application of the criteria in Section 1.4.5 of its Management Policies 2006 that implementing the Purple Line Selected Alternative on the Baltimore-Washington Parkway will not rise to levels that constitute impairment of the resource or its values or violate the NPS Organic Act (**Attachment B** of this ROD).

The CEQ regulations (40 CFR 1506.10) require at least 30 days between publication of the FEIS and issuance of a ROD; this waiting period begins to run when the notice of availability of the FEIS is published in the Federal Register. For this Project, the notice of availability of the FEIS was issued on September 27, 2013. (78 FR 59677). Therefore, the required 30-day waiting period between the FEIS and this ROD has elapsed. In addition, NPS has determined that the Selected Alternative approved in this ROD is substantially the same as the Selected Alternative covered in FTA's ROD; therefore, this ROD can be issued without re-circulating FTA's FEIS (See 40 CFR 1506.3). The official responsible for implementing the selected action is the Superintendent of National Capital Parks - East, Washington, D.C.

Based upon the above considerations, NPS in cooperation with FTA and MTA, approves the Purple Line Selected Alternative for implementation.

Lisa A Mendelson - Telmini
Regional Director

July 14, 2014
Date

Attachment A: FTA ROD, including the Section 106 Programmatic Agreement, the Final Section 4(f) Evaluation, and the Section 4(f) *de minimis* Concurrence Letter for the Parkway

Attachment B: Determination of Non-Impairment

Attachment C: Selected Alternative Maps C-1 and C-2