

# Record of Decision

## Richmond/Hampton Roads Passenger Rail

### Tier 1 Environmental Impact Statement

This document records the decision of the Federal Railroad Administration (FRA) with regard to the Virginia Department of Rail and Public Transportation's (DRPT) proposed Richmond/Hampton Roads Passenger Rail Project (Project). In making this decision, FRA considered the information, analysis, and public comments contained in the Draft and Final Tier I Environmental Impact Statements (EIS) for the proposed Project.

This Record of Decision (ROD) has been drafted in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 USC 4321-4347); FRA's Procedures for Considering Environmental Impacts (Environmental Procedures) (64 FR 28545; May 26, 1999); and guidelines published by the Council on Environmental Quality (CEQ) on implementing NEPA. Specifically, this ROD:

- Provides background on the NEPA process undertaken as part of the Project;
- Identifies Alternatives Considered as part of the NEPA process, including the environmentally preferable alternative;
- Identifies and provides the basis of selection for the Selected Alternative;
- Summarizes comments received on the Final Tier I EIS;
- Identifies Next Steps.

#### 1.0 Introduction

In 1992, the U.S. Department of Transportation (USDOT) designated the Southeast High Speed Rail (SEHSR) Corridor connecting Washington, D.C., Richmond, VA and Charlotte, NC as authorized under the Intermodal Surface Transportation Act of 1991 (ISTEA). Also under this authorization, the USDOT designated an extension of the SEHSR Corridor from Richmond to Hampton Roads in 1995. In total, the Federally designated SEHSR Corridor extends from Washington, D.C. to Richmond and Hampton Roads in Virginia and southward to Raleigh and Charlotte, NC; Columbia, SC; Atlanta, Macon and Savannah, GA; and terminates in Jacksonville, FL. The Richmond/Hampton Roads Passenger Rail Project encompasses the extension of the SEHSR Corridor from Richmond to Newport News and Norfolk in Hampton Roads. Under the vision of the development of the Richmond/Hampton Roads extension of the SEHSR Corridor, DRPT proposes an improved passenger rail service between Richmond, Virginia and the Hampton Roads region of Virginia with the purpose of providing a competitive transportation choice that seeks to expand the capacity of the region's transportation system and provide residents, tourists, and visitors with a broader array of reliable transportation options.

FRA and DRPT jointly prepared a Tier I EIS for this Project documenting the proposed action and reasonable alternatives. A Tier I EIS is a broad-level document that provides an analysis of applicable conditions and factors to consider at decisional milestones during Project development. FRA and DRPT circulated the Draft Tier I EIS for agency and public review and responded to comments in the Final Tier I EIS. The decisions that are ready to be made at this stage of Project development define the route, location, and operating characteristics of the Project and include selection of the:

- Proposed rail route and general station locations for investing in higher-speed rail;
- Frequency of train service; and
- Maximum Authorized Speed (MAS).

The information available at this stage of Project development does not support the identification and designation of site-specific aspects of the Project, such as locations for storage and maintenance facilities/yards and definitive station sites. These decisions are deferred to future phases of Project development that would be evaluated at Tier II, or project-level analyses. As such, the Tier I EIS provides a general overview of the existing conditions along the proposed rail routes and evaluates potential effects to resources through the use of readily available information and data. The potential effects were evaluated

using a conservative “worst case” method to quantify impacts. More detailed analysis, identification of specific effects, mitigation, and measures to minimize harm will be done at a project-level during future phases of Project development once more detailed engineering and planning are completed for the Project.

As the Project proponent, DRPT has recommended, and received the appropriate concurrence from the Commonwealth Transportation Board of Virginia (CTB) favoring the selection of the alternative that continues the operation of conventional passenger rail service along the Peninsula/CSXT route and provides for the development of new higher-speed passenger rail service along the Southside/Norfolk Southern (NS) route with MAS of 90 mph (referred to as “Alternative 1” in the Draft and Final Tier I EIS) (Selected Alternative), which is further discussed in Section 3.0 of this decision document.

Planning for Hampton Roads passenger rail service improvements has progressed over several years through the EIS process. Concurrently, interest in reestablishing passenger service to Norfolk has grown. The Commonwealth has responded to this increased interest by planning to resume Norfolk passenger service beginning in December 2012. Using state Rail Enhancement funds, DRPT is working with Norfolk Southern, CSXT, and Amtrak to extend state sponsored Amtrak regional service (serving Richmond since July 2010) to Norfolk along the Route 460 corridor.

## 2.0 Alternatives Considered

Before selecting an alternative, FRA and DRPT evaluated and documented other alternatives in the Tier I EIS. The EIS evaluated a Status Quo Alternative, a No Action Alternative, and three Build Alternatives that focused on potential passenger rail service options along two existing rail routes, separated by the James River, between Richmond and Hampton Roads. For each route, maximum authorized speeds (MAS) of 79 miles per hour (mph), 90 mph, and 110 mph were evaluated. All five (5) alternatives are summarized below:

- **Status Quo Alternative:** This alternative assumed no improvements to the existing Peninsula/CSXT route with the continuation of the current passenger rail service with two (2) daily round trips at a MAS of 79 mph. It assumed the continued use of the existing Richmond Main Street Station, Williamsburg Station, and Newport News Station.
- **No Action Alternative:** This alternative assumed an increase in the frequency of the current passenger rail service along the existing Peninsula/CSXT route with the addition of one (1) daily round trip (for a total of three (3) daily round trips) at a MAS of 79 mph, as described in Amtrak’s long range plan. It assumed the continued use of the existing Richmond Main Street Station, Williamsburg Station, and Newport News Station.
- **Alternative 1:** This alternative provided for an increase in the frequency of the current passenger rail service along the existing Peninsula/CSXT route with the addition of one (1) daily round trip (for a total of three (3) daily round trips) at a MAS of 79 mph, and the establishment of a new higher speed passenger rail service south of the James River to Norfolk along the Southside/NS route. The new higher speed passenger rail service provided six (6) daily round trips at a MAS of either 90 mph or 110 mph. It assumed the continued use of the existing Richmond Main Street Station, Williamsburg Station, and Newport News Station on the Peninsula/CSXT route. The Southside/NS route would serve stations in the Petersburg area, Bowers Hill and Norfolk. (Alternative 1 is identified as the Selected Alternative, with a MAS of 79 on the existing Peninsula/CSXT route and a MAS of 90 on the Southside/NS route).
- **Alternative 2a:** This alternative provided for an increase in the frequency and speed of the current passenger rail service along the existing Peninsula/CSXT route with the addition of four (4) daily round trips (for a total of six (6) daily round trips) at a MAS of either 90 mph or 110 mph, and the establishment of a new conventional passenger rail service south of the James River to Norfolk along the Southside/NS route. The new conventional passenger rail service provided three (3) daily round trips at a MAS of 79 mph. It assumed the continued use of the existing Richmond Main Street Station and Williamsburg Station, with a new station in Newport News on the Peninsula/CSXT route. The Southside/NS route would serve new stations in the Petersburg area, Bowers Hill and Norfolk.
- **Alternative 2b:** This alternative provided for an increase in the frequency and speed of the current passenger rail service along the existing Peninsula/CSXT route with the addition of seven (7) daily

round trips (for a total of nine (9) daily round trips) at a MAS of either 90 mph or 110 mph. This alternative assumed no new passenger rail service south of the James River to Norfolk. It assumed the continued use of the existing Richmond Main Street Station and Williamsburg Station, with a new station in Newport News on the Peninsula/CSXT route.

During the Tier I EIS process, all alternatives were evaluated in terms of their potential to meet the established purpose and need of the Project, established goals and objectives, and potential for effects on the built and natural environment. Upon completion of the Draft Tier I EIS, a public comment period and public hearing was held where all alternatives were presented for public comment.

### 3.0 Selected Alternative

Based on the analysis prepared and input received during the public comment period and public hearings on the Draft Tier I EIS, FRA and DRPT determined that Alternative 1 best met the Project's purpose and need, and goals and objectives. Alternative 1 would improve mobility options and on-time performance, reduce trip time, and limit the growth of highway congestion through higher estimated ridership numbers over the Status Quo and No Action alternatives. Additionally, Alternative 1 would provide a greater beneficial impact on regional air quality; therefore FRA and DRPT identified Alternative 1 as preferred in the Final Tier I EIS. Alternative 1, with a MAS of 90 mph, was also identified as the environmentally preferable alternative in the Final Tier I EIS.

#### 3.1 Description

The Selected Alternative would provide increased frequency and higher speed passenger rail service between Richmond and Hampton Roads, serving both Newport News and Norfolk. It provides for three (3) daily round-trip trains<sup>1</sup> operating at a MAS of 79 mph along the Peninsula/CSXT route and uses the existing Richmond Main Street Station, Williamsburg Station and Newport News Station. It also includes new higher speed passenger rail service along the Southside/NS route with six (6) daily round-trip trains ultimately operating at a MAS of 90 mph serving Richmond and Petersburg area stations, and new stations at Bowers Hill and Norfolk.

**Table 1: Summary of Features of the Selected Alternative**

| Feature  | Selected Alternative  |
|----------|---|
| Route(s) | <ul style="list-style-type: none"> <li>• Southside/NS route (generally parallels US Route 460 and then heads east into Norfolk)</li> <li>• Existing Peninsula/CSXT route (existing CSXT/Amtrak service)</li> </ul>  |
| Stations | <p>Southside/NS route:</p> <ul style="list-style-type: none"> <li>• Richmond Main Street Station (existing)</li> <li>• Petersburg area (location to be determined, but assumes the same location as selected by a separate Tier II EIS for the SEHSR Richmond to Raleigh)</li> <li>• Bowers Hill (proposed)<sup>2</sup></li> <li>• Downtown Norfolk (planned and under construction by Norfolk)</li> </ul> <p>Peninsula/CSXT route:</p> <ul style="list-style-type: none"> <li>• Richmond Main Street Station (existing)</li> <li>• Williamsburg (existing)</li> <li>• Newport News (existing)</li> </ul> |

<sup>1</sup> The three daily round-trip trains along the existing Peninsula/CSXT route include current and planned service operations by Amtrak, as documented under the No Action Alternative in the Tier I EIS.

<sup>2</sup> New station locations were evaluated generally in terms of accessibility to the larger transportation network. Specific station sites will be determined in the future by the municipalities, and appropriate levels of environmental documentation will be undertaken at that time.

|                    |   |
|--------------------|---|
| <b>Speed</b>       | Southside/NS route: <ul style="list-style-type: none"><li>• Passenger train speeds with a MAS of 79 mph with incremental speed increases to a MAS of 90 mph</li></ul> Peninsula/CSXT route: <ul style="list-style-type: none"><li>• Passenger train speeds with a MAS of 79 mph</li></ul> |
| <b>Round Trips</b> | Southside/NS route: <ul style="list-style-type: none"><li>• Six (6) daily round trips</li></ul> Peninsula/CSXT route: <ul style="list-style-type: none"><li>• Three (3) daily round trips</li></ul>   |

The Selected Alternative on the Southside/NS route would begin in Richmond, travel through Petersburg, and terminate in downtown Norfolk. The portion of the Southside/NS route between Richmond and Petersburg, including station improvements in the Petersburg area, is being evaluated as part of a separate Tier II EIS for the SEHSR Richmond to Raleigh project. The Selected Alternative and the SEHSR Richmond to Raleigh project would share the same route between Richmond and Petersburg. Once the SEHSR Richmond to Raleigh project alignment for this section is finalized, final design and construction of improvements in this section could be implemented.

The Selected Alternative on the Southside/NS route continues from Petersburg to Suffolk and then uses a portion of the right-of-way of the abandoned Virginian Railway line between Kilby and Algren. This line parallels the existing operating NS freight line between Suffolk and Norfolk. A new connection between the existing NS line and the abandoned Virginian Railway line would be required in the vicinity of Kilby. This connection would likely require new right-of-way to accommodate the transition between lines. This route alignment decreases the level of potential impact to the existing freight operations in this area. The existing double track on the NS line between Petersburg and Norfolk is augmented with a single passing siding, the Ivor Middle Track, about one half-mile long. Other middle tracks existed earlier, when Norfolk and Western operated passenger trains on the route. The middle tracks allowed faster passenger trains to pass slower freight trains. New passenger operations would require more passing capacity, possibly through reinstallation and extension of former sidings and middle tracks. Signal improvements would be needed to meet FRA regulations for services operating over 79 mph.

Selected Alternative stations include the existing Richmond Main Street Station, Williamsburg, and Newport News Stations on the Peninsula/CSXT route; a Petersburg area station, the proposed Bowers Hill Station in Suffolk, and a Downtown Norfolk Station on the Southside/NS route. General locations for new stations have been evaluated generally for purposes of this analysis. Specific station sites and site-specific improvements will be determined in the future by the municipalities. All stations would have parking facilities. In the case of Norfolk, existing downtown parking facilities could be used.<sup>3</sup> Existing parking at Richmond Main Street Station may be augmented to accommodate more parking spaces.

Potential station locations in the Petersburg area are being evaluated as part of the Tier II EIS for the SEHSR Richmond to Raleigh project. Service to Bowers Hill and Downtown Norfolk would involve the construction of new stations. The Bowers Hill Station would serve the large Southside geographic area beyond Norfolk and Portsmouth. This location could provide a strong interface between passenger rail service and automobile traffic at I-264 and the Hampton Roads Beltway (I-64/664). Preliminary analysis suggests that a suitable location could be established just east of the Algren track connection at the crossing of Homestead Road. Other potential station sites examined did not have adequate highway access or sufficient space for station facilities. The station location in Downtown Norfolk is located just north of the Elizabeth River and east of the Harbor Park baseball stadium, terminating near I-264 and Park Avenue. The Downtown Norfolk station would serve the markets of Norfolk, Portsmouth, and Virginia Beach, providing a central location with access to and from the regional transportation network. The Norfolk Tide, a light rail line that began operating in 2011, serves as an additional local transit interface.

## **3.2 Basis of Selection**

### **3.2.1 Route Selection**

The Tier I EIS analysis and evaluation showed the Selected Alternative to better meet the Project's purpose and need, and the identified goals and objectives of the Project. The Selected Alternative supports the goals to improve regional linkage and ability to limit growth of highway congestion. It also provides greater benefits for hurricane evacuation and improving regional air quality. Overwhelmingly, the public came out in support

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<sup>3</sup> Using state rail enhancement funds, the Commonwealth has begun an initial passenger service to Norfolk by extending some Amtrak Virginia regional train service to Norfolk. This initial service has involved the construction of a new station in Norfolk, and the construction of a new CSXT A-Line junction with NS. These improvements may have on-going utility for the implementation of the Project.

of this alternative<sup>4</sup> due to the mobility options provided and its ability to serve a greater share of Hampton Roads' population. The geography of the Hampton Roads region presents many challenges and barriers, and limits connectivity to regions outside of Hampton Roads. By continuing passenger rail service to Newport News and providing new passenger rail service to Norfolk, the Selected Alternative has the ability to serve more people, helping them avoid the bridge and tunnel systems at the confluence of the James River and Chesapeake Bay. More detail on how the Selected Alternative meets the Project's purpose and need, and supports the identified goals and objectives of the Project, is provided in Chapter 6 of the Final Tier I EIS.

### 3.2.2 Maximum Authorized Speed (MAS) Selection

The Selected Alternative proposes higher speed passenger rail with a MAS of 90 mph, and does not include or propose 110 mph operations. The basis of this selection of a MAS of 90 mph is due to several factors; primarily, cost and potential interference with the host freight railroad's (NS) operations and concerns. As documented in the Tier I EIS, the preliminary capital cost estimate for the alternative with a MAS of 90 mph was approximately 15 percent lower than the option with a MAS of 110 mph (\$475.4 million and \$543.0 million, respectively, in 2008 dollars). In addition, the preliminary annual operating costs of system with a MAS of 90 mph are slightly lower than preliminary annual operating costs for a system with a MAS of 110 mph (\$80.0 million and \$81.4 million, respectively, in 2008 dollars).

Higher speed passenger rail trains running on the NS freight lines also raises other operational considerations that factor into the basis of selection. In a letter dated February 11, 2010, the NS Corporation indicated that the operation of passenger rail service with a MAS of 90 to 110 mph on reactivated middle tracks and/or reactivating or extending passing sidings was not compatible with high-tonnage freight service between Petersburg and Norfolk. The letter further suggests that higher speed passenger trains should ideally be separated from freight trains by constructing dedicated passenger tracks.

Furthermore, FRA has regulations regarding safety at grade crossings. An alternative with a MAS of 90 mph would require some grade crossing enhancements. However, alternatives with a MAS of 110 would require substantially more safety enhancements. Another way of meeting the mandate to upgrade crossings would be to close them. Project analyses determined that a corridor with a MAS of 90 mph would require the upgrade or closure of approximately 17 percent of public grade crossings and 42 percent of private grade crossings, as compared with a corridor with a MAS of 110 mph, which would require the upgrade or closure of approximately 45 percent of the public grade crossings and 71 percent of the private grade crossings. Therefore, the 90 mph Selected Alternative has more moderate capital costs and impacts related to grade crossing upgrades and closures than a 110 mph alternative.

## 3.3 Summary of Potential Environmental Effects

In accordance with NEPA, and as part of the Tier I EIS process, FRA and DRPT assessed the potential impacts to the built and natural environment. The Tier I EIS identified impacts on a general and qualitative basis. More detailed analysis will be conducted during Tier II analyses. To assess potential effects for each resource, readily available information and data was used. Detailed methodologies for each resource can be found in the Tier I EIS and supporting appendices. Most of the analysis is a qualitative assessment of effects. Where feasible, quantitative data was used to assess effects of the Project on the environment.

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<sup>4</sup> The Hampton Roads Transportation Planning Organization (HRTPO), the Metropolitan Planning Organization for the Hampton Roads region, resolution endorsing Alternative 1 with enhancements focused on the designation of a "High-Speed Rail" corridor along the NS/US Route 460 corridor designed ultimately at speeds of more than 110 mph; and in conjunction with the high-speed rail corridor, the enhancement of the intercity passenger rail service along the CSX/Amtrak/I-64 corridor. This "Enhanced Alternative 1" was not endorsed by the CTB for the Selected Alternative.

**Table 2: Summary of Potential Environmental Effects**

| Category   | Selected Alternative  |
|--|---|
| <b>Transportation</b>  |   |
| Estimated Probable Ridership (2025 projection)   | High rider estimate: 1,110,000<br>Low rider estimate: 939,600   |
| On-time performance  | 84% (projected)   |
| Trip time – vehicle/rail (savings)   | 0:53 (minutes)  |
| <b>Grade Crossing Safety</b>   |   |
| Need for Grade Crossing Consolidation/Closures   | Yes   |
| <b>Air Quality</b>   |   |
| Effects on Regional Air Quality  | Provides greatest benefit to regional air quality   |
| <b>Noise and Vibration</b>   |   |
| Sensitive Land Uses Identified   | Yes   |
| Noise and Vibration Impacts  | Increase in frequency of noise exposure/New noise source  |
| <b>Energy</b>  |   |
| Annual Energy Use (billions of BTUs)   | 31  |
| % annual Energy Use over Status Quo Alternative  | 417%  |
| <b>Land Use</b>  |   |
| Consistency with Regional/Local Adopted Plans  | Supports specified goals related to transportation, regional connectivity, economic growth along both routes                                    |
| Requires Conversion of Land Use  | Potentially on Southside/NS route (Kilby Connection, new station locations)   |
| <b>Communities</b>   |   |
| Population and Employment (existing and proposed)  | Likely increase   |
| Environmental Justice (disproportionate adverse impacts expected?)   | No impact   |
| Communities/ Community Facilities  | Southside/NS route: Potential grade crossing closures could impact community cohesion<br><br>Peninsula/CSXT route: Continues current conditions |
| <b>Federally Owned Land, Open space, Parklands, State Forests, Wildlife Refuges and Conservation Easements</b> |   |
| Federally Owned Land   | No impact   |
| Open Space, Parklands, State forests , Conservation Easements  | Potential for proximity effects (noise) along both routes   |
| Wildlife Refuges   | No impact (alignment is north of the Dismal Swamp)  |
| <b>Farmlands</b>   |   |
| Farmlands, Agriculture   | Potential impacts (Kilby connection)  |
| <b>Visual and Aesthetic Characteristics</b>  |   |
| Change in Visual and Aesthetic Characteristics   | Alterations in aesthetic/visual character expected near proposed Bower's Hill and Norfolk stations  |
| <b>Utilities</b>   |   |
| Utility Relocations  | Potentially   |
| Potential Disruption in Services   | Potentially   |
| <b>Contamination and Hazardous Materials</b>   |   |
| Recognized Environmental Conditions (REC) Identified   | Yes   |
| Potential to Encounter RECs  | Potentially   |
| <b>Cultural Resources</b>  |   |
| Architectural Resources  | Potential for proximity effects, primarily along Southside/NS routes  |
| Archaeological Resources   | Potential to impact where infrastructure improvements require additional ROW  |
| <b>Geologic Resources</b>  |   |
| Mines  | Inactive mines identified   |
| <b>Hydrologic/Water Resources</b>  |   |
| Surface waters   | Potential to impact where infrastructure improvements require additional ROW  |
| Floodplains  | Potential to impact where infrastructure improvements require additional ROW  |
| Wetlands   | Potential to impact where infrastructure improvements   |

| Category                    | Selected Alternative   |
|-----------------------------|--|
|                             | require additional ROW   |
| Water Quality               | Greater potential for increased run-off with new impervious surfaces at new stations |
| Coastal Zone                | Potential to impact coastal resources  |
| <b>Biological Resources</b> |  |
| Protected Species           | Potential for impacts near Williamsburg Amtrak Station and Bower's Hill Station      |
| Protected Habitats          | Potential for impacts where infrastructure improvements require additional ROW       |
| <b>Section 4(f)/6(f)</b>    |  |
| Section 4(f) Resources      | Potential for proximity effects along both routes                                    |
| Section 6(f) Resources      | Impacts unlikely   |

The Project area lies within Virginia's coastal plain, an area rich in natural resources. As such, numerous wetlands, floodplains and wildlife habitats exist along and are crossed by both rail routes. As previously stated, for purposes of the Tier I EIS documentation, the effects presented above are only estimates based on readily available information and conceptual engineering. Potential impacts to identified resources are closely linked to construction activities that may alter existing rail infrastructure and right-of-way width, such as construction of sidings to allow for passing, potential alterations to existing structures along the rail lines, and potential facilities, such as passenger stations. Detailed engineering was not conducted as part of the Tier I analysis and assessment of site specific impacts was not necessary or appropriate during this phase of study. Site specific impacts associated with the Selected Alternative will be further evaluated with Tier II environmental analysis and documentation. It is expected that through proper planning and context-sensitive design, many impacts will be avoided and minimized. As planning for the Project progresses, DRPT will continue to coordinate with resource agencies to ensure that unavoidable impacts are mitigated appropriately.

#### 4.0 Public Involvement

DRPT undertook an extensive public involvement program with an objective to provide as many opportunities for as many people as possible to participate in the Tier I EIS process. The process has enabled the Project team to educate stakeholders, engage public agencies and provide a forum for the public to be informed and provide input at each phase of Project development. Elements of the program include the establishment of a Technical Working Group to help guide the initial Project development process, public workshops and information meetings, and presentations to general interest groups in the corridor and elsewhere in the Project area. Printed and electronic public information materials have been available during various meetings and online, explaining the various phases of the Project and providing updates on milestones.

At various phases of the Project, the Project team has hosted a website, distributed newsletters and flyers about upcoming events and Project updates, and manned a telephone hotline. Notifications, as required under NEPA, have also been included in the Federal Register, starting with the publication by FRA on February 23, 2004, with a Notice of Intent (NOI) to prepare a Tier I EIS for the Project. Other publications in the Federal Register include the NOA of the Draft Tier I EIS (December 18, 2009) and of the Final Tier I EIS (August 31, 2012).

#### 4.1 Summary of Comments on the Draft Tier I EIS

In December 2009, FRA published in the Federal Register a Notice of Availability (NOA) to advise the public and other participating agencies that the Project Draft Tier I EIS was available for public review and comment. The NOA also identified locations where the document could be reviewed and noted dates, times, and locations for public hearings. Public hearings were held in January 2010 in Richmond, Newport News, and Norfolk. The three public hearings were well attended with over 700 participants total.

Agencies and individuals were provided the opportunity to comment on the Draft Tier I EIS through several avenues, including verbal comments at each public hearing, written comments, online comment forms and Survey Monkey, a web-based tool to conduct and assimilate survey responses.

Approximately 630 agencies, individuals, interest groups, and stakeholders provided comments on the Draft Tier I EIS, resulting in over 1,200 individual comments (846 written comments and 410 comments received

via Survey Monkey). Each commenter was designated with a unique identification number to track and compile comments into comment/response matrices. In general, a majority of the comments received from the public were in support of the Southside/NS route and maintaining the existing passenger rail service along the Peninsula/CSXT route. In particular, there was support for the Hampton Roads Transportation Planning Organization's (HRTPO) October 2009 resolution supporting the Selected Alternative with enhancements. Other comments reiterated the purpose and need for the Project, addressed costs and funding, railroad operations and technical resource analysis. Comments received were responded to in the Final Tier I EIS (See Chapter 7 and Appendix F of the Final Tier I EIS).

## 4.2 Summary of Comments on the Final Tier I EIS

The Final Tier I EIS was distributed to various agencies, elected officials, and libraries along the corridor. The availability of the document was also announced in the Federal Register, through a DRPT mailing/press release, and the Project website. A 30-day waiting period was established for the Final Tier I EIS and later extended to October 1, 2012. Eight written letters were received on the Final Tier I EIS. The following provides a summary of those comments and provides responses.

### *US Environmental Protection Agency (EPA), Region III*

EPA reports that they have some concerns over the level of detail provided in the Final Tier I EIS and that they are unclear as to the level of NEPA documentation that will be used for the Tier II analysis. In the Tier II analysis, all impacts should be evaluated more fully at a Project level to include all aspects of the Project, such as access roads, storage areas, maintenance, parking, stations, etc. EPA further suggests that during the Tier II analysis, FRA and DRPT should continue to evaluate ways to avoid and minimize impacts and that detailed mitigation should be provided for unavoidable impacts.

**Response:** As planning for the Project progresses, more detailed analysis and engineering will be conducted that will allow for more detailed analysis of impacts. Mitigation will be identified in Project-level analysis at Tier II, as appropriate and determined in coordination with the regulating resource agency.

Should federal funding sources for the future phases of the Project be identified, DRPT will coordinate with FRA to determine the appropriate scope of environmental analysis to be conducted. Given that funding sources are unclear at this stage of the Project for Tier II, FRA and DRPT are unable to determine the appropriate NEPA class of action for future stages of project development. Project features such as stations, for example, could be locally or privately funded and, therefore, may not result in the use of federal funds or actions to be assessed under NEPA.

### *Virginia Department of Environmental Quality (DEQ)*

DEQ completed a review of the Final Tier I EIS on behalf of the Commonwealth of Virginia. As part of this review DEQ invited various state agencies and localities and planning district commissions to participate; however, only the following agencies, localities, and planning district commissions participated in the review:

- Department of Environmental Quality
- Department of Game and Inland Fisheries
- Department of Conservation and Recreation
- Department of Historic Resources
- Department of Health
- Department of Transportation
- Department of Forestry
- Marine Resources Commission
- Richmond Regional Planning District Commission
- City of Williamsburg

In general, the Commonwealth's review highlights the need for future coordination with overseeing regulatory agencies and localities to ensure all applicable reviews and permits are acquired prior to advancing the Project. Most comments from the DEQ acknowledge that more detailed analysis and coordination will be

done at the Tier II level as the Project advances. Many of the agencies indicate the need for more detail on the Project and its components in order to make an assessment of effect and many are requesting field surveys for various natural resources. Comments received also pointed to various adopted plans and data that are more current than what was used in the Final Tier I EIS.

**Response:** As planning for the Project progresses, more detailed analysis and engineering will be conducted. Should federal funding sources for the future phases of the Project be identified, DRPT will coordinate with FRA to determine the appropriate scope of environmental analysis to be conducted. As suggested by the comments received from DEQ, on behalf of the Commonwealth, FRA and DRPT will reinstate communication and correspondence with potentially affected agencies as appropriate and recommended.

The Final Tier I EIS does not need to be updated to reflect the comments pertaining to updating data sources; however, future environmental review documents will be updated to reflect current conditions and data sources at the time documents are prepared.

#### **Virginia DOT, Hampton Roads Transportation Planning and Land Use Office**

The Hampton Roads Transportation Planning and Land Use Office of VDOT expressed concern over potential vehicular and pedestrian safety at various at-grade crossings identified by the Final Tier I EIS. VDOT recommends a more detailed program that looks at closing or improving all grade crossings should be implemented prior to commencement of any higher speed rail operations. Additionally, VDOT notes that several planning documents, including the January 2012 Hampton Roads 2034 Long Range Plan, and the April 2011 Crater 2030 Long Range Plan, have been updated and should have been referenced in the Tier I EIS. VDOT further recommends continued coordination with the jurisdictions affected by the proposed improvements.

VDOT also identified several Projects listed in the FY 13-18 Six Year Improvement Program that may be impacted:

- Peninsula/CSXT Route
  - UPC 17633 Route 60 – Croaker Road Bikeway - James City County
  - UPC 102980 Pocahontas Trail/Route 60 Reconstruction - James City County
  - UPC 13496 Route 60 Relocation and Upgrading - James City County/Newport News
  - UPC 57313 I-64 Peninsula Widening - James City County/Newport News
  - UPC 93077 Bridge Replacement over I-64 and CSXT Railroad - Newport News
  - UPC 11816 Middle Ground Boulevard - Newport News
  - UPC 102734 Amtrak Multimodal Station Relocation - Newport News
- Southside/NS Route
  - UPC 13486 Route 460 Relocation – Suffolk to Prince George County
  - UPC 99296 Route 460 Maintenance – Windsor
  - UPC 85945 22<sup>nd</sup> Street Bridge over Seaboard Avenue – Chesapeake

**Response:** As planning for the Project progresses, data used to compile the Tier I EIS will be updated, reported and used for analysis in the Tier II analysis and documentation. Effects on Projects noted by VDOT will be reviewed and documented, as appropriate, in future stages of Project development as more detailed planning and engineering become available. DRPT will continue coordination with applicable federal, state and local agencies; stakeholders; and the public.

#### **Norfolk Southern Corporation**

A comment was received from the Norfolk Southern Corporation (NS). The letter raised the following points:

- The ROD should make clear that the Selected Alternative does not consider a MAS of 90 to 110 mph, but instead considers only a MAS of 90 mph.
- It is unclear whether the Final Tier I EIS is consistent with current NS policy that requires passenger operations at speeds above 79 mph to be performed on separate tracks, separated from freight operations.
- The ROD should make clear if the Selected Alternative involves construction of dedicated passenger tracks on the partially-abandoned Virginia Railroad right-of-way between Algren and Kenyon.

**Response:** DRPT has worked over the course of the Tier I EIS to coordinate with the existing freight carriers on proposed routes and acknowledges the willingness of NS to work together to achieve improved passenger rail service in the Commonwealth. Section 3.0 describes the Selected Alternative with a new higher speed passenger rail service on the Southside/NS route with a MAS of 90 mph, and further describes the Southside/NS route beginning with conventional speeds with a MAS of 79 mph with incremental increases up to a MAS of 90 mph consistent with FRA regulations. It also specifies the use of the abandoned Virginian Railway right-of-way between Kilby and Norfolk, which, with signal improvements, could meet FRA regulations for services operating at a MAS of 90 mph. As noted in the response to comments in the Final Tier I EIS, DRPT will continue to work cooperatively with NS in reintroducing passenger rail service to this corridor.

#### ***Virginians for High Speed Rail***

Virginians for High Speed Rail (VHSR) expressed support for the advancement of improved, enhanced, and high speed rail from Richmond to Hampton Roads and noted that it is vital for the economic prosperity of the Commonwealth. VHSR further stated that the FRA needs to advance this Project and noted its disappointment for proposed corridor with a MAS of 90 mph.

**Response:** DRPT will continue to work with FRA and continue to seek potential funding sources for advancing the Project. As noted in this ROD, DRPT has recommended, and FRA has accepted, the Selected Alternative with a MAS of 90 mph. The basis of the selection of a MAS of 90 mph is due to several factors; primarily, cost and potential interference with the host freight railroad's (NS) operations and concerns. As documented in the Tier I EIS, the preliminary capital cost estimate for the alternative with a MAS of 90 mph was approximately 15 percent lower than the option with a MAS of 110 mph (\$475.4 million and \$543.0 million, respectively, in 2008 dollars). In addition, the preliminary annual operating costs of system with a MAS of 90 mph are slightly lower than preliminary annual operating costs for a system with a MAS of 110 mph (\$80.0 million and \$81.4 million, respectively, in 2008 dollars).

Operationally, running higher speed passenger rail trains along the NS freight lines also creates other considerations that factor into the basis of selection. In a letter dated February 11, 2010, the NS Corporation indicated that operation of speeds of 90 to 110 mph passenger rail service on reactivated middle tracks and/or reactivating or extending passing sidings was not compatible with high tonnage freight service between Petersburg and Norfolk.

Furthermore, FRA has regulations regarding safety at grade crossings. An alternative with a MAS of 90 mph would require some grade crossing enhancements. However, alternatives with a MAS of 110 would require substantially more enhancements. Another way of meeting the mandate to upgrade crossings would be to close them. Project analyses determined that a corridor with a MAS of 90 mph would require the upgrade or closure of approximately 17 percent of public grade crossings and 42 percent of private grade crossings, as compared with a corridor with a MAS of 110 mph, which would require the upgrade or closure of approximately 45 percent of the public grade crossings and 71 percent of the private grade crossings. Therefore, the 90 mph Selected Alternative has more moderate capital costs and impacts related to grade crossing upgrades and closures than a 110 mph alternative.

#### ***Southern Environmental Law Center (SELC)***

The SELC strongly supported efforts to connect Richmond and Hampton Roads through fast, frequent, and reliable passenger rail service. Further, the SELC indicated that several shortcomings identified for the Tier I Draft EIS in their February 2010 comments were not addressed in regards to wetlands; the proposed Bowers Hill Station; ridership and cost estimates; and transportation and energy impacts. SELC also stated support for consideration of speeds in excess of 90 mph and that the ROD leave the issue of higher speeds open for further analysis to be studied in the Tier II documentation.

**Response:** As planning and design for the Project progresses and potential funding sources are identified, more detailed analysis will be conducted. With more refined engineering, site specific impacts will be identified and for any adverse effects, appropriate mitigation will be identified and coordinated with the overseeing regulatory agency. With more detailed planning and engineering, ridership, cost estimates, transportation effects and energy effects will be refined to a greater level of specificity.

In regards to station planning and development, the specific locations of proposed stations will be a local decision. The basis of this selection of an alternative with MAS of 90 mph, as noted in this ROD and response to the VHSR comment, is primarily because of cost and potential interference with the host freight railroad's (NS) operations.

***Future of Hampton Roads, Inc.***

The Future of Hampton Roads, Inc. raised various points about the need for rail service for the Hampton Roads region and the need for thinking about how this corridor relates to other corridors such as the SEHSR and the NEC FUTURE projects. Specifically, the two primary recommendations of this input are:

- Modify the design and speed descriptions of the Preferred Alternative in the Final Tier I EIS and of the Selected Alternative in the ROD to state that design and classification levels can be changed later.
- Add specificity and urgency about the next steps needed for the service to Norfolk and call for an early completion of a Service Development Plan and completion of a Tier II EIS process.

***James F. Babcock, Virginia Beach resident/Former Chairman, Future of Hampton Roads, Inc., and Hampton Roads Chamber of Commerce***

Mr. Babcock expressed support for the comments submitted by the Future of Hampton Roads, Inc. and further expressed that the "Tier I Final EIS should not constrict the eventual development of high-performance passenger rail service for Hampton Roads to a feeder line status." He further notes that the Final Tier I EIS should clearly say that if the initial development is restricted to a MAS of 90 mph, it would not preclude possible adoption of higher-speeds in the future.

***Response:*** As noted in this ROD and previous responses to the VHSR and SELC comments, considering DRPT's recommendation, FRA has selected the alternative with a MAS of 90 mph for the Southside/NS route. This is primarily due to cost and potential interference with the host freight railroad's (NS) operations. The next steps for this Project would be to identify potential funding that could to advance Project implementation. Following Project implementation, further improvements can be considered as needed.

***Sunray Farmers Association of Bowers Hill***

Mr. Szymanski, president of the Sunray Farmer Association of Bowers Hill, expressed concern over the Final Tier I EIS not specifically locating rail stations and added that development associated with the Project and the study needs more detailed analysis to address the potential effects on cultural and environmental resources, human safety, and an evaluation of the interim service plan presented by this organization to use the NS dual tracks through the Dismal Swamp with a station at Yadkin.

***Response:*** The Final Tier I EIS evaluates potential station locations including a location in the vicinity of Bowers Hill. Specific sites for new stations will be determined in the future by the municipalities, and appropriate levels of environmental documentation and a more detailed assessment of effects on the natural, built and human environment will be undertaken at that time.

In regards to the use of tracks through the Dismal Swamp, the US Department of the Interior reviewed the Draft Tier I EIS and provided comments regarding the use of the abandoned Virginian Railway, a portion of which runs adjacent to the Dismal Swamp, a National Wildlife Refuge. The USFWS is concerned that there could be significant impacts on the Refuge. Specific impacts cited by the USFWS include bear and other wildlife movement, increased wildlife strikes/mortality (particularly bear), disturbance to wildlife living within the corridor, wetlands impacts from construction, changed hydrology associated with widening the right-of-way and altering flow in the ditches, and impacts to and loss of wildlife habitat due to widening the right-of-way.

***Louis Guy, Norfolk, VA resident***

Mr. Guy wrote in support of any passenger rail serving this corridor should be considered "first class" and therefore speeds 110 mph or higher should be considered. He further suggests combining the Richmond to Hampton Roads Project and the Richmond to Washington, D.C. Project.

***Response:*** FRA considered DRPT recommendations and selected an alternative with a MAS of 90 mph primarily due to cost and potential interference with the host freight railroad's (NS) operations. While the Richmond to Hampton Roads Project connects to the section of the SEHSR Corridor from Washington, D.C.

to Richmond, VA, combining both projects is not necessary and would delay studies for the Richmond to Washington, D.C. corridor.

## 5.0 Next Steps

With issuance of this ROD, the environmental process for the Tier I EIS will be complete. Timing for the next steps of this Project is uncertain and based primarily on the identification of funding sources to advance the Project. Moving forward, DRPT, or other identified Project sponsors, will prepare Tier II project-level environmental documents that examine impacts related to potential route alignments of the Selected Alternative. For future actions that may involve federal funding, FRA and DRPT will work together to determine the type of Tier II NEPA environmental document(s) to be prepared. The Tier II environmental documents could include any of the following based upon the proposed federal action involved:

- Categorical Exclusions (CE) for actions that do not individually or cumulatively have a significant environmental effect.
- Environmental Assessments (EA) for actions in which the significance of the environmental impact is not readily apparent. An EA can lead to the development of an EIS or a Finding of No Significant Impact (FONSI).
- Environmental Impact Statements (EIS) for projects where it is known or likely that the action will have significant environmental effect.

Other future related actions may be carried out using non-federal funding sources and therefore may not be subject to NEPA, but may require state or local environmental reviews, documentation, or permitting. The Project-level studies will be more detailed in nature, as appropriate to the action, and will continue the public involvement and agency coordination effort already begun in the Tier I EIS. These detailed environmental analyses will assess the environmental impacts of each action and identify ways to avoid, minimize and mitigate impacts. FRA, DRPT, and cooperating federal agencies would use the Tier II study process to determine the exact location and magnitude of each action, such as number of tracks, types of structures, potential station locations as informed by local decisions and configuration, including routing within existing right-of-way, bypasses, and etcetera. As project-level documents are completed, the permitting process (as appropriate) may be initiated and completed, and the construction process could proceed based on funding availability.

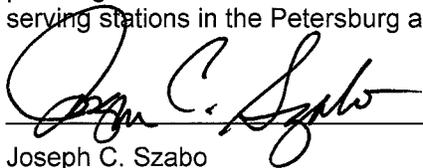
Upon approval of this ROD, DRPT intends to advance the Project into Tier II evaluations and analysis, dependent upon funding. The Tier II analysis will include site specific planning and detailed evaluations of the Selected Alternative. During Tier II analysis, all data presented in the Final Tier I EIS will be updated and expanded to address site specific impacts to identified resources. Project commitments include:

- Conduct field surveys to identify specific impacts to identified resources;
- Update data sources;
- Continue agency coordination with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Virginia Department of Historic Resources, Virginia Department of Environmental Quality, Virginia Marine Resources Commission, Virginia Department of Conservation and Recreation, Virginia Department of Game and Inland Fisheries, and the Virginia Department of Transportation;
- Continue coordination with local jurisdictions along the Peninsula/CSXT route and Southside/NS route;
- Continue coordination with Amtrak, NS, and CSXT;
- Continue coordination with the development of the SEHSR Corridor from Washington, D.C. to Richmond, VA, Raleigh and Charlotte, NC;
- Continue public outreach on Project advancement;
- Develop specific mitigation measures for identified environmental impacts; and
- Develop funding strategies.

As planning and design for the Project progresses, future approvals will be required. Required documentation to comply with Section 4(f) of the US Department of Transportation Act, Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act were not completed as part of the Tier I EIS but will be undertaken during Tier II analyses to the extent federal actions triggering these requirements are present. Initial coordination with the Virginia Department of Historic Resources (VDHR) and the U.S. Fish and Wildlife Service (USFWS) were initiated and potentially affected resources protected under Section 4(f) and Section 106 identified as part of this Tier I EIS process. Upon refinement of the Selected Alternative alignment and ancillary facilities, coordination with the aforementioned agencies will be conducted to complete the requirements of each of these regulations.

## 6.0 Conclusion

FRA selects Alternative 1 as the environmentally preferable alternative for the Richmond/Hampton Roads Passenger Rail Project documented in the Tier I EIS. The Selected Alternative provides for continued conventional speed passenger rail service on the Peninsula/CSXT route with three (3) daily roundtrips serving the existing Richmond Main Street, Williamsburg, and Newport News stations and new higher-speed passenger rail service with a MAS of 90 mph along the Southside/NS route with six (6) roundtrips daily serving stations in the Petersburg area, Bowers Hill and Norfolk.



Joseph C. Szabo

Administrator

Federal Railroad Administration

Date: 12/17/12