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DURHAM COUNTY
COUNTY MANAGER

November 19, 2015

Via First Class U.S. Mail

CIN:150706

Mr. Wendell Davis
County Manager, Durham County
200 East Main Street 2nd Floor, Old Courthouse
Durham, North Carolina 27701

Re: Durham-Orange Light Rail Transit Project
Section 4(f) *De Minimis* Impacts Determination
Durham County Property – Planned New Hope Creek Trail

Dear Mr. Davis,

The Research Triangle Regional Public Transportation Authority d/b/a/ Triangle Transit d/b/a GoTriangle (Triangle Transit), on behalf of the Federal Transit Administration (FTA), seeks the concurrence of Durham County, as the official/entity with jurisdiction over the planned New Hope Creek Trail, with the *de minimis* impacts determination made by FTA for this planned public park property pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, codified at 23 U.S.C. § 138 and 49 U.S.C. § 303, (Section 4(f)) and implemented in 23 C.F.R. Part 774.

Proposed Project

Triangle Transit, in coordination with the FTA, is proposing to construct the Durham-Orange Light Rail Transit (D-O LRT) Project, a transportation improvement in the Research Triangle region within the Durham-Orange (D-O) Corridor between Chapel Hill and Durham.

As explained in the Draft Section 4(f) Evaluation published with the Draft Environmental Impact Statement (DEIS), the National Environmental Policy Act (NEPA) Preferred Alternative for the D-O LRT Project would generally follow NC 54, I-40, US 15-501, and the North Carolina Railroad (NCRR) Corridor into downtown Durham and east Durham. The alignment would begin at UNC Hospitals, parallel Fordham Boulevard, proceed east along NC 54, travel north along I-40, parallel US 15-501 before turning east toward the Duke University campus along Erwin Road, and then follow the NCRR Corridor parallel to NC 147 through downtown Durham, before reaching its eastern terminus near Alston Avenue. The alignment would consist of at-grade alignment, fill and cut sections, and elevated structures and would include 17 stations and one Rail Operations and Maintenance Facility (ROMF). The D-O LRT Project and its relationship to the planned New Hope Creek Trail are shown in Figure 1, which is attached and specifically incorporated herein by reference.

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New Hope Creek Trail (Planned)

There are two segments of the planned New Hope Creek Trail in the vicinity of the NEPA Preferred Alternative. The first segment would provide a link between Old Chapel Hill Road and NC 54. The second segment is planned to provide a connection through the New Hope Creek corridor (and Jordan Game Lands) across US 15-501 to the Orange County boundary. The NEPA Preferred Alternative would cross the both segments of the planned New Hope Creek Trail in the vicinity of US 15-501 on an elevated platform and would require a total of less than 0.1 acre of land for permanent easement. This permanent acquisition would result in a Section 4(f) use. Portions of the New Hope Creek Trail are planned to be constructed on land owned by the County of Durham. The trail is planned to be an off-road pedestrian trail by the City and County of Durham and is included in the *Durham Trails and Greenways Master Plan* (2011).

FTA understands that at this time, there is no funding or timeline for construction of the planned New Hope Creek Trail. The construction of the D-O LRT Project NEPA Preferred Alternative would not preclude the future development of this trail. Further, the D-O LRT Project effects would be minimal given the close proximity of the planned trail to the existing highway structure and the elevated guideway. While the guideway would be a new visual element in the vicinity of the planned trail, the overall change in visual character of the area would be moderate, given the existing highway structure that would be viewed from the trail. Thus, the visual impacts to the trail resulting from the D-O LRT Project would be minimal. Construction of the NEPA Preferred Alternative would result in temporary increases in noise levels that could be considered a nuisance for future users of the planned New Hope Creek Trail (should the trail be constructed prior to the NEPA Preferred Alternative). However, the temporary increase in noise would not adversely affect the protected activities, features, or attributes of the planned trail. Additionally, noise impacts from the operation of the D-O LRT Project NEPA Preferred Alternative are not anticipated to impede the recreational use of the planned New Hope Creek Trail given the ambient traffic noise currently from the highway.

A review of the D-O LRT Project impacts as described above shows the implementation of the NEPA Preferred Alternative would not adversely affect or otherwise restrict the public's use of the planned New Hope Creek Trail, and would not adversely affect the activities, features, or attributes that make this planned trail eligible for protection as a resource under Section 4(f). Based on this assessment, FTA intends to make a determination that the impacts to the planned New Hope Creek Trail would be *de minimis*.

Pursuant to 23 C.F.R. § 774.5, if Durham County concurs with FTA's findings set forth in this letter, we must receive concurrence from Durham County **in writing** in order for FTA to approve the use of the Section 4(f) property for the D-O LRT Project NEPA Preferred Alternative as discussed above. A concurrence clause is included at the end of this letter and may be used for that purpose. If, however, Durham County objects to FTA's findings, or if comments

raise new concerns about the proposed Section 4(f) use and *de minimis* impacts determination, FTA may be required to conduct a formal Section 4(f) evaluation.

We respectfully request your reply to this matter by **December 15, 2015**. Should you have any questions or need additional information, please feel free to contact Stan Mitchell at the FTA Region IV office at 230 Peachtree Street, Suite 1400, Atlanta, Georgia 30303, by phone at (404) 865-5643 or by email at stanley.a.mitchell@dot.gov. Concurrence regarding this matter should also be directed to Triangle Transit via Tammy Bouchelle at P.O. Box 530, Research Triangle Park, North Carolina 27560 or tbouchelle@gotriangle.org.

We look forward to continuing to work with Durham County as the D-O LRT Project moves forward.

Sincerely,

David A. Charters
Manager of Engineering and Design
Triangle Transit

Attachments: Figure 1

cc: Yvette G. Taylor, Ph.D., Administrator, Region IV, FTA
Stanley A. Mitchell, Environmental Protection Specialist, Region IV, FTA
Jeffrey G. Mann, General Manager, Triangle Transit
Tammy A. Bouchelle, Associate General Counsel, Triangle Transit

As the official with jurisdiction over the planned New Hope Creek Trail, Durham County, North Carolina, concurs in the determination that the proposed D-O LRT Project NEPA Preferred Alternative as described above in this letter and shown on the accompanying attachment would not adversely affect the activities, features, or attributes of the planned park property (New Hope Creek Trail) that makes it eligible for protection under Section 4(f). Therefore, Durham County agrees that the D-O LRT Project's proposed permanent use of portions of the planned New Hope Creek Trail meet the criteria for a *de minimis* impacts determination under Section 4(f) of the USDOT Act of 1966 (23 U.S.C. § 138 and 49 U.S.C. § 303, and implemented in 23 C.F.R. Part 774). Durham County has been informed that, based on its concurrence, the FTA intends to make this *de minimis* impacts determination regarding the planned New Hope Creek Trail, thus satisfying FTA's requirements under Section 4(f) with respect to this certain resource.

ON BEHALF OF DURHAM COUNTY, NORTH CAROLINA

Signature: _____

Name: Wendell M. Davis

Title: County Manager

Date: Dec 15, 2015
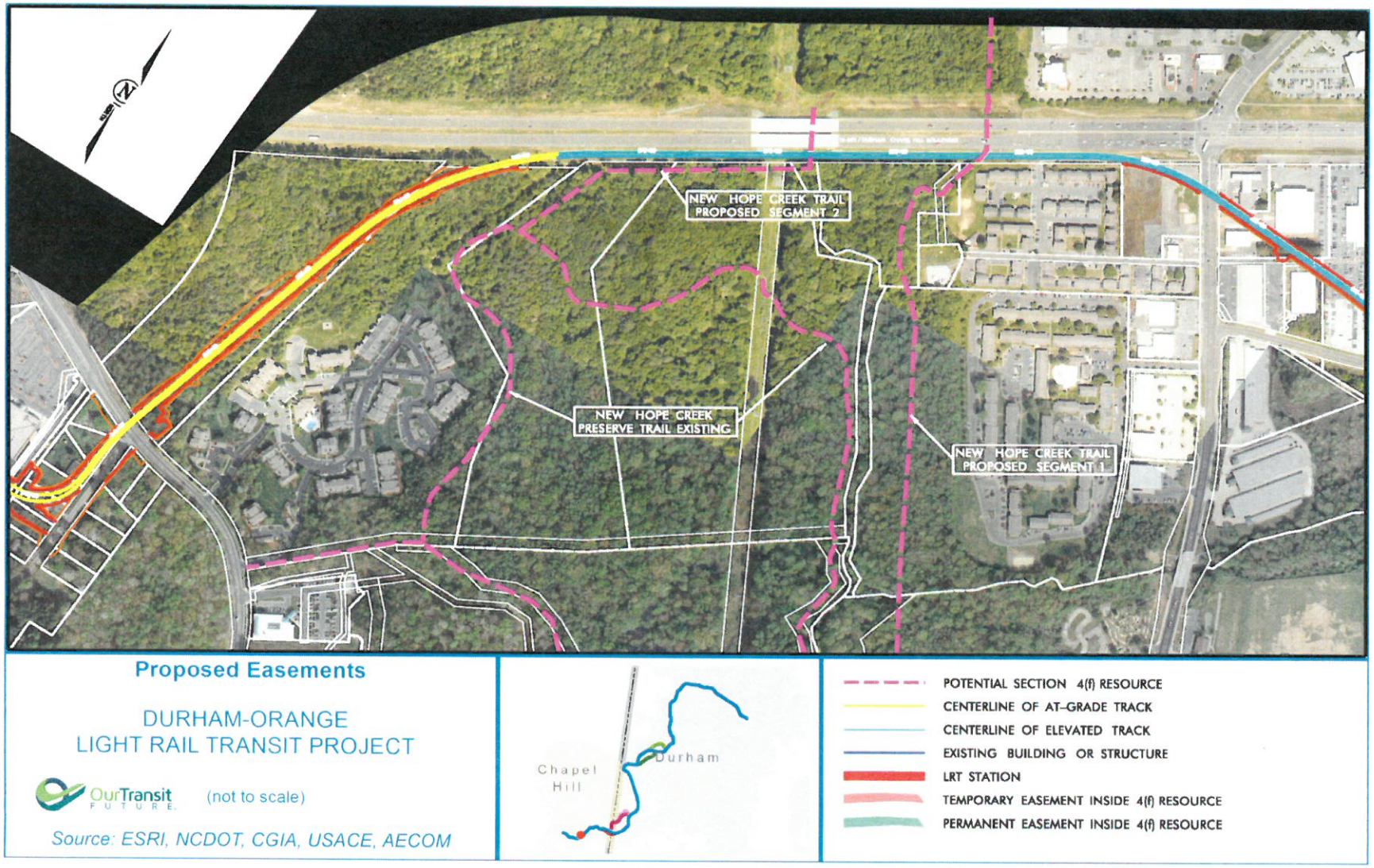
Figure 1: D-O LRT Project at New Hope Creek Trail (Planned)