

**FEDERAL TRANSIT ADMINISTRATION  
REGION 3  
FINDING OF NO SIGNIFICANT IMPACT**

**Project: Dulles Corridor Metrorail Project, Phase 2 Preliminary Engineering Design Refinements**

**Project Sponsor: Metropolitan Washington Airports Authority**

**Project Location: Fairfax and Loudon Counties, Virginia**

## **INTRODUCTION**

The Metropolitan Washington Airports Authority (Airports Authority) is proposing to construct the second phase of the Dulles Corridor Metrorail Project (Project), a two-phase extension of the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system in Fairfax and Loudoun Counties, Virginia. The Federal Transit Administration (FTA) evaluated the Project through a Final Environmental Impact Statement (Final EIS) published in 2004. The Airports Authority is currently constructing Phase 1 of the Project, which extends from the existing East Falls Church Metrorail Station through Tysons Corner, Virginia and terminates at Wiehle Avenue in Reston, Virginia. Phase 2 of the Project would involve an 11.4 mile extension from Wiehle Avenue-Reston East Station to Dulles International Airport and beyond, terminating at the Route 772 Station in eastern Loudoun County.

FTA and the Airports Authority, as joint-lead agencies, and the Federal Aviation Administration (FAA) and WMATA, as cooperating agencies, prepared an Environmental Assessment (EA) to evaluate potential environmental and socioeconomic effects from design refinements to Phase 2 of the Project in accordance with 23 CFR 771.130(c). The EA was issued for public review on May 10, 2012. The design refinements evaluated include changes to parking facilities, station entrance facilities, ancillary facilities, and relocation of the Dulles International Airport Station from below to above ground.

Based on the EA, public comments received, and coordination with appropriate agencies, including the Virginia Department of Historic Resources (VDHR), FTA has determined that there are no significant environmental or socioeconomic impacts associated with the Phase 2 design refinements of the Project. Furthermore, FTA has determined that a supplemental environmental impact statement (EIS) is not required. This finding of no significant impact (FONSI) does not supersede the FTA November 2006 Amended Record of Decision (Amended ROD) for Phase 1 and Phase 2 of the Project, and is being prepared as an attachment to the Amended ROD.

The FAA issued a new Record of Decision (ROD) for the Project in July 2005 that replaced the previous FAA ROD from April 2005. The FAA July 2005 ROD for the Project specified that a written re-evaluation of the continued adequacy, accuracy, and validity of the Final EIS would be

required prior to the commencement of Phase 2 activities, in accordance with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*. The Phase 2 design refinements include changes to the proposed Dulles Airport Layout Plan, specifically regarding the location of the Dulles Metro Station, track alignment, and rail yard layout. These changes are a federal action subject to the approval of the FAA. Therefore, the FAA will amend its July 2005 ROD for the Project.

## **PROJECT DESCRIPTION**

The EA evaluated the following design refinements:

- Herndon-Monroe Station Parking Facilities
  - Consolidation of all new parking in a single garage structure
- Route 28 Station North Side Facilities
  - Shift in location of station entrance
- Dulles International Airport Alignment and Station Location
  - New aerial alignment and station location
- Route 772 South Side Station Facilities
  - Re-configuration of entrance facilities and reduction in surface parking to better accommodate future development
- Rail Yard
  - Changes to yard layout and new location for lead tracks
- Ancillary Facilities
  - Revised locations of stormwater management facilities
  - Changes to Traction power substation and tie-breaker station locations
  - Reduction in tail track length

## **ALTERNATIVES**

The EA only evaluated the potential environmental impacts of any design changes between the original locally preferred alternative (LPA) that was evaluated in the Final EIS and approved in the Amended ROD against the refined locally preferred alternative (Refined LPA) that was developed during Preliminary Engineering for Phase 2 of the Project. No additional alternatives were evaluated beyond those considered in the Final EIS. Nor did the EA evaluate a No Action Alternative as doing so would override the decision made in the Amended ROD on the basis of the Final EIS. This is consistent with FTA regulation, 23 CFR 771.130, that changes of limited scope related to the entire Project do not necessitate reconsideration of the entire project.

## **AGENCY AND PUBLIC COORDINATION**

The Airports Authority project team regularly posted materials regarding the progress of the EA on the Project's website at [www.dullesmetro.com](http://www.dullesmetro.com) and shared Project updates via email and website notifications. Project information was also widely distributed through media releases, and included targeted outreach at community events such as civic association meetings, local fairs/carnivals, and conferences/meetings of professional and specialty interest groups.

Two public meetings for general Phase 2 information on the Project were held in September 2010 for citizens and interested parties to learn about the different design refinements. These public meetings used visual displays and one-on-one discussions with Project staff and citizens. Comments received during these September 2010 meetings were summarized in the Public Information Workshops Outreach Summary Report (December 2010) and placed on the Project website.

FTA issued the EA on May 10, 2012. Copies of the EA were mailed to the elected officials, agencies, and stakeholder organizations. In addition, an electronic copy of the EA was posted and made available for download on the Project's and WMATA's website at [www.wmata.com/hearings](http://www.wmata.com/hearings). Correspondence with state and Federal agencies, along with Federally recognized tribes, is included in Appendix B of the EA. Also, hard copies of the EA were made available to the public at WMATA's and Airport Authority's offices, and public libraries including the Ashburn Library, Dolley Madison Community Library, Cascades Library, Mary Riley Styles Public Library, Great Falls Community Library, Herndon Fortnightly Library, Patrick Henry Community Library, Reston Regional Library, Sterling Library, and Tysons-Pimmit Regional Library.

A public hearing on the EA was held in June 2012 to provide citizens and agencies with an opportunity to comment on the findings of the EA. Comments received at the public hearing and during the public comment period, along with responses to each comment, were summarized in the *PE Design Refinements Environmental Assessment Public Hearing Report* (July 2012), which was posted on the Project's and WMATA's website (see Attachment A to this FONSI).

The official comment period for the EA was from May 12, 2012 to June 25, 2012. However, several public comments on a variety of topics were received after the close of the official comment period for the EA. These comments covered a range of considerations including potential costs, traffic impacts, and selection of alternatives. Before making its finding, FTA took into consideration these comments received on the Project. Summary responses, as appropriate, to comments are included in Attachment A to this FONSI.

#### **DETERMINATIONS AND FINDINGS**

FTA has considered the findings presented in the EA, its supporting documents, public and agency comments and responses, and finds under 23 CFR 771.121 that the design refinements associated with the Project, with the mitigation measures contained here, will have no significant adverse impacts that are new or changed from those evaluated in the Final EIS and Amended ROD.

As documented in the EA, in most areas there were no or only minor changes to the previously-identified effects. Changes in effects which require new mitigation measures or modifications to previously identified mitigation measures from the Amended ROD include:

- **Cultural and Historic Resources Effects:** The introduction of an aerial alignment and station at Dulles International Airport was found to have a Section 106 “Adverse Effect” on the Dulles Airport Historic District, which is eligible for the National Register of Historic Places. The Refined LPA will also have a further “Adverse Effect” on the Dulles Airport Historic District by displacing recent landscaping along Saarinen Circle that was planted to replace elements of the Airport’s original landscape plan. In addition, modifications to the location of the yard lead tracks were also found to have a Section 106 “Adverse Effect” on one archaeological resource.
- **Water Resources Effects:** The implementation of the Refined LPA would result in an additional 0.6 acres of permanent wetland impacts and 1,111 linear feet of stream impacts, but there is an overall reduction in the number of stream crossings by one from the LPA. The changes in impacts were due to modifications in the limits of disturbance at the design refinements locations. An analysis of avoidance alternatives determined there were no practicable alternatives that would minimize or eliminate these water resource effects.
- **Land Use Effects.** The Refined LPA will physically encroach into the outer edge of the Runway Protection Zone (RPZ) of Runway 19L-1R. Three options to eliminate this encroachment were presented in the EA and will be evaluated in separate NEPA documentation to be prepared by FAA and the Airports Authority prior to any decision on changes to the RPZ.

#### **MITIGATION MEASURES TO MINIMIZE HARM**

Based on the findings of the EA, the FTA, in coordination with the Airports Authority, FAA, WMATA, and VDHR, will ensure that the mitigation measures specified below are utilized to address effects from the Phase 2 design refinements:

- **Cultural and Historic Resources Effects:** An updated Section 106 Memorandum of Agreement (revised MOA), which identifies specific mitigation commitments required for the Refined LPA was executed in October 2012, including installation of interpretive exhibits, restorative landscaping, and archaeological data recovery. The revised MOA replaces the previous MOA for the Project executed in 2004; however the revised MOA incorporates all of the previous mitigation identified in the 2004 MOA. A copy of the revised 2012 MOA is included as Attachment B to this FONSI.
- **Water Resources Effects:** Most of the wetlands impacts are within the boundaries of Dulles International Airport but expansion of wetland areas within the airport would also serve as wildlife attractants and would negatively interfere with safe airport operations. Therefore, the additional mitigation required for wetland impacts will be satisfied through the purchase of credits at an approved off-site wetland mitigation bank within the same watershed. Compensation for stream impacts will be purchased at an approved off-site stream mitigation bank. A total of 9.37 acres of wetland credits and 1,111 feet of stream credits will be purchased.

- **Land Use Effects:** The Airports Authority and the FAA will conduct a separate NEPA environmental review to evaluate the three options that will eliminate the encroachment into the existing Runway 19L-1R RPZ. FAA intends to amend its July 2005 ROD for the Project, which will address FAA regulatory requirements at Dulles International Airport, and identify the steps and timetable required for elimination of the RPZ encroachment.

FTA will continue to ensure that the Airports Authority designs and constructs Phase 2 of the Project in accordance with the mitigation measures required by the Amended ROD and the additional mitigation measures identified in this FONSI and the revised MOA. FTA is responsible for monitoring and ensuring full implementation of mitigation commitments for the Project overall. To provide a means for FTA to track the progress in accomplishing the mitigation commitments, the Airports Authority has established a mitigation-monitoring program for the Project to ensure adequate communication of mitigation and design commitments to the teams working on final design and construction. Project mitigation measures will be added to the monitoring program to reflect the revised MOA, and the Airports Authority will provide updates to FTA on compliance progress on a quarterly basis, or as needed, through the completion of construction.

## **ENVIRONMENTAL FINDINGS**

### ***Section 106 Compliance***

In accordance with Section 106 of the NHPA, as amended, FTA has determined, with concurrence from VDHR, that the Phase 2 design refinements will have an “Adverse Effect” on two resources within the Dulles Airport Historic District and an “Adverse Effect” on an archaeological site that has the potential to yield important information to the understanding of prehistory. All parties to the project subsequently executed a revised MOA on October 5, 2012, which is included in Attachment B to this FONSI. All parties who expressed interest in the revised MOA were a party to the revision process for the revised MOA.

FTA finds, in accordance with 36 CFR Part 800, that the Section 106 coordination and consultation requirements for the Phase 2 design refinements have been fulfilled.

### ***Section 4(f)***

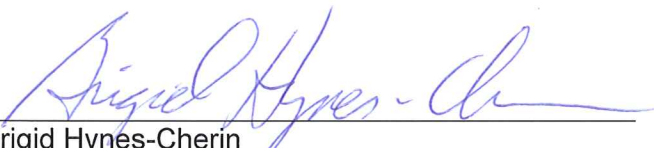
Section 4(f) of the Department of Transportation Act of 1966 protects properties including publicly owned public parks, recreation areas, and wildlife or waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places. Section 4(f) of the Act does not allow federally funded projects to use land from these resources unless deemed by the person with authority over the property that there is no feasible and prudent avoidance alternative and that all impacts to the property have been minimized to the extent possible.

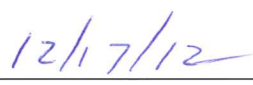
Phase 2 design refinements would require the use of one Section 4(f) resource, the use of land from the Dulles Airport Historic District, however this finding is unchanged from that in the Final EIS and Amended ROD. Phase 2 design refinements would still result in one Section 4(f) direct

use of the “peek-a-boo sequence” along the Dulles International Airport Access Highway, a contributing resource of the National Register-eligible Dulles Airport Historic District. The median of the Dulles International Airport Access Highway was historically reserved for a transit guideway to the Airport. FTA has determined that there is no prudent and feasible alternative to the use of the Dulles Airport Historic District that would serve the purpose of the overall Project of providing high-capacity transit service to the Airport. FTA has further determined that the Project includes all possible planning to minimize harm to the Dulles Airport Historic District, as detailed in the revised MOA and the EA.

**Finding**

FTA finds pursuant to 23 CFR 771.121 and other applicable laws, regulations, and executive orders, that there are no significant environmental or socioeconomic impacts associated with the design refinements for Phase 2 of the Dulles Corridor Metrorail Project. Therefore, pursuant 23 CFR 771.130, no supplemental EIS is required.

  
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Brigid Hynes-Cherin  
Regional Administrator

  
\_\_\_\_\_  
Date

Attachment A – Comments and Responses

Attachment B – Updated Section 106 Memorandum of Agreement (October 2012)

Attachment A  
Comments and Responses





# 3 RESPONSES TO COMMENTS RECEIVED FOR THE RECORD

Public agencies, civic association representatives, interest groups, and the general public submitted comments regarding the Dulles Corridor Metrorail Project during the formal public comment period that followed publication of the EA.

During the official comment period, a total of 14 commenters submitted comments through recorded testimony, letters, or e-mail. Each of these statements was reviewed to identify the specific comments made. These comments were then grouped by topic and further summarized to capture the issues or concerns being raised. Responses to comments have been prepared by subject area. Similar comments were grouped together and answered by a single response. Commenters names are listed in parentheses after each comment to help commenters find responses to their comments. In addition, a Commenter Index is provided in Table 3-1 to assist individuals and agencies in locating responses to their comments. A Subject Index is provided in Table 3-2 to assist commenters and other parties in finding comments and responses in areas of interest. A copy of each record of testimony, letter, and e-mail message received is presented in Appendix D.

**TABLE 3-1: COMMENTER INDEX (PAGE NUMBER)**

<b>State Agencies</b>	
Virginia Dept. of Environmental Quality ..... 3-7, 3-12	Virginia Dept. of Transportation .....3-13, 3-14
Virginia Dept. of Historic Resources .....3-10	
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Fairfax County Park Authority ..... 3-11, 3-12	Fairfax County Dept. of Public Works and Environmental Services.....3-7, 3-8, 3-9, 3-10, 3-12
Fairfax County Dept. of Planning and Zoning..... 3-12, 3-15	Fairfax County Dept. of Transportation ...3-4, 3-12, 3-13, 3-15
<b>General Public</b>	
Burrill..... 3-6, 3-13	Parnes ..... 3-6
Cohn.....3-16	Rosenbloom ..... 3-3, 3-6
Dayton.....3-4, 3-5	Sawislak ..... 3-3, 3-4, 3-11, 3-13
Fairfield,.....3-3, 3-4	Tennyson.....3-3, 3-6, 3-8
Meurlin, ..... 3-3, 3-4, 3-11, 3-16	Whitfield .....3-3, 3-17

**TABLE 3-2: SUBJECT INDEX (PAGE NUMBER)**

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3.1.1 General Support for Project..... 3-3	3.3.2 Water Resources & Stormwater Management . 3-7
3.1.2 Public Involvement..... 3-3	3.3.3 Historic, Cultural & Archaeological Resources.3-10
3.1.3 Cost Saving Priorities and Preferences ..... 3-4	3.3.4 Waste Management.....3-12
<b>3.2 Alternatives Evaluated ..... 3-4</b>	3.3.5 Section 4(f) Use..... 3-13
3.2.1 PE Design Refinements – Extension to Dulles Airport / Route 772 ..... 3-4	3.3.6 Traffic and Ridership..... 3-13
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### 3.1 PURPOSE AND NEED FOR THE PROPOSED ACTION

#### 3.1.1 General Support for the Project

**Comment:** My overall comment is that I support the Refined LPA (Locally Preferred Alternative) because it provides the best balance of transportation, environmental, and fiscal issues. I encourage MWAA and FTA to move with all haste to complete the NEPA process and build the Refined LPA. (Sawislak)

**Comment:** I support this project and think the Phase 2 extension of heavy rail (Metro) is very important. (Rosenbloom)

**Comment:** The refinements will not seriously change or disrupt the basic project environmental benefits. (Tennyson)

**Comment:** The Washington Airports Task Force and its Board of Directors support the revision as presented. (Meurlin)

**Comment:** So I would urge FTA and FAA to approve this environmental assessment refinement, to make the appropriate amendments to the respected Records of Decisions, and move us one step closer to the day when we can all ride Metrorail to our international airport. (Fairfield)

*Response: Comments noted.*

#### 3.1.2 Public Involvement

**Comment:** Since June 2011, at the direct request of US Department of Transportation Secretary Ray LaHood, eight or more closed door meetings have been held regarding the planning and funding of DR Phase 2 attended by representatives of USDOT, MWAA, WMATA, the Federal Transit Administration, Virginia Department of Rail and Public Transportation (VDRPT) plus Fairfax and Loudoun County officials. These meetings were held in direct contravention and willful violation of the US Department of Transportation's "Open Government Initiative." Several attempts to attend these meetings by media representatives and the public, myself included, were ignored. <http://www.dot.gov/open/> Since 2007 or earlier, MWAA has held many Board and Board Committee executive session meetings regarding Dulles Rail costs and Dulles Toll Road toll plans. The press and Dulles Corridor stakeholders, notably representatives of Dulles Toll Road users, were excluded from decisions made in various USDOT and MWAA meetings, many which have had, and will continue to have, a material impact on the public. No public hearing was ever held by MWAA, DRPT or WMATA to evaluate potential funding options and obtain public input on financial alternatives for Dulles rail phase 2. (Whitfield)

*Response: A series of public hearings was held in 2009 by the Metropolitan Washington Airports Authority to solicit public input on the plan of finance for the use of the Dulles Toll Road revenues, including funding for the Dulles Corridor Metrorail Project. Additional updates were provided at public meetings held in 2010 and 2011, additional public hearings and meetings will be held with any future toll rate adjustments. A link to the materials presented at these meetings is found on the Airport Authority's website at [www.mwaa.com](http://www.mwaa.com).*

### 3.1.3 Cost Savings Priorities and Preferences

**Comment:** Specifically I want to stress that in this economic climate, cost savings such as the aerial station concept at Dulles Airport are critical to the success of the project and the ability for the region to recover from this latest economic downturn and to prosper. I cannot stress strongly enough, that to spend hundreds of millions of dollars and possibly as much as half a billion, on a tunnel underground station at the airport is not prudent, necessary nor a good use of public funds. (Sawislak)

*Response: Comment noted.*

## 3.2 ALTERNATIVES EVALUATED

### 3.2.1 PE Design Refinements - Extension to Dulles Airport/Route 772

**Comment:** Fairfax County supports the Phase 2 aerial alignment and above ground Metrorail station at Washington Dulles International Airport (Dulles Airport). (Fairfax County Department of Transportation)

**Comment:** I support the construction of an aerial station at Dulles Airport because I do not believe that the very limited benefits and potential impacts of an underground station compensate for the colossal increase in cost and risk to build underground. (Sawislak)

**Comment:** The Washington Airports Task Force and its Board of Directors support the revision as presented. (Meurlin)

**Comment:** I think in particular the selection of the aerial alternative for the Dulles Terminal Station, the refined architecture of the station, which I observed outside, will strike an appropriate and equitable balance between preserving the architectural and historical integrity of the airport, and particularly the terminal and also shepherding the limited resources we have available to make the Phase 2 project a reality in a method that's most consistent with the public interest. (Fairfield)

*Response: Comments noted.*

**Comment:** One of the major revisions enumerated in the EA for Phase 2 is the movement of the Dulles Airport Station on the Airport Property and the construction of an above grade facility supported on piers. The apparent cost savings measure contemplates a connection to current underground walkways. The EA does not include a comprehensive Geotechnical Study of the effects on the new construction on the ground water levels and movements near and around the walkways and other facilities. The new alignment will involve new supporting structures that will create a network of water routes that could adversely affect the current walk way structures and their interiors. The current walk ways appear to have water leakage issues that will be further exacerbated by the newly created underground water network. The EA fails to address the long term effects on ambient air in the walk ways and the current condition of existing finishes and equipment such as moving sidewalks and escalators and elevators. The capital cost savings are not identified in specifics. Furthermore, there is no life cycle study that addresses water leakage, grouting, and mold control measures that may be necessitated by the new configuration. A full life cycle cost analysis should be made for all of the facilities-rail station, escalators, elevators, moving sidewalks, interior finishes, water removal, mold control on all underground surfaces. The evaluation of

cost savings capital and O & M should be published before a decision is made. In addition, a study should be performed on the existing condition of walkways that will serve the new station to assess potential for mold and other conditions that might affect users. (Dayton)

***Response:** The Final Environmental Impact Statement (FEIS) design also connected to the existing walkway. The findings detailed in the EA for the Refined Locally Preferred Alternative design do not identify changes in these environmental effects from what was previously anticipated in the FEIS. Geotechnical studies for the Project were completed, but are outside the scope of this EA for Phase 2. In regards to mold, all efforts to mitigate and minimize for mold spores will be undertaken. The project will comply with all applicable regulatory and permitting requirements as required.*

**Comment:** The following comment is made with respect to the EA as posted on the internet and EIS for the Dulles Corridor Metrorail Project as enumerated in FAA and FTA record of decision as amended in March 2006. These documents do not address the significant issues that now exist at Dulles Airport concerning the Y-15 Yard Site. Use of the Yard Site was not addressed in the EIS. The use of the site for a stockpile was introduced in the EA of February 2006-Figure 2-17-Paragraph 2.4 Summary-Use Y-15 YARD SITE ON DULLES PROPERTY FOR CONSTRUCTION STAGING AND SOIL STORAGE. This figure shows the location and the division of the site into four components -a rectangular area for soil stockpile and three areas for precast fabrication and storage. The following descriptive dialogue is included in the 2006 EA:

“The Final EIS Wiehle Avenue Extension would not include any improvements or construction activities at the future Service & Inspection Yard Site 15, which would be constructed as part of the project's second phase, the Extension to Dulles Airport/Route 772.”

“A portion of the future Y-15 site on Dulles Airport property (approximately 36 acres) would be used for construction staging, precast concrete fabrication, and precast storage for the PE Wiehle Avenue Extension. The site would be use to stockpile soil from the excavation and tunneling activities in Tysons Corner. The excavated soil would be stored for possible later reuse as fill, or possible to construct a berm along Old Ox Road (Route 606) to screen future yard operations. All soil placed on this site would be placed to avoid any known wetlands and with proper sediment and erosion control. Figure 2-17 (in the 2006 EA) depicts the proposed layout of the Y-15 site for these uses. In addition, soil will be placed on this site in coordination with MWAA to ensure soil compatibility with local conditions.”

Notwithstanding the foregoing explicit guidance, Dulles Airport property and travelers on Route 606 have not been protected. The Dulles Airport property has been used in a manner that has resulted in significant degradation to its intended use. The Dulles Airport property has been a soil disposal depot for Phase 1 for soil from innumerable sources. A visit to the site would reveal huge unseeded piles of soil without designation. It is not located in accordance with Figure 2-17. In addition, traffic control lanes have not been constructed. In addition, the volume of truck traffic has hindered traffic flow on Route 606. The EA does not address when and how the soil will be used. From the size of the piles and the location of the local area and nearby water courses are potential sites for runoff or other deleterious effects. Remarkably, it would appear that the cost of off haul have been eliminated from the cost to the Phase 1 contractor notwithstanding its obligation to dispose of the soil. The EA should have included mitigation measures including testing of the soil, off haul plans, new traffic arrangements for 606 including signaling. The

current situation is a change of circumstance from the EIS and 2006 EA that requires a full impact statement to protect the wetlands and watercourses that traverse Dulles Airport. (Dayton)

*Response: The impacts associated with the use of the Y-15 yard site for construction staging and storage activities were evaluated in the 2006 Environmental Assessment and the required mitigation was included in the Amended FTA Record of Decision executed in November 2006.*

### 3.2.2 Alternatives to Current Design

**Comment:** Looking over the environmental impact and assessment paperwork the Route 28 Station, or the "Innovation Station" as we now call it, does not show a bridge connecting over the Dulles Toll Road. Now, I know it's not part of the station, but it would serve the station if it was built and I'm afraid that if, in fact, we have to go through a completely separate EA cycle to include that bridge, at a later date, we will be spending millions of dollars and wasting that, when it could have been incorporated as part of this. It may not be built at this time, but it should be considered as part of the EA impact at this time. (Parnes)

*Response: During preliminary engineering for Phase 2, the project considered preliminary alignments to accommodate a proposed roadway bridge that would cross the Dulles Toll Road/Dulles International Airport Access Highway and rail guideway in the vicinity of the Route 28 Station. Fairfax and Loudoun Counties are currently in discussions on the alignment and upon agreement would then need to inform the Airports Authority whether they would request that such a bridge could be added to the project scope or funded and implemented separately.*

**Comment:** Good luck in getting Loudoun County to support funding for the Phase 2 Silver Line! Much needed! I think it would be an easier sell if it went all the way to the Leesburg bypass road. Then the County Supervisors would be more likely to use the line and see the benefits, and Leesburg Pike and the Dulles Greenway would have far less traffic! Are they afraid they would lose money on the toll road? (Burrill)

*Response: The current design extends the rail alignment to Route 772 in Loudoun County. An additional rail extension to Leesburg was not evaluated in this EA.*

**Comment:** I would not use transit if it required transfer to bus alternative. Would use taxi cabs, carpool or drive alone. One seat ride from Rosslyn was very important as OmniRide service from Eastern Prince William County focuses on Pentagon and ends at Ballston. Feel that this project is worth public investment including federal funds and Commonwealth of Virginia. I really like the new station names, good job Fairfax County staff. (Rosenbloom)

*Response: Comment noted.*

### 3.2.3 Capital and Operating Costs

**Comment:** Metrorail, in 2010 according to the Federal Transit Administration, moved people with a modest operating subsidy of only 18 cents per passenger mile, compared to a \$1.13 subsidy for MetroBus and 70 cents for Fairfax Connector bus. The Connector has fewer retirees to pension so saves some money there but it may not qualify for federal aid under Section 13(c) of the transit labor law. With Dulles Rail expected to move 225 million annual passenger miles per year, saving 94 cents net on one-

third of them is worth \$ 70 million per year. Saving 52 cents net on another third riding Fairfax Connector will be worth \$ 39 million per year. Saving 17 cents per passenger-mile on the last third driving in autos is worth \$ 12.75 million per year, a total saving of \$ 121.75 million per year on operating expenses. (Tennyson)

*Response: Comment noted.*

### **3.3 ENVIRONMENTAL EFFECTS**

#### **3.3.1 Air Quality**

**Comment:** DEQ's Northern Regional Office (DEQ-NRO) reminds the project managers that construction phases of the project are subject to permitting requirements associated with fuel-burning (or other air pollution-emitting) equipment and to rules governing fugitive dust and fugitive emissions. DEQ-NRO has permitting authority for the region including the project area. (Virginia Department of Environmental Quality)

*Response: Comment noted. The project will comply with the applicable regulatory and permitting requirements and intends to implement the best practice recommendations included in the VDEQ comment letter dated June 14, 2012 (not itemized here but are included in Appendix D of this Public Hearing Report).*

#### **3.3.2 Water Resources & Stormwater Management**

**Comment:** According to (Virginia Department of Environmental Quality) DEQ's Northern Regional Office (DEQ-NRO), the Phase 2 project will affect additional surface waters beyond those contemplated in earlier environmental documents. However, the impacts are consistent with those permitted under Virginia Water Protection Program (VWPP) Individual Permit No. 11-0193, issued on June 10, 2011. (Virginia Department of Environmental Quality)

*Response: Comment noted. The project will comply with the terms of the VWPP permit obtained by the Airports Authority and cited above. In addition, the project will comply with the applicable regulatory and permitting requirements and intends to implement the best practice recommendations included in the Virginia Department of Environmental Quality (VDEQ) comment letter dated June 14, 2012 (not itemized here but are included in Appendix D of this Public Hearing Report).*

**Comment:** Resource Protection Area - EA notes that there would be a 0.44-acre encroachment into a Resource Protection Area (RPA) at the Route 28 station (Innovation Center Station) site, north side facility. The EA indicates that the Metropolitan Washington Airports Authority (MWAA) would request an exception under the Chesapeake Bay Preservation Ordinance for the proposed encroachment. MWAA should not assume that the exception request will necessarily be approved; rather, early coordination with the Fairfax County DPWES -Land Development Services staff should be pursued in order for MWAA to identify issues/concerns that may be associated with the exception request. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *The Airports Authority has previously coordinated with the Virginia Department of Conservation and Recreation (VDCR) on the potential impacts to the RPA and the procedures and requirements for submitting an exception request. Upon submittal of an exception request, VDCR will coordinate its review with the Chesapeake Bay Preservation Act Local Assistance Office for Fairfax County.*

**Comment:** The Environmental Assessment indicates that there would be a net increase in wetland impacts from Phase 2 of the project from 5.2 acres to approximately 5.8 acres as a result of the proposed design refinements. Fairfax County recognizes that at least one of the additional areas of wetland impacts (wetland W-60) would ultimately be lost to private development if it was not affected by the Metrorail extension project. However, another wetland area, W-80 near Herndon-Monroe (Herndon station), would experience increased impacts as a result of the design modifications as outlined in the EA, with the expansion of the proposed parking garage to the west of the existing parking garage, and it is not clear that such impacts would be inevitable absent Phase 2 of the project. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *The reconfigurations of the Herndon-Monroe South and Route 28 South station facilities and garages were incorporated in the current design following coordination with Fairfax County. This has resulted in the additional impact to wetlands, documented on pages 3-33 and 3-34 of the EA. These impacts have been incorporated in approved permits from the US Army Corps of Engineers and the Virginia Department of Environmental Quality.*

**Comment:** The EA indicates that mitigation for wetland impacts will be sought through the purchase of credits at an approved mitigation bank. It is noted that this is consistent with the mitigation measures noted in the Final Environmental Impact Statement and Record of Decision; the document notes that "...all project impacts would occur within Hydrologic Unit Code (HUC) 2070008." HUCs are relatively large areas; it is not clear how close to the areas of impact the mitigation measures will be pursued. Consideration should be given to pursuing wetland mitigation efforts within the same watersheds as the areas of impact, as described below. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *As stated in the EA, the requirements of the Section 404 permit allow for the purchase of credits at an approved mitigation bank. While it is true the credits will be sought within the HUC indicated, the Airports Authority is also planning to purchase credits within the same watershed where the impacts occur.*

**Comment:** Because of these huge motor fuel savings, the construction of transit power substations and parking facilities will have a great net beneficial impact on the environment. Stormwater run-off from the parking lots will not help, but retention ponds will help mitigate the problem leaving us very far ahead environmentally. The railway right-of-way will be ballasted for the most part, which allows water to sink in rather than run off, as it does on highways. A very few people may have to see benign parking facilities and sub-stations so that all people can have less pollution and run-off which is fouling our waterways. (Tennyson)

**Response:** *Comment noted.*



**Comment:** Stormwater Management - The EA states that the revised LPA represents a slight increase in imperviousness compared to the original LPA. Fairfax County is requesting an estimate of the increase and an indication of the total amount of impervious area for Phase 2 of the project. (Fairfax County Department of Public Works and Environmental Services)

*Response: This information is included in the Phase 2 Stormwater Management Report and will be provided directly to Fairfax County.*

**Comment:** The EA states that storm water management (SWM) ponds in flight path areas (including the maintenance yard) must be dry ponds due to Federal Aviation Administration (FAA) requirements. Not counting the five maintenance yard ponds, the County is requesting an indication of which of the ponds listed in section 2.1.4 of the EA are located in flight path areas and which are not. In addition, with the exception of SWM #1A, described as "extended detention," the County requests further information indicating if all ponds located outside flight path areas will be wet ponds. (Fairfax County Department of Public Works and Environmental Services)

*Response: In addition to the ponds located at the maintenance yard, there are five additional ponds located in the general airport "flight path". None of these ponds is considered a wet or retention pond. Based on the preliminary engineering design, none of the ponds included in Phase 2 is currently anticipated to be a retention or wet pond, all Phase 2 ponds will likely be extended detention or dry ponds.*

**Comment:** Comments on specific SWM facilities as described in section 2.1.4 of the EA: Several of the facilities listed mention sand filters. Sand filters are typically used as a component of a treatment train to remove pollution from stormwater. Additional performance enhancement options (see below) should be considered to increase treatment before discharge to receiving waters, to groundwater or for collection and reuse. (Fairfax County Department of Public Works and Environmental Services)

*Response: Comment noted.*

**Comment:** As noted above, SWM # 1 A is described as an "extended detention" pond. What will be the detention time of this pond compared to the other ponds listed under 2.1.4? (Fairfax County Department of Public Works and Environmental Services)

*Response: Extended detention is generally no less than 48 hours. Additional details are provided in the Phase 2 Stormwater Management Report.*

**Comment:** SWM #3A mentions inclusion of a "storm filter." It is not clear if this is a reference to a cartridge media treatment system (such as StormFilter, or similar) or to some other kind of BMP (Best Management Practice). (Fairfax County Department of Public Works and Environmental Services)

*Response: Reference is made to a generic "storm filter" that will likely have the same performance requirements of a proprietary StormFilter.*

**Comment:** SWM #14 is to be "retrofitted for quality control." Assuming that this refers to retrofits to provide or improve water quality benefits, additional information is needed on the nature of the proposed retrofits and the expected benefits. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *SWM #14 is no longer being retrofitted for the Phase 2 project due to a change in project limits.*

**Comment:** SWM #6A is described as "an underground facility." It is unclear whether "underground" refers to containment/storage, detention or retention of stormwater runoff. More information is needed. If tank storage is being considered, this may present an opportunity for rainwater capture/reuse at the Herndon-Monroe station (Herndon station). (Fairfax County Department of Public Works and Environmental Services)

**Response:** *This underground facility is intended to be a detention facility such as an underground vault that will control the release of runoff following it being stored in order to minimize the effects on downstream facilities. Details on the current preliminary engineering design are included in the SWM Report.*

**Comment:** Information on the storage capacities, detention times and water quality benefits of existing and proposed SWM ponds is needed to more fully evaluate the efficacy of the proposed stormwater mitigations. Ideally, stormwater best management practices (BMPs) should be used to manage and detain runoff as close to the source as possible. Over-detaining in areas where controls exist to offset the lack of controls in other areas should be avoided to the maximum extent practicable. Low Impact Development (LID) techniques and practices should be pursued as much as possible in order to reduce stormwater runoff pollution and facilitate infiltration at the source. Examples of these types of techniques include vegetated swales, infiltration trenches, sand filters and porous pavement. In areas where conventional stormwater management ponds are to be used, it is recommended that these be designed with enhanced pollutant removal features such as micro-pools and wetland vegetation to optimize water quality benefits. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *Comments noted. Because of existing drainage patterns and the limited availability of land in this corridor, in some cases there were limited options available to meet the VDCR criteria related to SWM water quality and quantity controls. Low Impact Development (LID) techniques and other Best Management Practices (BMPs) will be utilized wherever practicable.*

**Comment:** The EA states that increased wetland losses and minor impacts to aquatic habitat are expected. It is highly recommended that impacts to streams and wetlands be mitigated as close to the project (and within the watershed) as possible, when and where impacts are unavoidable. (Fairfax County Department of Public Works and Environmental Services)

**Response:** *Comment noted. Efforts are being made to mitigate wetland and stream impacts within the watershed.*

### 3.3.3 Historic, Cultural & Archaeological Resources

**Comment:** Through the process outlined in Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800, the Federal Transit Administration (FTA) and Metropolitan Washington Airports Authority (MWAA) determined, with concurrence from DHR, that the Refined LPA will have an Adverse Effect on the Dulles Airport Historic District and archaeological site 44LD1956, both of which are resources eligible for listing in the National Register of Historic Places (NRHP). In the case of the Dulles Airport Historic District, the introduction of the new, incompatible visual elements, i.e. the aerial guideway and station, into the historic district, the destruction of one of the remaining Saarinen "peek-a-boo" approach views of the historic terminal, and physical

encroachment into the Dan Kiley-designed landscape by support piers from the aerial station. Concerning the prehistoric archaeological site 44LD1956, construction of RLPA will result in its partial destruction.

The FTA and MWAA have been consulting with DHR and other parties to develop a Memorandum of Agreement (MOA) that will include specific strategies to mitigate the adverse effects caused by the undertaking. The DHR anticipate that this consultation will continue until an acceptable MOA can be signed. We request that FTA and MWAA continue to work with this agency and the other consulting parties in order to realize this goal. (Virginia Department of Historic Resources)

**Response:** *Comment noted. FTA, WMATA and the Airports Authority will continue coordination and consulting party requirements on a revised MOA.*

**Comment:** The design concept proposed for the aerial station in the Refined LPA is functional, respectful, and complimentary to the historic Saarinen terminal. Rather than creating additional adverse effects, the station design actually reduces the visual impact of Parking Garage 1 (north garage) on the historic terminal by adding an element of complimentary design to the visual landscape. While both the LPA and the Refined LPA have adverse effects, the Refined LPA is the lesser of the two because of its improvement of the main view shed of the terminal. The impact on the peek-a-boo sequence is minor and does not constitute a major change from the visual impact of the service roadway bridge. (Sawislak)

**Comment:** Regarding impacts on the Dulles historic district: as the aboveground station at Dulles Airport is essentially grafted onto the front of the north side structured parking, we do not believe it will have any negative impact on the architectural splendor of the Saarinen Terminal. Rather, the aboveground location will give rail riders a singularly impressive view of the airport terminal. (Meurlin)

**Response:** *Comment noted.*

**Comment:** Historic preservation comments are confined to the aerial guideway and above-ground station at Dulles Airport; Dulles Airport National Register-eligible Historic District. Chapter 3, page 3-22. It appears from the EA that design for the Refined LPA above ground guideway takes into consideration the intrusive visual effects on the approach view that an above ground guideway will have and that the project design will seek to minimize the effect of the guideway on this view which contributes to the National Register-eligible Historic District. Fairfax County encourages a design that causes the least amount of impact on the views, including consideration of consolidation of the tracks into one aerial guideway structure. The Draft Memorandum of Agreement (MOA) (see Appendix D) stipulation 2, page 6, requires a design of aerial structures that minimize the interruptions to the views of the Main Terminal building. Further, at Section 3.4, Visual and Aesthetic Resources outlined the approach view of Dulles International Airport regarding the introduction of an aerial guideway. The document states that the "current design requires only a single bent to cross the inbound DIAAH lanes" (page 3-22) and references Figure 3-11 for visualization. The visualization shown in Figure 3-11 has two bents; therefore, an updated image with the current design of only a single bent should be provided to enable proper evaluation of visual impacts. (Fairfax County)

**Response:** *The visualization referenced in Figure 3-11 only shows a single bent structure supporting both guideways. Additional coordination on the design will be done in accordance with the terms of the amended Section 106 MOA.*

**Comment:** Chapter 3, page 3-27, Mitigation, Historic Architecture. Several alternatives for potential interpretation of the historic properties within the National Register-eligible Historic District are cited. However, no commitment is made that any of these alternatives will be implemented, only that they will be considered. A commitment is needed for implementation and needs to be specifically stipulated in the Draft Section 106 MOA (see Appendix D) that is currently being updated. There are several viable alternatives identified in this section of the EA that would enhance the visitor experience while educating one on this important architectural resource. (Fairfax County)

**Response:** *A draft historic interpretive treatment plan is being developed in accordance with the terms of the updated MOA that will outline a program of what will be implemented as mitigation commitments required by the State Historic Preservation Office, which is the Virginia Department of Historic Resources.*

**Comment:** Chapter 4, Page 4-5, Historic District and Contributing Resources. Discussion of the Dulles Airport National Register-eligible Historic District tentatively defined in 1989. A National Register nomination should be prepared for the Dulles Airport Historic District as part of the mitigation. This could be specifically stipulated in the Draft Section 106 MOA (see Appendix D) that is currently being updated. (Fairfax County Departments of Transportation, Planning and Zoning, and Public Works and Environmental Services, and the Fairfax County Park Authority)

**Response:** *As stated, Dulles Airport Historic District was tentatively defined as National Register eligible in 1989. To date, the Metropolitan Washington Airports Authority has not elected to submit a National Register nomination for the Dulles Airport Historic District.*

**Comment:** Construction of the Route 28 station (Innovation Center Station) included associated parking and storm water management area may have potential impacts on Site #44FX2233. This 19<sup>th</sup> century domestic site has not been formally evaluated for National Register of Historic Places; therefore, a Phase I archaeological survey is recommended. If significant sites are found, a Phase II archaeological testing is recommended in order to determine if sites are eligible for inclusion into the National Register of Historic Places. If sites are found eligible, avoidance or Phase III archaeological data recovery is recommended. (Fairfax County Park Authority)

**Response:** *As noted in the Project's DEIS (2002) and associated technical reports, Site #44FX2233 was identified and evaluated in a 1997 Phase I archaeological study of the Dulles Green area conducted by Thunderbird Archeological Associates. That study identified #44FX2233 as the remnants of a domestic complex (c. 1875-1900) depicted at this location on historic maps. Its findings indicated surface deposits were present, but that subsurface integrity had been compromised by grading and filling. As a result, the site is probably ineligible for the NRHP and no further work was recommended.*

### 3.3.4 Waste Management

**Comment:** DEQ recommends that if any solid waste or hazardous waste is generated or encountered during construction of the project or its operation, the project manager and facility manager follow applicable federal, state, and local regulations for management and disposal of the waste. See "Regulatory

and Coordination Needs," item 4, for citations of applicable law and regulation and sources of additional information. (Virginia Department of Environmental Quality)

*Response: Comment noted. The project will comply with the applicable regulatory and permitting requirements and intends to implement the best practice recommendations included in the VDEQ comment letter dated June 14, 2012 (not itemized here but are included in Appendix D of this Public Hearing Report).*

### 3.3.5 Section 4(f) Use

**Comment:** I concur with the EA's finding that both the LPA and the Refined LPA include a use of a historic resource protected under Section 4(f). However, as discussed in the section above, I find that the impact of that use is lessened by the design concept proposed in the Refined LPA and the fact that the aerial station allows all ground arriving passengers and employees an opportunity to view the station upon arrival. For these reasons, I find that the Refined LPA provides a partial mitigation of the use proposed in the 2004 LPA. (Sawislak)

*Response: Comment noted.*

### 3.3.6 Traffic and Ridership

**Comment:** I think it would help convince Loudoun County Supervisors to support Phase II funding if you posted realistic projected ridership figures in a prominent location on your website. It would also help for everyone to learn how much traffic congestion on Leesburg Pike and the Dulles Greenway would likely be reduced after the line opens. (Burrill)

*Response: The current EA focuses only on design changes to Phase 2 since the FEIS. No new ridership projections were prepared. Additional information on the project's effects to the local roadway network is included in Chapter 6 of the 2004 Final EIS. The results for the "Full LPA" refer to the entire Project (Phase 1 and Phase 2 combined).*

**Comment:** The previous inconsistency in the description of how traffic forecasts were developed has been corrected. This has resulted in changes in previous forecasts for some stations, with resulting changes in traffic analysis. Several references exist to Virginia Department of Transportation (VDOT) design standards. VDOT has recently adopted revised (urban) standards for streets in the Tysons Corner area. Although these standards apply at this time only within Tysons, it may be possible for them to be adapted to other urban areas if the county wishes to pursue this with VDOT. (Fairfax County Department of Transportation)

*Response: Comment noted. In addition to this comment, Fairfax County Department of Transportation provided a series of detailed comments on the Phase 2 Preliminary Engineering Final Traffic Analysis Compendium dated September 2011 that were not the subject of this EA. The Airports Authority will provide a response to these comments directly to Fairfax County.*

**Comment:** First, it is noted that this document for review is a "refinement" to the original Locally Preferred Alternative (LPA) approved earlier and now comes before us as the Refined Locally Preferred Alternative because of several changes to the original plan. Foremost among them was building the Dulles Airport Station above ground rather than below ground as well as a small realignment of the Rte

28 Station. Because of these limited changes, the document states "that the potential impacts to the following types of categories of environmental resources as disclosed in the Final EIS will not change as a result of the implementation of the Refined LPA." The report goes on to state that "the traffic impact analysis disclosed in the Final EIS is still valid because updates to regional travel demand projections by the Metropolitan Washington Council of Governments (MWCOC) for 2030 are consistent with the travel demand projections used by the Final EIS, and because the Refined LPA would not result in an increase in traffic generation at any of the stations." Based upon this finding, one must rely on the earlier LPA and the data and findings that were made when that document was approved. Because no new Traffic Analysis was provided with this refined LPA, it is impossible to detail any new impacts on the existing and proposed transportation facilities surrounding Phase 2 of the Dulles Rail project. The Refined LPA does indicate that of the 27 Intersections involved with the project, the 9 intersections that were (Level of Service) LOS F continued to operate at that level but no additional intersections were added to that category.

TP (VDOT Transportation Planning) staff reviewed the station layouts and facilities and the previous comments by Loudoun OTS regarding keeping the Dulles North Transit Center (DNTC) lot independent and not having an access road between DNTC and metro garage at Route 606 station and these comments have been addressed in the Refined LPA. (Virginia Department of Transportation, Northern Virginia District, Transportation Planning)

**Response:** *Comment noted. As stated in the comment, the updated traffic analysis performed for the EA indicates that the same number of intersections indicated to operate at LOS F in the FEIS continue to operate at that level for the Refined LPA, with no new intersections added to that category. In accordance with FTA requirements, traffic analyses in the EA was based on approved MWCOC regional forecasts, which reflect zoning and land development densities formally adopted by the local jurisdictions.*

*Additional supplemental traffic analysis was conducted due to design modifications of the stations and is being coordinated with VDOT Northern Virginia District Traffic Engineering staff; the results of the analyses are presented in Section 3.10 of the EA. In addition, the Refined LPA may affect ground transportation and parking at Dulles Airport during both construction and operation of the system because it would introduce an aerial structure along roadways and land used by airport tenants and their customers. Section 3.10 of the EA also presents an assessment of potential impacts to operations of airport tenants due to the introduction of an aerial structure at Dulles Airport.*

**Comment:** After reviewing the Refined LPA, the Land Development Section highlighted a number of concerns it had because of the time that has elapsed between when the LPA was first performed and when the Refined LPA was prepared. These questions are outlined below.

1. Did the original traffic analysis include the massive increase in zoning for Tysons Corner?
2. Did the original traffic analysis include the massive development at the CIT site in Fairfax County?
3. Did the original traffic analysis include the massive development at World Center in Loudoun County?
4. Has Fairfax County indicated that they would approve massive zoning increases in the Reston Area when Metro is constructed? What did the traffic analysis show?
5. Did the traffic analysis show that Route 28 would fail if all these re-zonings were approved even if it were widened to 10 lanes? (Virginia Department of Transportation, Northern Virginia District, Land Development)

**Response:** *In accordance with FTA requirements, traffic analyses in the EA were based on approved MWCOG regional forecasts, which reflect zoning and land development densities formally adopted by the local jurisdictions.*

### 3.3.7 Planning and Compatibility with Local Jurisdictional Plans

**Comment:** The County requests it be noted in the EA that permanent names were selected for the Silver Line Metrorail station in Fairfax County, including Reston Town Center station (Reston Parkway), Herndon station (Herndon Monroe), and Innovation Center station (Route 28). The County is not requesting modification to existing plans, reports, diagrams, etc., but feels the permanent names should be reflected going forward. At the Reston Parkway station (Reston Town Center station), south side, further coordination between DCMP, Fairfax County, and WMATA staff to pursue redevelopment and stormwater management opportunities within one-quarter mile of the south side station pavilion. Such coordination should encourage mix-use development appropriate for a Metrorail station area. Additional comments on this topic are provided below.

At Figure 2-1, Phase 2 Alignment and Station Locations, the County recommends roadway and sub division elements, such as Broad Run, Saarinen Circle, Rudder Road, and Autopilot Drive, which are all mentioned in the narrative, be labeled for clarity purposes.

At Section 2.1.2, Stations, it is noted that the refined Locally Preferred Alternative (LPA) Route 28 station (Innovation Center station), north side, includes a "longer" modified pedestrian bridge. Fairfax County recommends adding length information for easier comparison and to quantify the change from the existing plan at Route 28. (Fairfax County Department of Planning and Zoning)

**Response:** *Comments noted.*

**Comment:** Town Center Parkway Extension - Fairfax County's Transportation Plan identifies a proposed extension of Town Center Parkway such that it would cross the Dulles International Airport Access Highway (DIAAH) and Toll Road and ultimately connect with Sunrise Valley Drive. It is not clear that the refined plans for the Reston Parkway station (Reston Town Center station) would afford an opportunity for such a crossing. Of particular note are the proposed stormwater management facilities and traction power substation; Fairfax County requests additional discussion on these project elements and the future Reston Parkway station itself to ensure a future roadway extension is not precluded based on DCMP Phase 2 project design, construction, or future Silver Line operation and maintenance. Currently Fairfax County is evaluating several tunnel alignments for this connection that would cross under both the DIAAH and the future DCMP (Silver Line). (Fairfax County Departments of Transportation and Planning and Zoning)

**Response:** *Comments noted. The Airports Authority will continue to coordinate with Fairfax County on potential options to not preclude the preferred alignment and construction methodology for the Town Center Parkway Extension.*

### 3.3.8 Station Access

**Comment:** I generally approve everything they're doing and it program, but I like to just emphasize that pedestrian and bicycle access to these facilities are going to be very important, I think in the future more so, and I just want to make sure that those are accounted for and taken care of in the final plan. (Cohn)

*Response: The project design includes pedestrian and bike facilities at each rail station including sidewalks, bike racks and bike lockers.*

**Comment:** Route 28 or CIT Station -Provision should be made for pilings to carry the Horsepen Bridge across the corridor immediately to the west of the station.

A major opportunity exists on the north side of the station to improve road access to the CIT and Dulles World Center area from the Dulles Toll lanes through an east-only connection, which would involve a further bridge. This bridge should be allowed for immediately to the east of the station. This opportunity evolved from the WATF's work to resolve the Horsepen Bridge problem and can be explained elsewhere in greater detail.

Further, the north side of the station currently is bordered by what is essentially a manmade swamp, now defined as a "wetlands". As the region is expected to add 1.6 million jobs, which will require an additional two million households over the next 20 years, the appropriate authorities should give serious consideration to mitigating this "wetlands" elsewhere, to redirecting the stream and to developing two million-plus sq. ft. immediately adjacent to the north side of the station as the region evolves. (Meurlin)

*Response: The project design currently minimizes the impact to the Resource Protection Area (RPA) near the Route 28 Station North facilities as required by the Chesapeake Bay Preservation Ordinance. The mitigation for any wetland impacts will be through the purchase of credits at an approved wetland mitigation bank, not at this location.*

**Comment:** Route 606 Station - The WATF believes that the project includes provision for the county or a third party to build southern parking and a southern access to the ticketing area of the station. The WATF strongly supports this provision.

South Riding and other substantial residential areas lie to the south of Route 50, accessible to the station via Route 606. Further, Route 606 is the core of Loudoun County's only industrial corridor and is expected to house approximately 30,000 employees or more by 2030. Consequently, there will be a substantial need to connect the station to these employment and residential centers, and to provide adequate south parking.

The project's responsibility to this future Route 606 station need should be limited to:

The provision for the aforementioned future south access to the station's ticketing area.

The placement of storm water management or any other related facilities where they will not seriously impede these future developments.

Loudoun County's policy of limiting landside development associated with the station to Transit Related Economic Development (TRED) should be sustained for aircraft noise reasons. (Meurlin)

*Response: The project design as shown in the FEIS and now in the Refined LPA does not include south side facilities at the Route 606 Station but does accommodate the addition of these facilities at a future date.*



### 3.4 OTHER ISSUES

#### 3.4.1 Funding

**Comment:** By limiting the scope of issues addressed in the EA to those pertaining to *Preliminary Engineering Design Refinements*, those issues of most importance to the general public have not been addressed. Most notably, the EA ignores severely degraded air quality and adverse traffic congestion impacts that will result from increased commuter travel on local roads along the Dulles Corridor and in Tysons Corner after DR Phase 1 opens. MWAA's Dulles Toll Road (DTR) Traffic and Revenue Consultant - CDM Smith - in early 2012 projected that some 18 million vehicles annually will divert from the DTR to local roads. This traffic diversion will be worsened by MWAA's DR Phase 2 finance plan, which relies on DTR tolls to pay for 75% of its projected capital funding costs. MWAA admits that under its finance plan, absent other financing schemes, DTR tolls will double in 2013, triple by 2018 and are projected by MWAA to reach \$17 or more each way in the 2040s. (Whitfield)

*Response: The future toll structure on the Dulles Toll Road will be dependent upon a number of factors including potential availability of additional funding and financing from a variety of sources.*

**Comment:** The projected capital costs of DR have more than doubled since the final EIS was prepared in 2004. The federal government has repeatedly declined since 2002 to provide any additional capital funding or financial assistance for DR Phase 2 since the FTA cap of \$900 million in "New Starts" funding for Phase 1 was set. Nowhere else in the United States has a public transit project been funded so heavily dependent on local taxpayers who have had no voice in the decision making process and are not the direct beneficiaries of the rail project. It is patently bogus for MWAA, USDOT, WMATA, VRDPT and local government officials to assume that the locally preferred "heavy rail" alternative adopted circa 2002, when the total 23 mile project cost was about \$3 billion, incorporated in the March 2005 Record of Decision, remains the locally preferred option for traffic congestion relief and for providing improved mobility. The EIS was premised on 50% US government project funding. The first 103 miles of the Metrorail system was funded by 75+% in federal grants. Despite holding many meetings, US, Virginia, MWAA, WMATA and local officials have made NO public effort to explore far more cost effective bus transit options and financing alternatives which are likely to result in less traffic congestion and ameliorate adverse air quality impacts of planned rail operations in the Dulles Corridor and Tysons Corner. The doubling and tripling of DTR tolls will cause potentially severe short term and long term economic impact to and harm residents and businesses in the Dulles Corridor who are reliant on using the Dulles Toll Road. Many of these DTR users do not live or work near Metrorail stations and will not have the option of using the Silver Line. This impact has not been addressed as part of the socio-economic impact analysis in the EA. While some commuters will ride the Silver Line, particularly those who live near existing Metrorail stations, most commuters will continue to drive single occupant automobiles for the foreseeable future. (Whitfield)

*Response: Comment noted. The issues identified were not the subject of this EA.*

**Comment:** A recent study for the Metropolitan Washington Council of Governments Transportation Planning Board showed that only 7% of Reston residents presently use public transit. Local traffic experts predict that only 15% of all Tysons Corner and Dulles Corridor commuters, particularly those from Arlington County and Washington DC and those who live near existing Metrorail stations will use the Silver Line. Most of the remaining commuters will continue to use automobiles. Due to provisions of the

WMATA compact, the Inside the Beltway jurisdictions are not obligated to help fund the Dulles Rail project but no similar restriction appears to exist to preclude those same jurisdictions from seeking funding from Loudoun County for projects Inside the Beltway.

Much increased traffic congestion will result from the induced development impacts of the DR project as a result of massive planned increases in property development densities in Tysons Corner, Reston and Herndon in Fairfax County as well as in eastern Loudoun County. These impacts have not been addressed in the original DR EIS or the EA. It appears that WMATA, the agency which helped prepare the Draft Environmental Impact Statement in 2002 and the Final EIS in 2004 has attempted to prevent public awareness of the potential adverse changes in rail ridership. The data in the EA relies on outdated and inaccurate information in the 2004 EIS. Federal regulations require data to be based on current and projected conditions. The radical change in the proposed financial structure for DR that has occurred since 2004 and the transfer of responsibility for building the project from the VDRPT to the Metropolitan Washington Airports Authority (MWAA) are not addressed. Finally, WMATA appears to be attempting to piggy-back its responsibilities in regards to its WMATA compact obligations by conducting a joint public hearing. (Whitfield)

***Response:** Comment noted. In accordance with FTA requirements, traffic analyses in the EA was based on approved MWCOG regional forecasts, which reflect zoning and land development densities formally adopted by the local jurisdictions.*

## **FTA Response to Additional Comments**

## Introduction

The official comment period for the Environmental Assessment (EA) was from May 12, 2012, to June 25, 2012. Following the 45-day comment period on the EA, the Washington Metropolitan Area Transit Authority (WMATA), the Metropolitan Washington Airports Authority (Airports Authority), and the Transit Administration (FTA) jointly issued responses to comments in a Public Hearing Report (available above), which was released on July 18, 2012. Per the WMATA Compact process (see Section 1.5 of the EA for details regarding Compact process), responses to comments were included in the Public Hearing Report and were then made available for a 10-day comment period, which closed on July 27, 2012. During the 10-day comment period, 18 comments were received, with an additional 3 comments coming in after the close of the 10-day comment period. Responses from WMATA to the 18 comments received during the appropriate timeframe were prepared and included in WMATA's September 27, 2012 *Public Hearing Report Supplement and Staff Recommendations for the Preliminary Engineering Design Refinements Environmental Assessment*, which was provided to the WMATA Board of Directors for approval.

It is not typical for FTA to consider comments outside the official comment period; however FTA has elected to weigh all 21 comments received through WMATA's Compact process and to respond to appropriate comments in its finding of no significant impact (FONSI). Because these additional 21 comments were made outside of the official 45-day comment period for the EA, they are not addressed individually. Instead, issues were grouped into general themes and are responded to collectively below.

Comments on responses contained in the WMATA Public Hearing Report were received from the following 21 individuals (first names abbreviated):

M. Burrill	D. Dickinson	R. & P Costantino	D. Dayton	L. & L. Sutter	D. LaRock	J. Soltis
P. Arias	D. & R. Porter	J. Grigsby	T. Cranmer	S. Mann	R. Ray	S. Levitt
D. Davies	R. Whitfield	E. Lockwood	S. Oberlander	K. Abushar	K. Davies	P. Sweeney

## Summary of Comments Received

Comments varied on a range of topics but have been consolidated into six general themes. FTA's summary of these comments are listed below and responses are shown in italics.

### 1. Project funding and tolling rates

Commenters stated that an increase in the costs for Phase 2 of the Project will result in the need for additional funds. Commenters believe this increase in costs may result in much higher toll increases than previously estimated, as a means to pay for the Project.

*Design refinements on Phase 2 were primarily required because the costs associated with a below-ground station at Dulles International Airport would have increased the cost of the Project by*

*approximately \$600 million. While the cost increase could not be totally ameliorated, it was substantially reduced.*

*While sufficient funds to complete the Project have to be identified, the actual source of funds was not addressed as an issue in any environmental documents for this Project, including the EA. Funding mechanisms for the Project are a consideration for the Airports Authority and other project funding partners, such as the State of Virginia and Fairfax and Loudon Counties. While toll revenues are a required source of funding for Phase 2, there is no certainty as to how much or when an increase will be implemented. The Airports Authority, with input from the Dulles Corridor Advisory Committee, will set the Dulles Toll Road rates using a public rate-setting process*

## **2. Potential traffic impacts resulting from toll avoidance**

Commenters stated that the EA did not adequately address potential traffic congestion resulting from the displacement of cars from the Dulles Toll Road to other area roads because of higher tolls on the Dulles Toll Road.

*The potential traffic impacts related to the Dulles Toll Road were outside the scope of this EA. The potential environmental and socioeconomic impacts of toll avoidance were not discussed in any environmental documents for this Project, including the EA.*

*In any case, traffic and congestion analysis for the final environmental impact statement (FEIS) and EA used the Northern Virginia Major Investment Study Model (NVMISM) which incorporated the approved Metropolitan Washington Council of Governments (MWCOG) models for traffic forecasts. The MWCOG travel demand model utilized regionally adopted population and land use data for the metropolitan Washington area, including Fairfax and Loudoun Counties. By Federal regulation, such regionally approved land use forecasts must be used in travel demand analysis. As stated in response to Comment #1 above, the Airports Authority sets Dulles Toll Road rates. The Airports Authority is required to use revenues from the Dulles Toll Road to help fund the Project, but additional funding also comes from Fairfax and Loudoun counties, and the Commonwealth of Virginia. In addition, while no additional Federal grant funds were anticipated for Phase 2, an application of interest for a Federal TIFIA loan has been submitted. Further, a competitively-priced Phase 2 construction contract might generate cost savings for the Project. The elasticity of demand related to toll road use and the speculative funding mechanisms, which will ultimately affect the toll structure, make toll avoidance traffic scenarios uncertain. Therefore, since the amount of toll revenues that may be needed for Phase 2 is uncertain, any corresponding traffic related secondary impacts resulting from toll avoidance are also uncertain.*

## **3. Adequacy of transportation analysis, particularly on parallel routes**

Comments stated that the EA should have included a far broader re-analysis of the transportation impacts to the local road network as a result of Dulles Toll Road toll increases, particularly Route 7 which parallels the Dulles Toll Road.

*In addition to the response to comment #2 above, it should be noted that the EA focused only on the design refinements to Phase 2 since the FEIS. Modifications made at stations that resulted in new or modified roadway access, as documented in this EA, would not affect the broader local road network.*

*While the Phase 2 design refinements may cause site specific changes in airport traffic patterns and/or tenant access issues during construction, these potential construction impacts are not dissimilar to those impacts discussed in the FEIS and this EA. Therefore, a reanalysis of the transportation impacts to the broader local road network, other than those generated at the stations, is not necessary.*

#### **4. Induced development in station areas**

Commenters stated that the EA should have documented effects of induced development at station areas, particularly traffic associated with construction of the Metrorail extension.

*The EA focused only on the design refinements to Phase 2 since the FEIS. The FEIS considered some secondary development effects, impacts related to the increased density of development that would occur along the Project corridor. Although transit may cause secondary development to occur, local jurisdictions have plans in place that allow greater density to occur once transit is provided. Where station design refinements require an updated traffic analysis in this EA, FTA based the analysis on MWCOG regional forecasts, which already reflect zoning and land development densities formally adopted by the local jurisdictions around the impacted stations. FTA determined that a 2030 horizon year was appropriate for conducting traffic analyses and that the FEIS level of service (LOS) traffic analysis is still valid because traffic forecast (page 3-45 of the EA) volumes associated with the MWCOG 2030 model (version 2.2, land-use version 7.2A) would be equal to or less than the 2025 horizon year.*

#### **5. Elevated Airport Station**

Commenters stated that an elevated station at Dulles International Airport, as currently described in the EA, will have a negative impact on the number of riders willing to ride Metro to the Dulles International Airport. Commenters urged the FTA to redesign the Dulles International Airport station, moving it closer to the terminal.

*The location and alignment of the station at Dulles International Airport changed as a cost reduction measure; the aerial station location provided a significant reduction in capital costs. The functional layout of the station would be similar to other aerial stations of the Metrorail station, including the one at Reagan National Airport. Passengers would access the Dulles International Airport station as they do for other stations. Escalators, stairs, and elevators would provide direct access to a pedestrian walkway tunnel where moving sidewalks would provide access to the terminal. The actual design of the Project is the responsibility of the Project sponsor, not FTA.*

#### **6. Overall deficiency of the FEIS**

Several commenters stated that the FEIS did not address issues thoroughly.

*This EA looks solely at the impacts of design changes to Phase 2 of the Project that have occurred since the issuance of the November 2006 Amended Record of Decision (ROD), and does not reopen the FEIS to comment. Federal law (23 U.S.C. Section 139) limits judicial review of previous agency decisions. In this case, claims regarding the Amended ROD would need to have been filed by June 4, 2007.*

## Attachment B

Updated Section 106 MOA (October 2012)







**MEMORANDUM OF AGREEMENT  
AMONG THE FEDERAL TRANSIT ADMINISTRATION, THE FEDERAL AVIATION  
ADMINISTRATION, THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE  
AND THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY  
CONCERNING THE EFFECTS OF  
THE DULLES CORRIDOR METRORAIL PROJECT ON  
HISTORIC AND ARCHAEOLOGICAL RESOURCES**

WHEREAS, an original Memorandum of Agreement (MOA) for the Dulles Corridor Metrorail Project between the Federal Transit Administration (FTA), Virginia State Historic Preservation Office (SHPO), and the Virginia Department of Rail and Public Transportation (DRPT) was executed in October 2004; and

WHEREAS, the Metropolitan Washington Airports Authority (Airports Authority), through the Assignment and Assumption Agreement dated June 2007 with the DRPT, has assumed the role of Project Sponsor from DRPT and assumed all previous obligations, requirements and mitigation commitments for the Dulles Corridor Metrorail Project (Project), including the commitments assigned to the DRPT outlined in the Agreement; and

WHEREAS, because of the changes in Project Sponsor, the time lapse since the original agreement was executed, refinements to the Project design and a request from SHPO that updated recitals and stipulations be incorporated, this updated MOA was developed to supersede the original MOA dated October 2004; and

WHEREAS, the Airports Authority proposes to construct, in two phases, the Project in Fairfax and Loudoun Counties, Virginia, a 23.1 mile extension of the existing regional Metrorail system as shown for the original Locally Preferred Alternative (LPA) in Exhibit A. The Extension to Wiehle Avenue (Phase 1) of the Project is under construction and is anticipated to commence revenue operations by 2014. Preliminary Engineering (PE) for the *Extension to Dulles Airport/Route 772* (Phase 2) of the Project was completed in February 2012. Project elements will include an electrically-powered rapid rail transit line operating in an exclusive right-of-way with at-grade, aerial, and subway sections, stations and parking facilities, new and improved yard and shop facilities, and ancillary facilities for the distribution of electrical power and stormwater management; and

WHEREAS, the Airports Authority has advanced the design for the *Extension to Dulles Airport/Route 772* (Phase 2) of the Project as the Refined Locally Preferred Alternative (Refined LPA) based on preliminary design refinements including an elevated guideway and Metrorail station design within the Dulles Airport Historic District; and

WHEREAS, the proposed design refinements to the original LPA design and potential effects on the District were presented to agencies and the public at a series of Information Workshops held in September 2010; and

WHEREAS, during the completion of PE for Phase 2, the FTA and the Airports Authority re-engaged the original Section 106 consulting parties to review the proposed design refinements and evaluate the potential impacts of various Airport alignment and station options on the Dulles Airport Historic District. Review meetings with the consulting parties were conducted in August 2010 and January 2011. The design concept for the aerial rail alignment and station portion of the Refined LPA were discussed in detail, an initial assessment of potential effects to the Dulles Airport Historic District was presented, and

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several consulting parties provided written comments on recommended measures to minimize or avoid adverse effects; and

WHEREAS, the FTA has determined that the Project will constitute a federal undertaking pursuant to 36 CFR 800.3(a) and FTA is the lead federal agency pursuant to the National Environmental Policy Act of 1969 (NEPA, 42 USC § 4321 et seq.) and is responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106, 16 USC §470f); and

WHEREAS, the FTA and the Federal Aviation Administration (FAA), whose approval is required for any change in the use of land at Washington Dulles International Airport (Dulles Airport) for the Project, have agreed that the FTA will serve as the lead Agency Official who shall act in cooperation with the FAA in fulfilling their collective responsibilities under Section 106; and

WHEREAS, the FTA has consulted on the Project with the SHPO, pursuant to Section 106 and its implementing regulations at 36 CFR Part 800; and

WHEREAS, the FTA, in consultation with the SHPO and other consulting parties, has determined the Area of Potential Effects (APE) for the Project, as defined in 36 CFR 800.16(d), as shown in Exhibit B for the original LPA and has completed the identification and evaluation of historic resources within the APE; and

WHEREAS, the FTA, in consultation with the SHPO and other consulting parties, has determined that the *Extension to Wiehle Avenue* (Phase 1) portion of the Project will not adversely affect historic properties; and

WHEREAS, updated determination of effects reports for historic architecture and archaeology for Phase 2 that address any changes to the previously-identified effects to historic properties from the Refined LPA design have been prepared and provided to the Section 106 consulting parties; and

WHEREAS, the FTA, in consultation with the SHPO, has determined that the Refined LPA, similar to the LPA, will have an Adverse Effect, as defined in 36 CFR 800.5(a), on the Dulles Airport Historic District shown in Exhibit C, by altering the remaining historic “peekaboo” views of the main terminal control tower for approaching travelers from the Dulles International Airport Access Highway (DIAAH). These defined views are contributing elements to the Dulles Airport Historic District which is eligible for the National Register of Historic Places (National Register). In addition, the Refined LPA will have a further Adverse Effect on the Dulles Airport Historic District by displacing recent landscaping along Saarinen Circle that was planted to replace elements of the Airport’s original landscape plan; and

WHEREAS, the FTA, in consultation with the SHPO, has determined the Refined LPA will have an Adverse Effect on archaeological site 44LD1596 (Site #1), a resource determined eligible for listing in the National Register under Criterion D because of the potential to yield information important to the understanding of prehistory; and

WHEREAS, the FTA has invited the Airports Authority, as the agency responsible for the administration of Dulles Airport and because the Airports Authority is assigned duties under this Agreement as Project Sponsor, to be a Signatory Party to this Agreement; and

WHEREAS, to facilitate the FAA’s fulfillment of its Section 106 responsibilities related to the Project, the FTA has invited the FAA to be a Signatory Party to this Agreement; and

WHEREAS, DRPT has participated in the Section 106 process and was invited to concur in this Agreement; and

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA), as the operator and future owner of the Project's facilities, has participated in the Section 106 process and was invited to concur in this Agreement; and

WHEREAS, the National Capital Planning Commission (NCPC) has participated in the Section 106 consultation and was invited to concur in this Agreement; and

WHEREAS, Fairfax and Loudoun counties have participated in the Section 106 consultation and were invited to concur in this Agreement; and

WHEREAS, federal Native American tribes including the Catawba Indian Nation, the Eastern Band of Cherokee Indians, the Tuscarora Nation of New York, and the United Keetoowah Band of Cherokee Indian in Oklahoma were invited to participate and comment in the Section 106 process for this Project and have either declined or provided no comments; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has been invited to participate in the Section 106 process for this Project and has declined; and

WHEREAS, the Virginia Council on Indians (VCI) was invited to participate in the Section 106 process for this Project and has declined; and

WHEREAS, the FTA and (previously) DRPT have informed and involved the public in Section 106 review through public NEPA scoping meetings held in July 2000, public information meetings held in January 2001, public hearings on the Draft Environmental Impact Statement (EIS) held in July 2002 and on the Supplemental Draft EIS held in December 2003, and through additional informal meetings and outreach materials, pursuant to 36 CFR 800.2(d), and has specifically invited comments on the Section 106 process; and

NOW, THEREFORE, the FTA, the FAA, the Airports Authority and the SHPO ("Signatory Parties") agree that upon the Airports Authority's decision to proceed with a particular phase of the undertaking, the FTA shall ensure that the following stipulations are implemented in order to take into account the effects of the undertaking on historic properties and that these stipulations shall govern the Project and all of its parts until this Agreement expires or is terminated.

## STIPULATIONS

The FTA shall ensure that the following stipulations are carried out.

### I. Archaeological Site 44LD1596

- A. No later than September 2012, the Airports Authority will submit a draft Archaeological Resources Treatment Plan for the *Extension to Dulles Airport/Route 772* (Phase 2) to the FTA that describes and documents appropriate mitigation measures for the adverse effect on site 44LD1596. When the FTA finds the draft plan acceptable, it will then submit that document to the SHPO, the FAA, and consulting parties for their review. The signatory and consulting parties have thirty (30) calendar days from receipt of the draft Archaeological Resources Treatment Plan

to provide their comments to the FTA. The FTA shall ensure that all timely comments on the draft plan are considered in preparation of the final treatment plan. If a signatory or consulting party fails to respond within thirty (30) days of receipt of a request for review, the FTA may assume that non-responding party has no comment and proceed with the development of the final Archaeological Resources Treatment Plan.

- B. Following approval by the FTA with FAA concurrence, the Airports Authority shall complete all mitigation measures in the approved Archaeological Resources Treatment Plan before any construction or construction-related ground disturbing activities can be carried out in the area of site 44LD1596.
- C. If the FTA, with SHPO concurrence, determines data recovery to be appropriate mitigation, the Airports Authority shall:
  - 1. Prepare and implement a data recovery plan that describe and/or specifies, at a minimum:
    - a) The portions of the property where data recovery or other treatments will be carried out;
    - b) The results of previous research relevant to the Project;
    - c) Research problems or questions to be addressed with an explanation of their relevance and importance;
    - d) The field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs;
    - e) The methods to be used in artifact, data, and other records management;
    - f) Explicit provisions for disseminating the research findings to professional peers in a timely manner; and
    - g) Arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results.
  - 2. The FTA shall notify the SHPO, the FAA, and the consulting parties in writing once the fieldwork portion of the data recovery is complete so that a site visit may be scheduled, if the signatory and consulting parties find it appropriate.
- D. The Airports Authority shall prepare a draft report describing implementation of the treatment plan. The FTA shall ensure that the signatory and consulting parties' comments are solicited and considered in preparation of the final report on implementation of the treatment plan. When the final report has been approved by the FTA, the Airports Authority will provide two copies of that document, bound and on acid-free paper and one electronic copy on CD to the SHPO; and one copy to each of the other consulting parties.

## **II. Dulles Airport Historic District**

### **A. Project Facilities**

- 1. At the extant Saarinen "peekaboo" view locations shown in Exhibit D, the vertical profile of the Metrorail tracks and the concrete safety barrier will be constructed as low as practicable given site conditions to minimize any obstruction of these views of the main terminal control tower.

2. The design of aerial structures and the Metrorail station located within the historic district boundaries will incorporate concepts and materials that are compatible with the historic terminal and other contributing elements of the historic district as shown in the Phase 2 100% PE Plans. The visual interruptions to views of the Main Terminal building will be minimized to the extent practicable, given safety and operational requirements. The design of the Metrorail station and terminal connections will utilize, where appropriate, established airport design themes and finishes within the context of the WMATA design criteria and approved system-wide facility requirements. The SHPO, the FAA, and other consulting parties will be provided an opportunity to review and comment on the PE plans for these facilities prior to award of the Design-Build Contract and the Final Design plans prior to submittal for construction permits.

B. Treatment Measures

1. Prior to the start of revenue service for Phase 2, the Airports Authority shall develop and install public interpretive displays to highlight significant aspects of the Airport's history. The primary interpretive displays, to be located in the pedestrian tunnel connecting the Metrorail station and the Main Terminal, will focus on the planning of Dulles Airport, its design and construction, and the Airport's growth and evolution over the past 50 years. Secondary displays shall be provided within the Metrorail station to highlight the relationship between the Airport's architecture and landscape design.
2. Prior to the start of revenue service for Phase 2, the Airports Authority shall install selected elements of the Dulles Airport 2007 Landscape Master Plan between Rudder Road and Saarinen Circle to enhance the approach views for airport travelers. This revised plan was developed to update the original Dan Kiley landscaping plan, which was never fully implemented due to its reliance upon incompatible plant species. If seasonal conditions require additional time to properly install selected plantings associated with the landscaping enhancements, the Airports Authority shall notify the SHPO prior to the beginning of revenue service for Phase 2 of any remaining work and the schedule for completion.
3. No later than September 2012, the Airports Authority will submit a draft Historic Resources Treatment Plan for the *Extension to Dulles Airport/Route 772* (Phase 2) to the FTA that describes and documents the proposed treatment measures. This plan will identify: the scope of the proposed interpretive displays and landscaping enhancements, schedule for design and implementation, and specific milestones for reviews by the SHPO, the FAA, and consulting parties. When the FTA finds the draft plan acceptable, it will then submit that document to the SHPO, the FAA, and consulting parties for their review.
4. Following approval of the final Historic Resources Treatment Plan by the FTA, the Airports Authority shall complete all required measures in accordance with the agreed implementation schedule. The SHPO, the FAA, and other consulting parties shall be provided the opportunity to review and comment on the design proposed for the interpretive displays and landscaping at specific milestones identified in the approved treatment plan.
5. The SHPO, the FAA, and other consulting parties shall have thirty (30) calendar days from receipt of any materials submitted by the FTA to provide their comments. The FTA shall ensure that all comments that are made during the comment period are considered. If the SHPO or a signatory or consulting party fails to respond within thirty (30) days of receipt of a request for review, the FTA may assume that the non-responding party has no comment.

### III. Annual Report

The Airports Authority will prepare an annual report summarizing the activities carried out in accordance with this Agreement. This report will be transmitted to all required and concurring signatories by January 15th of each year this Agreement is in effect, beginning in the year following the execution of the Agreement and continuing until the year following completion of construction and/or mitigation activities associated with the Project. The Airports Authority shall also ensure that this annual report is made available for public review and that members of the public are invited to provide comments to the SHPO and other required and concurring signatories to the Agreement. The required signatories to this Agreement shall review the annual report and provide any comments to the Airports Authority. Concurring signatories to this Agreement may review and comment on the annual report at their discretion. Based on this review, the required signatories to this Agreement shall determine whether this Agreement shall continue in force, be amended, or be terminated. If requested by any required or concurring signatory to this Agreement, the FTA shall ensure that a meeting is held to facilitate review and comment, to resolve questions, or to resolve adverse comments.

### IV. Standards and Qualifications

- A. All work carried out pursuant to this agreement shall be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the proposed revisions to the Secretary's Professional Qualifications Standards for Historic Landscape Architecture or Archeology as appropriate to the specific property (48 FR 44738-9, September 29, 1983) or 62 FR 33707 (1997).
- B. All archaeological plans and reports shall be consistent with the Secretary of the Interior's *Standards for Archaeological Documentation* (48 FR 44734-37, September 29, 1983) and the professional standards set forth in SHPO's *Guidelines for Conducting Cultural Historic Resources Survey in Virginia* (October 2011), and shall take into account the ACHP's publications, *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) and *Section 106 Archaeology Guidance* (June 2007), or subsequent replacements of or revisions to these documents.
- C. All historical and architectural reports and survey documentation shall be consistent with pertinent standards and guidelines of the Secretary of the Interior, including as applicable the *Standards for Historical Documentation* (48 FR 44728-30) and *Standards for Architectural and Engineering Documentation* (48 FR 44730-34, September 29, 1983), and the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (October 2011).

### V. Post-Review and Discoveries

#### A. Historic Properties

In the event that unanticipated effects on historic properties are found during the implementation of this Agreement, the Airports Authority will stop any work that may adversely affect the historic property or that may foreclose opportunities to avoid such adverse effects. The FTA shall consult with the SHPO and with the other required and concurring signatories to this Agreement, as appropriate, to determine the appropriate course of action to comply with Section 106 and consider if changes to respective agency federal actions may be required. If necessary, the required signatories shall review the terms of this Agreement and determine whether revisions are needed. Any revisions to the Agreement shall be made in accordance with Stipulation VII below.

B. Archaeological Discoveries

1. In the event that a previously-unidentified archaeological resource is discovered during ground disturbing activities associated with the Project, the Airports Authority shall halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface deposits may reasonably be expected to occur and notify the FTA, the SHPO, and other signatory and consulting parties of the discovery within two (2) working days.
2. The Airports Authority and the SHPO or an archaeologist meeting the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR Part 61) will inspect the work site within two (2) working days after the SHPO is notified of the discovery and determine the extent and the nature of the affected archaeological resource. The archaeologist may consult the SHPO and other parties as deemed appropriate by the archaeologist in setting the boundaries of the archaeological resource. Construction work may then proceed in the Project area outside the archaeological resource as defined by the Airports Authority and the SHPO, subject to applicable FAA approvals.
3. Within five (5) working days of the original notification of the discovery, the Airports Authority and the FTA, in consultation with the SHPO and other signatory and consulting parties, shall describe the Airports Authority's assessment of the National Register eligibility of the resource and proposed actions to resolve the adverse effect (if any).
4. If the resource is determined eligible for the National Register, the Airports Authority and the FTA shall prepare a plan for its avoidance, protection, or recovery of information within five (5) working days of the eligibility determination. Such plan shall be concurred on by the SHPO and the FAA and commented on by the other consulting parties prior to implementation.
5. The SHPO shall respond within two (2) working days of notification and construction may resume when the SHPO agrees. The work in the affected areas shall not proceed until either:
  - a) The development and implementation of appropriate data recovery or other recommended mitigation procedures is accomplished, or
  - b) The determination is made that the located resources are not eligible for inclusion in the National Register.
6. The Airports Authority shall take into account the SHPO's recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions, subject to applicable FAA approvals. The Airports Authority shall provide the SHPO, the FTA, and the FAA with a report of these actions once they are complete. Any disputes over the evaluation or treatment of previously unidentified resources shall be resolved as provided in the section of this MOA titled "Dispute Resolution."
7. If the resource is determined to meet the National Register Criteria (36 CFR 60.6), the FTA shall ensure compliance with Section 800.13 of the Council's regulations.

**VI. Human Remains**

- A. In the unlikely event that human remains and/or associated funerary objects are encountered during the implementation of this MOA, the Airports Authority shall immediately halt all work in the area

and contact the appropriate authorities. The Airports Authority will ensure that human remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement shall be treated in a manner consistent with the provisions of the *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*, final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991. In addition, human remains and associated funerary objects that may be of Native American origin, encountered on Federal land, including but not limited to the land of the Dulles Airport and the DIAAH, shall be treated in a manner consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 USC 3001).

- B. If the remains are determined not to be of Native American origin, the Airports Authority shall notify the Criminal Investigation Department, and consult with the SHPO and other signatory and consulting parties, as appropriate. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO and other appropriate signatory and consulting parties for consultation:
1. The name of the property or archaeological site and the specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
  2. Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice (to be published in a newspaper having general circulation in the area for a minimum of four weeks prior to recovery) must be submitted.
  3. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
  4. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
  5. An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
  6. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
  7. If a disposition other than reburial is proposed, a statement of justification.
- C. The Airports Authority shall treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (23 February 2007).

## VII. Dispute Resolution

- A. If any party to this Agreement should object in writing regarding any action specified in the Agreement, then the FTA shall consult with the objecting party to resolve this objection. If after such consultation, the FTA determines that the objection cannot be resolved through consultation, then the Airports Authority shall prepare documentation relevant to the objection in accordance with 36 CFR 800.11, and the FTA shall forward such documentation to the ACHP, including the



FTA's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP is expected to exercise one of the following options:

1. Provide the FTA with a staff-level recommendation, which the FTA shall take into account in reaching a final decision regarding its response to the objection; or
  2. Notify the FTA that the objection will be referred for formal comment pursuant to 36 CFR 800.7(c), and proceed to refer the objection and comment. The FTA shall take into account the ACHP's comments in reaching a final decision regarding its response to the objection.
- B. The responsibility of each required signatory to this Agreement to carry out all actions under the Agreement not affected by the dispute shall remain unchanged.
- C. If the dispute cannot be resolved upon involvement of the ACHP, the FTA, the Airports Authority, the FAA, or the SHPO may terminate the Agreement in accordance with Stipulation IX below.
- D. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or how its stipulations are being implemented be raised by a member of the public, the party to this Agreement receiving the objection shall notify the other parties to this Agreement and the FTA shall take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this Agreement to resolve the objection.

### **VIII. Amendments**

Any Signatory Party to this Agreement may request that it be amended, whereupon the required and concurring signatories shall consult to consider the proposed amendment in accordance with 36 CFR 800.6(c)(7). Any amendment shall be in writing and signed by all required signatories of this Agreement.

### **IX. Termination**

Any Signatory Party to this Agreement may terminate it by providing a thirty (30) day written notice to the other required and concurring signatories, provided that these parties consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, work on the Project in the area(s) with affected historic properties will cease until the FTA has fulfilled its Section 106 responsibility in accordance with 36 CFR 800.3 through 800.13. Execution of this Agreement by the FTA and the SHPO and its submission to the Advisory Council on Historic Preservation in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an Agreement with the Council for the purposes of Section 110(1) of NHPA. Execution and submission of this agreement, and implementation of its terms, evidences that the FTA has afforded the Council an opportunity to comment on the Project and its effects on historic properties and has taken into account the effects of the Project on historic properties.

### **X. Duration**

- A. Execution of this Agreement by the FTA, the Airports Authority, the FAA, and the SHPO and its submission to the ACHP in accordance with 36 CFR 800.6(b)(1)(iv) shall, pursuant to 36 CFR

800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(I) of the NHPA (16 USC 470). Execution and submission of the Agreement, and implementation of its terms, is evidence that the FTA has afforded the ACHP an opportunity to comment on the proposed undertaking and its effects on historic properties, and that the FTA has taken into account the effects of the undertaking on historic properties.

- B. This Agreement shall remain valid until January 15th of the year following the initiation of revenue service for Phase 2 or the implementation of all required mitigation, whichever occurs later.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed intending thereby to be bound by its provisions.

**SIGNATORY**


**FEDERAL TRANSIT ADMINISTRATION**

By:  Date: 9/6/12

Brigid Hynes-Cherin  
Regional Administrator, Region III

**SIGNATORY**


**FEDERAL AVIATION ADMINISTRATION**

By:  Date: 9/11/12

Carmine Gallo  
Regional Administrator, Eastern Region

**SIGNATORY**

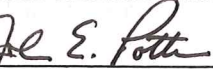
**STATE HISTORIC PRESERVATION OFFICER**

By:  Date: 9/14/12

Kathleen S. Kilpatrick, Director  
Department of Historic Resources

**SIGNATORY**

**METROPOLITAN WASHINGTON AIRPORTS AUTHORITY**

By:  Date: 10/2/2012

John Potter  
President and Chief Executive Officer

**CONCURRING PARTIES:**

**VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION**

By: *Thelma Drake* Date: 10-5-12

Thelma Drake  
Director



**LEGEND**

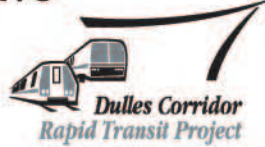
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|--------------------------|------------------------------|---|--------------------------|
| — Major Arterials        | Proposed Metrorail Alignment | ● Existing Metrorail Orange Line and Stations | ○ Future Station         |
| — Limited Access Highway | — At-grade/Retained Fill     | ○ Proposed Station                            | ▲ Rail Yard              |
| — U.S. Highways          | — Aerial                     | ○ Proposed Underground Station                | ▭ Dulles Corridor Limits |
|                          | — Underground                |   |                          |
|                          | — Aerial Yard Lead           |   |                          |

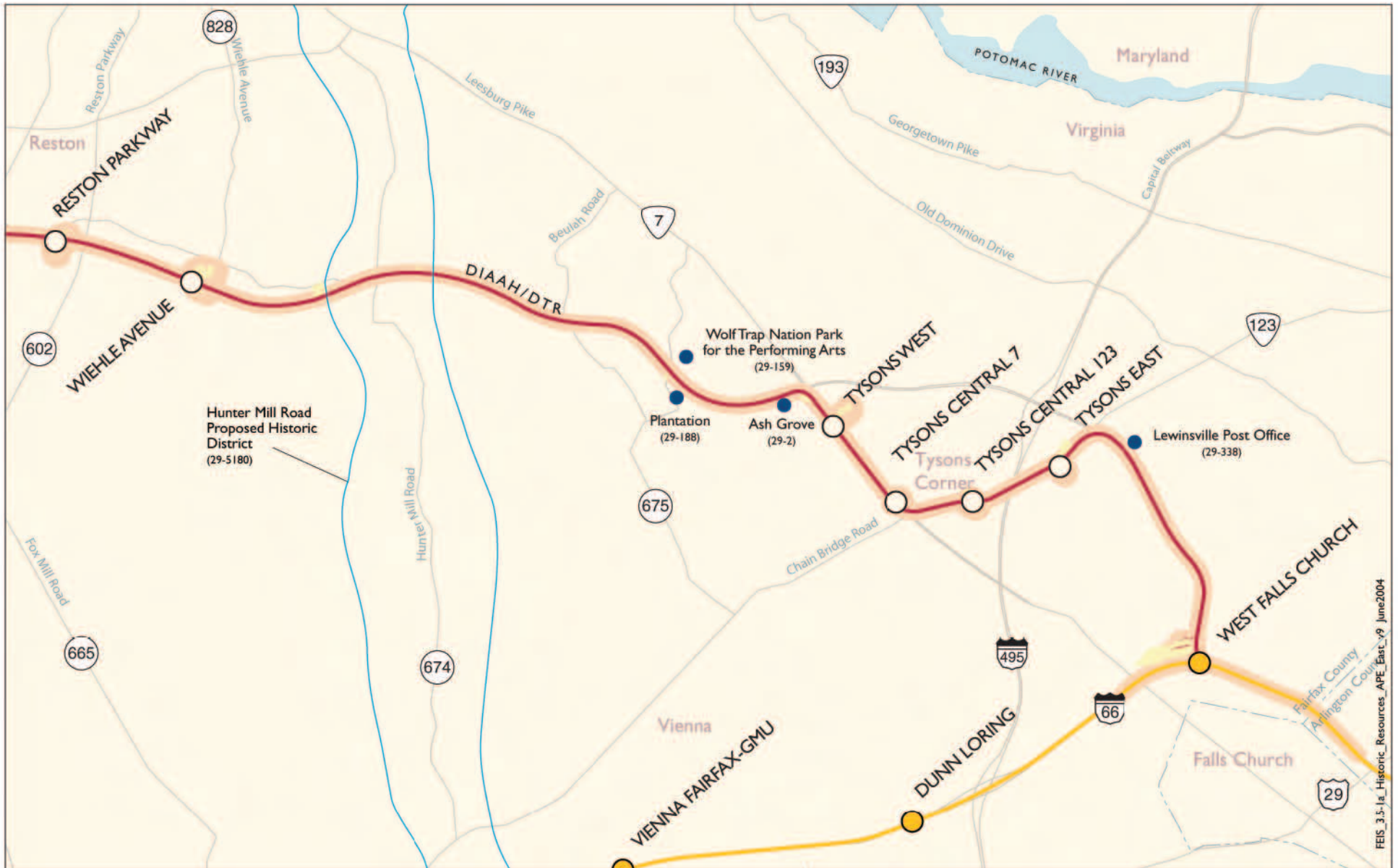
Note: Short bridge crossings for highway and culvert overpasses/underpasses not shown. DIAAH/DTR is the Dulles International Airport Access Highway/Dulles Toll Road



**Exhibit A**

**Locally Preferred Alternative  
March 2004**





FEIS\_3.5-1a\_Historic\_Resources\_APE\_East\_v9 June2004

**LEGEND**

- Area of Potential Effect, Archaeology
- Area of Potential Effect, Architecture

DIAAH/DTR is the Dulles International Airport Access Highway/Dulles Toll Road

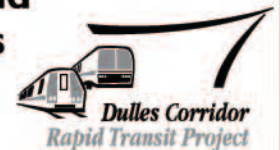
- Existing Metrorail Orange Line and Stations
- Proposed Station
- Future Station
- Historic Architectural Resources
- Proposed Metrorail Alignment
- County Boundary

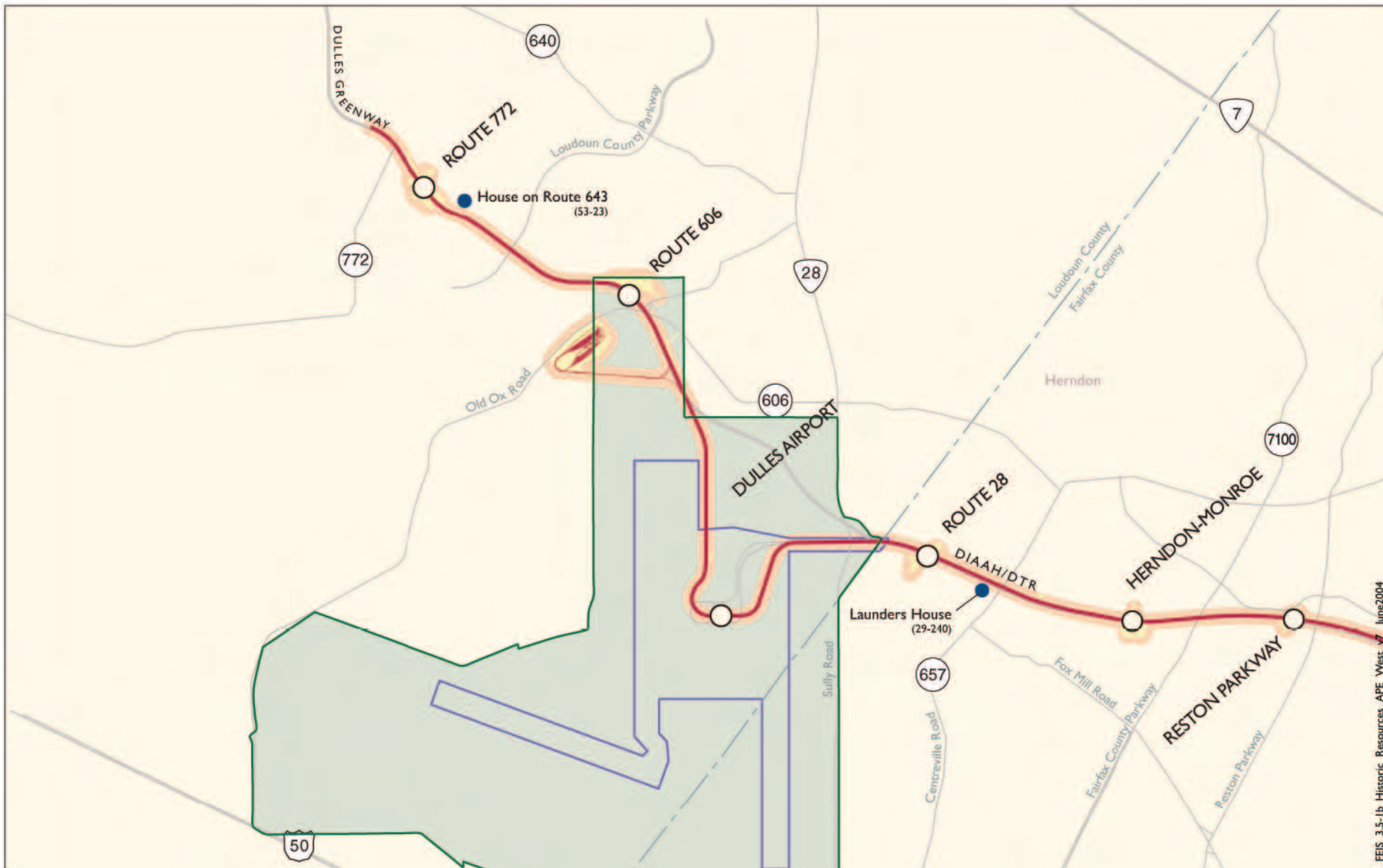
0 3000 6000 FEET



Exhibit B (1 of 2)

## Area of Potential Effect and Known Historic Resources

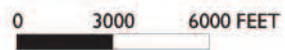




FEIS\_3.5-1b\_Historic\_Resources\_APE\_West\_v7 June2004

**LEGEND**

- Area of Potential Effect, Archaeology
- Area of Potential Effect, Architecture
- Historic Architectural Resources
- Dulles Property Boundary
- Boundary of NRHP-Eligible Dulles Airport Historic District (2004)
- Proposed Metrorail Alignment
- County Boundary



DIAAH/DTR is the Dulles International Airport Access Highway/Dulles Toll Road

Exhibit B (2 of 2)

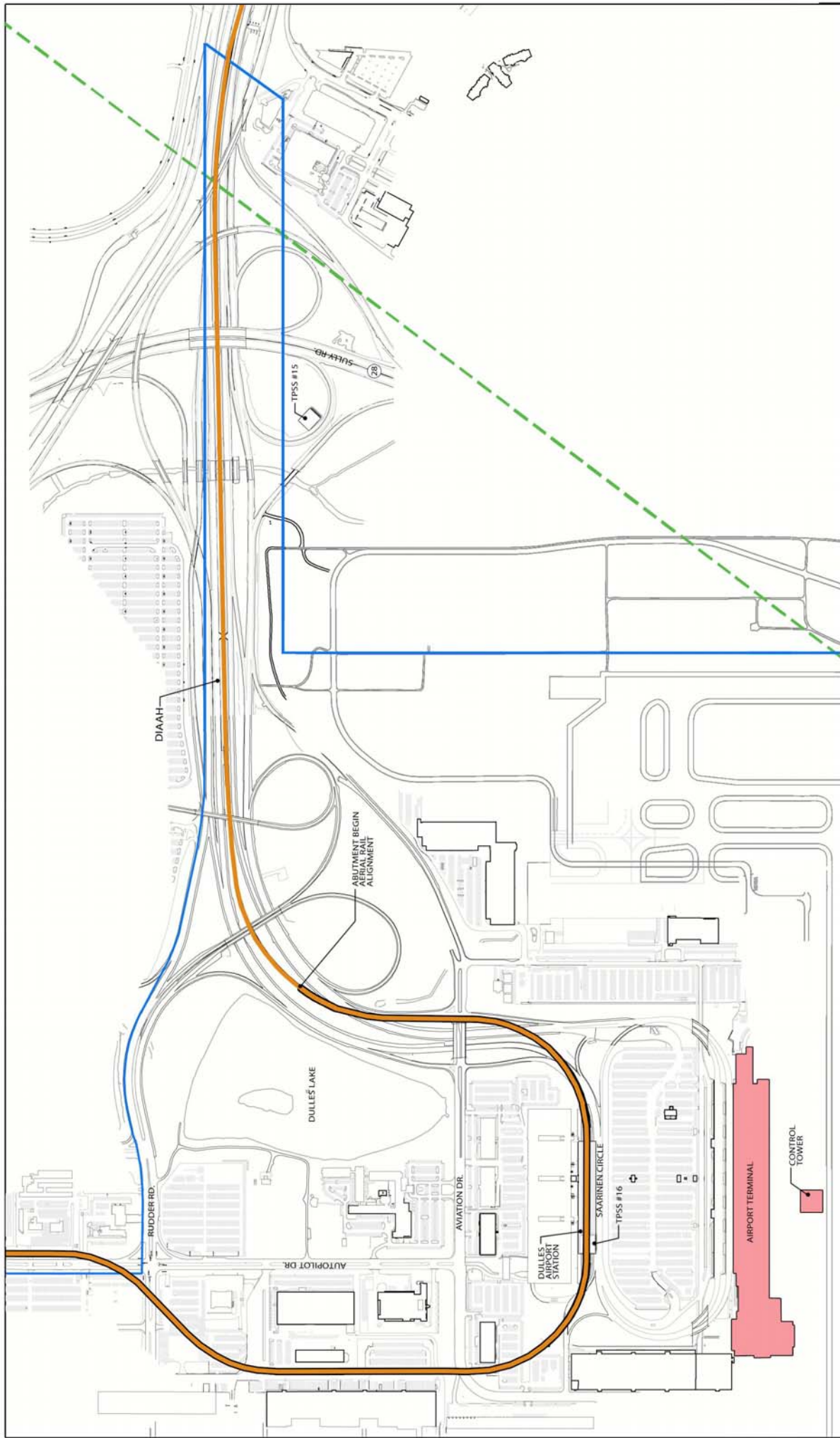
## Area of Potential Effect and Known Historic Resources

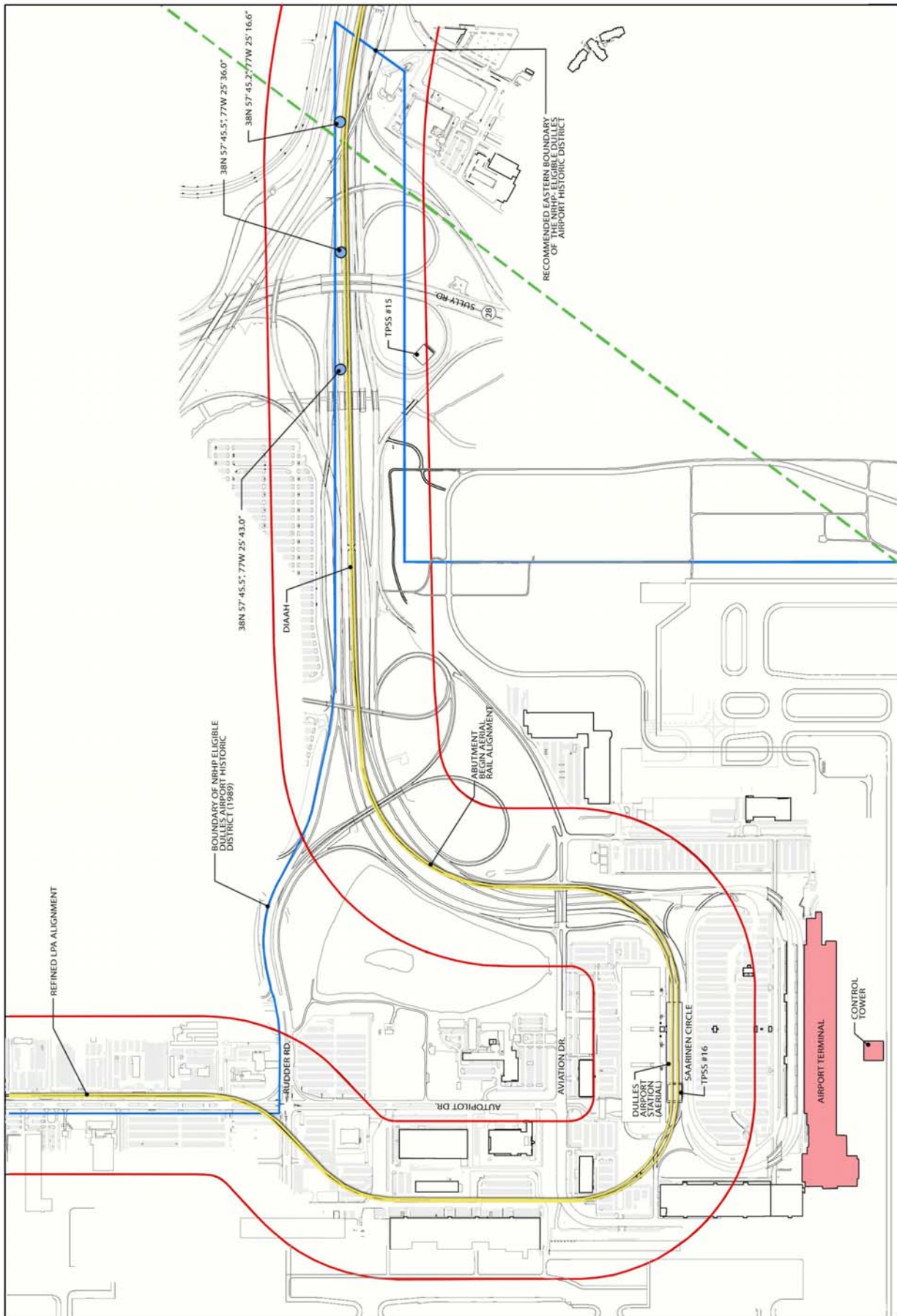


**EXHIBIT C**  
REFINED LPA ALIGNMENT WITHIN  
DULLES AIRPORT HISTORIC DISTRICT

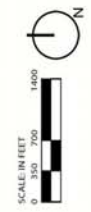


- LEGEND**
-  RAIL ALIGNMENT AT GRADE
  -  AERIAL RAIL ALIGNMENT
  -  DULLES AIRPORT HISTORIC DISTRICT
  -  COUNTY BOUNDARY





- LEGEND**
- RAIL ALIGNMENT
  - AREA OF POTENTIAL EFFECT
  - DULLES AIRPORT HISTORIC DISTRICT
  - - - COUNTY BOUNDARY
  - PEERABOO VIEW



**EXHIBIT D**  
**RECOMMENDED EASTERN BOUNDARY**  
**OF THE NRHP- ELIGIBLE DULLES AIRPORT**  
**HISTORIC DISTRICT**

