

FEDERAL TRANSIT ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

Colorado Springs Downtown Transportation Station

Colorado Springs Transit Services Division

Mountain Metropolitan Transit (MMT)

El Paso County, Colorado

Proposed Project

The City of Colorado Springs' (City) Transit Services Division/MMT proposes the construction of a new downtown transportation station to replace the existing station located under the City parking garage at the southwest corner of Nevada Avenue and Kiowa Street. Efforts to replace the existing station have been underway for more than ten years. The downtown transportation station will be at a new location southwest of the existing station, at South Sierra Madre Street and West Vermijo Avenue, adjacent to the UP/BNSF railroad corridor.

The primary purpose of the project is to construct a station that will better serve the City's Mountain Metropolitan Transit fixed-route (Metro) service. It will provide better access and serve as a convenient multi-modal transfer point for the Front Range Express (FREX) and future streetcar and Front Range commuter rail, among other modes of travel.

This project meets the need to:

- Replace a deficient downtown station and provide more capacity
- Improve bus transfer efficiencies and safety
- Improve traffic safety and eliminate traffic conflicts
- Promote and support increases in ridership

The Federal Transit Administration (FTA) served as lead agency under the National Environmental Policy Act (NEPA) for this project. The City/MMT prepared an Environmental Assessment (EA) in compliance with NEPA, 42 U.S.C. Section 4321 et.seq., and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the project's potential impacts.

Agency Coordination and Public Opportunity to Comment

The City/MMT conducted many public and agency involvement meetings for a new downtown station site over a 10-year period. From a field of 16 locations considered in 2001, which included extensive public input, the City/MMT selected the general location presented in this EA. This location was analyzed in a Draft EA in 2003. When that EA process was not concluded, the City/MMT began an EA on a station site four blocks north in 2005-2006. During the NEPA process for the 2006 Draft EA several public design workshops for the station were held. The 2006 Draft EA was not concluded either, so the City/MMT chose to return to the site analyzed six years ago. Public involvement for the current EA is documented in Chapter 2.4. A February 24, 2009 meeting reintroduced this station site to the public. The Public Hearing occurred June 16, 2009.

Agencies were notified of the project January 23, 2009 and an Agency Scoping Meeting was held February 12, 2009. At the Scoping meeting and through the end of February, agencies responded with comments on the project. These comments are documented in Appendix A of the EA.

The Section 106 consultation, in accordance with 36 CFR 800, included FTA correspondence with the Colorado State Historic Preservation Office (SHPO), the Colorado Springs Historic Preservation Board, other state and federal historic preservation-related offices, and 15 Native American tribes. The Section 106 consultation included submittal of a Project Determination of Effect on the NRHP-eligible properties. The SHPO concurred with FTA's recommended finding of no historic properties affected.

The EA for Colorado Springs Downtown Transportation Station was issued June 1, 2009 and its 30-day comment period ended June 30, 2009. The advertisements for the EA and the public hearing appeared in the Colorado Springs Gazette (May 31 and June 14) and the Independent (May 28 and June 11). Copies of the Public Notice of availability of the EA were mailed to approximately 1,300 individuals, agencies and local officials. Copies of the EA were made available at the City's Mountain Metropolitan Transit Administration office, the Office of the City Clerk, the Penrose Public Library, and the East Library. The EA was also available on the City's website, www.springsgov.com. In addition, compact discs containing the EA were sent to all the participating agencies.

The City/MMT held the public hearing on June 16, 2009 to present the EA to the public, take comments, and answer any questions. Approximately 33 people attended the hearing. The comments are summarized below.

Comments on the EA

The City/MMT received 11 letters or emails of comment on the 2009 EA from public agencies and citizens during the 30 day review period. All changes requested by agencies have been identified in Appendix A – Errata.

A total of 53 individual comments were received during the review period. A summary table of comments and responses is included in Appendix B. The complete record of written comments is included in Appendix C. Methods of receipt included:

- 31 oral comments at the public hearing.
- 8 letters by mail, with multiple comments.
- 3 by email.
- 4 by telephone.
- 1 by fax.

Several suggestions or requests for changes to technical matters were submitted, mostly by public agencies reviewing the document. Letters received by public reviewing agencies are in Appendix C. All necessary changes have been noted in the Errata. Many public comments were similar in nature or subject matter. The following list shows the range of the general subject matter included in the comments, listed in approximate order of the number of occurrences. For complete responses to the comments or questions, see Appendix B:

- Provision of additional parking (12) – Many citizens expressed concern about the limited amount of parking provided on site.
- Relationship of new transit station to existing and future services, including multimodal connections and suitability of the proposed site (11) - Many citizens are interested in the success of the City's transit system and expressed concern about the proposed project, wanting to be sure it is adequate to support future multimodal connections. Some would like to see the station remain at its present location, with general improvements rather than a large expenditure for a new facility.
- General security (4) – The proximity of the station to perceived safety and crime problems prompted several comments.
- Provision of bicycle facilities (3) – Several comments were received requesting that bicycle facilities be included in conjunction with the transit station.
- Construction impacts (2) – Some concern was expressed about the impacts of construction on traffic in the area.
- Clarification of technical terms and acronyms.
- Provision of streetscape and landscape amenities.
- Timing of future pedestrian bridge construction.
- Proximity to railroads and railroad easements, including air quality.
- Job creation.

Mitigation Measures to Minimize Harm

Chapter 3 of the EA lists mitigation measures that are required of MMT as conditions of this FONSI. Those mitigation commitments are based on the proposed mitigation measures identified in the EA. The FTA finds that with the implementation of these mitigation measures, MMT will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the proposed action.

Determination and Findings

National Environmental Policy Act Finding

FTA served as the lead agency under NEPA for this project. The City/MMT prepared the EA for the Downtown Transportation Station, which was issued June 1, 2009. The EA found that the project's construction and operation would cause no significant environmental effects to any of the resources at the site. This finding applies to all applicable environmental elements, including Land Acquisition and Displacements, Land Use and Zoning, Air Quality, Noise, Water Quality, Wetlands, Historic Properties and Parklands, Hazardous Materials, Environmental Justice, and Section 4(f) resources, among others.

After carefully considering the EA, its supporting documents, and the public comments and responses, FTA finds under 23 CFR 771.121 that the proposed project, with the mitigation to which MMT has committed, will have no new significant adverse impacts on the environment. Under 23 CFR 771.130(c) this EA and FONSI will form the basis of FTA's determination that an environmental impact statement is not necessary.

Detailed information on impacts and mitigation is found in the EA. The following information summarizes the impacts associated with the project.

Land Acquisition and Displacements

The proposed station site is comprised of four parcels. One of the parcels is owned by the City. It is an unnamed city street and will be contributed by the City as part of the project site. The remaining three privately-owned parcels will need to be acquired; two fully and the third partially. Three businesses are on these parcels and will be displaced. No households are affected. Adequate, safe and sanitary replacement facilities exist for displaced businesses and relocation assistance will be available without discrimination. Therefore, displacements and relocations resulting from this project are considered *generally not significant*.

Land Use and Zoning

The station site is located within the City's Southwest Urban Renewal Area, in an industrial area adjacent to a railroad corridor. There are no adjacent residential uses. The new station will comply with either the existing M-2 – Industrial (Conditional) zoning or the proposed form-based zoning code, whichever is in effect. A Conceptual Development Plan will be prepared for the immediate station area. The land uses and zoning resulting from this project are considered *generally not significant*.

Air Quality

The proposed project would increase bus and automobile traffic in the immediate vicinity of the new station site, but decrease bus congestion at the existing station site. Taking this into consideration, this project would not violate national ambient air quality standards. According to the Pikes Peak Area Council of Governments' air quality division, modeling indicates future transportation-related emissions would be less than the established emissions budget for the region and the project would not cause air quality impacts sufficient to cause future carbon monoxide levels to exceed the current standards. Therefore, the project would meet air quality conformity requirements and impacts are considered *generally not significant*.

Noise

The proposed station site is in an industrial area bounded by railroad tracks to the west and the core downtown business area to the north and east. Transit vehicle operations would contribute to the sources of noise in this area. There are no noise-sensitive receivers, including residences or Section 4(f) resources within screening distance of the station project. Impacts to noise and vibration conditions as a result of the station facility are *generally not significant*.

Water Quality

No surface waters are located on or adjacent to the proposed site. Wastewater currently drains into a sanitary sewer located in Sierra Madre Street. The proposed project would have no effect on any waterways, and the project would not alter the existing surface wastewater or storm water flow, or contribute contaminants to a surface body of water. The impact is *generally not significant*.

Wetlands

The proposed station site is not located in or near any wetlands or other waters of the U.S. The impact is *generally not significant*.

Historic Properties and Parklands

Nineteen historic sites were evaluated. Three sites are eligible for listing in the National Register of Historic Places (NRHP), and none of these three would be directly impacted by the station project. The FTA consulted with the SHPO and Section 106 Consulting Parties for determinations of eligibility and effect. The SHPO concurred with FTA's recommended findings of no historic properties affected. The impact is *generally not significant*.

Hazardous Materials

Previous Phase I and II environmental reports identified arsenic and hydrocarbon-impacted soils at the subject property, which was confirmed in the environmental site assessment for this EA. In addition, the EA consultant felt that asbestos-containing materials and lead-based paint may be present on the property and recommended further testing, which was independently managed by the City. The EA consultant conducted a Phase II investigation to further evaluate the existing soil and groundwater characteristics. Some poly-aromatic hydrocarbons and arsenic were detected in a black silty layer of the eight bore holes drilled on the site. It was in this black layer where they exceeded the Colorado Soil Evaluation Values, but not in any other soil layers in the borings. The groundwater testing results in the eight borings showed there were no exceedences of the Colorado Basic Standards for Groundwater.

It was concluded that contaminants are not migrating off-site via groundwater flow. The Colorado Department of Public Health and Environment stated they felt the subject property does not have any significant environmental concerns, and that a Materials Management Plan would need to be prepared to ensure protection of human health and the environment near this site. The impact is *generally not significant*.

Environmental Justice Findings

Executive Order 12898 provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." The Department of Transportation similarly requires FTA and FHWA to explicitly consider human health and environmental effects related to transit projects that may have a disproportionately high and adverse effect on minority and low-income populations. It also requires them to implement procedures to provide "meaningful opportunities for public involvement" by members of these populations during project planning and development (DOT Order No. 5680.1).

The City/MMT performed an environmental justice analysis as part of the EA. Based on that analysis; FTA finds that the construction and operation of the new Downtown Transportation Station would not have disproportionately high and adverse effects on low-income or minority populations. The proposed project would likely have beneficial effects on these populations by providing transit facilities in the area.

Section 4(f) Findings

Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that adversely affect such resources unless a determination is made that there is no feasible and prudent alternative, and that all possible planning has been done to minimize harm (23 CFR 771.135).

There are no parks, recreational lands, wildlife refuges or waterfowl refuges that would be impacted by the Downtown Transportation Station. Implementation of this station would have no effect on any of the three historic properties that are eligible for inclusion on the NRHP. Therefore, the impacts to any Section 4(f) properties are *generally not significant*.

Environmental Finding

Based on the Environmental Assessment and its associated supporting documents, the Federal Transit Administration finds, pursuant to 23 CFR 771.121, that there are no significant impacts on the environment associated with the development and operation of the proposed Colorado Springs Downtown Transportation Station Project.

This FONSI is based on the attached EA, which has been independently evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FTA takes full responsibility for the accuracy, scope, and content of the attached EA.

Terry J. Rosapep
Regional Administrator

Date