

Appendix A

List of Recipients

Federal Elected Officials
State Elected Officials
Local Elected Officials
Neighboring Elected Officials
Federal Agencies
Regional, State and Local Agencies
Libraries and Public Locations
Private Companies and Unions Required by WMATA Compact

THIS PAGE INTENTIONALLY LEFT BLANK.

APPENDIX A: LIST OF RECIPIENTS

Organization	Point of Contact (Number of Copies)	Title	Address
Federal Elected Officials			
U.S. Senate	Mark Warner	Senator	459A Russell Senate Office Building Washington, DC 2051
U.S. Senate	Jim Webb	Senator	248 Russell Senate Office Building Washington, DC 20510
U.S. House of Representatives	Gerry Connolly	11th District	4308 Ridgewood Center Dr. Woodbridge, VA 22192
U.S. House of Representatives	James P. Moran	8th District	2239 Rayburn Office Building Washington, DC 20515
U.S. House of Representatives	Frank R. Wolf	10th District	241 Cannon Office Building Washington, DC 20515
State Elected Officials			
Virginia State Senate	Janet D. Howell	32nd District	11307-B Sunset Hills Rd. Reston, VA 20190
Virginia State Senate	Mark R. Herring	33rd District	101 East Market St. Leesburg, VA 20175
Virginia State Senate	Chap Petersen	34th District	PO Box 1066 Fairfax, VA 22038
Virginia State Senate	Jill Vogel	27 th District	45 North Hill Dr. Suite 100 Warrenton, VA 20186
Virginia State Senate	Richard Black	13 th District	21029 Rodney Ln. Leesburg, VA. 20175
Virginia State Senate	Barbara Favola	31 st District	P.O. Box 396 Richmond, VA 23219
Virginia House of Delegates	Joe May	33 rd District	604 South King St Suite 202 Leesburg, VA 20175

Organization	Point of Contact (Number of Copies)	Title	Address
Virginia House of Delegates	Robert Marshall	13 th District	P.O. Box 421 Manassas, VA 20108
Virginia House of Delegates	James LeMunyon	67 th District	PO Box 220962, Chantilly, VA 20153
Virginia House of Delegates	Randy Minchew	10 th District	P.O. Box 385 Leesburg, VA 20178
Virginia House of Delegates	David Ramadan	87 th District	25050 Riding Plaza, #130-650 South Riding, VA 20152
Virginia House of Delegates	Thomas Greason	32nd District	19309 Winmeade Dr. Box 427 Lansdowne, VA 20176
Virginia House of Delegates	Barbara Comstock	34th District	1313 Dolley Madison Blvd. 3rd Floor McLean, VA 22101
Virginia House of Delegates	Mark Keam	35th District	1952 Gallows Rd. Suite 210 Vienna, VA 22182
Virginia House of Delegates	Kenneth R. Plum	36th District	2073 Cobblestone Ln. Reston, VA 20191
Virginia House of Delegates	James M. Scott	53rd District	PO Box 359 Merrifield, VA 22116
Virginia House of Delegates	Thomas Davis Rust	86th District	730 Elden St. Herndon, VA 20170
Local Elected Officials			
Fairfax County Board of Supervisors	Sharon Bulova	Chairman At-Large	Fairfax County Government Center 12000 Government Center Pkwy Suite 530 Fairfax, VA 22035
Fairfax County Board of Supervisors	John W. Foust	Dranesville District	McLean Government Center 1437 Balls Hill Rd. McLean, VA 22101
Fairfax County Board of Supervisors	Catherine M. Hudgins	Hunter Mill District	North County Government Center, 12000 Bowman Towne Dr. Reston, VA 20190
Fairfax County Board of Supervisors	Linda Q. Smyth	Providence District	8739 Lee Hwy Fairfax, VA 22031

Organization	Point of Contact (Number of Copies)	Title	Address
Fairfax County Board of Supervisors	Michael Frey	Sully District	Sully District Government Center 4900 Stonecroft Blvd Chantilly, VA 20151
Fairfax County Board of Supervisors	Penelope A. Gross	Mason District	Mason District Government Center 6507 Columbia Pike, Annandale, VA 22003
Fairfax County Board of Supervisors	John Cook	Braddock	Kings Park Library 9002 Burke Lake Rd. Burke, VA 22015
Fairfax County Board of Supervisors	Gerald W. Hyland	Mount Vernon	Mount Vernon Government Center 2511 Parkers Ln. Alexandria, VA 22306
Fairfax County Board of Supervisors	Jeffry MaKay	Lee District	Franconia Governmental Center 6121 Franconia Rd. Alexandria, VA 22310
Fairfax County Board of Supervisors	Pat Herrity	Springfield	West Springfield Governmental Center, 6140 Rolling Rd. Springfield, VA 22152
Loudoun County Board of Supervisors	Scott K. York	Chairman At-Large	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Kenneth Reid	Leesburg	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177

Organization	Point of Contact (Number of Copies)	Title	Address
Loudoun County Board of Supervisors	Janet Clarke	Blue Ridge	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Eugene Delgaudio	Sterling	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Geary Higgins	Catoctin	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Shawn Williams	Broad Run	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Matthew F. Letourneau	Dulles District	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Suzanne Volpe	Algonkian District	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Loudoun County Board of Supervisors	Ralph Buona	Ashburn District	1 Harrison St., S.E. 5th Floor Mailstop #01 P.O. Box 7000 Leesburg, VA 20177
Neighboring Elected Officials			
District of Columbia	Vincent C. Gray	Mayor	1350 Pennsylvania Ave., NW Suite 316 Washington, DC 20004
Council of the District of Columbia	Kwame Brown	Chairman	1350 Pennsylvania Ave., NW Washington, DC 20004

Organization	Point of Contact (Number of Copies)	Title	Address
Montgomery County	Isiah Leggett	County Executive	Executive Office Building 101 Monroe St. 2nd Floor Rockville, MD 20850
Montgomery County Council	Roger Berliner	President	100 Maryland Ave. Rockville, MD 20850
Prince George's County	Rushern L. Baker, III	County Executive	County Administration Building 14741 Governor Oden Bowie Dr. Upper Marlboro, MD 20772-3050
Prince George's County Council	Robert J. Williams Jr.	Administrator	County Administration Building 14741 Governor Oden Bowie Dr. Upper Marlboro, MD 20772-3050
Falls Church City Council	Kathleen C. Buschow	City Clerk	300 Park Ave. Falls Church, VA 22046
City of Alexandria	William D. Euille	Mayor	301 King St. Alexandria VA 22314
Alexandria City Council	Jackie M. Henderson	Clerk of Council	301 King St. Alexandria VA 22314
Arlington County Board of Supervisors	Mary Hughes Hynes	Chairman	2100 Clarendon Blvd. Arlington, VA 22201
City of Fairfax	Robert F. Lederer	Mayor	10455 Armstrong St. Fairfax, VA 22030
Fairfax City Council	Melanie Burrell	City Clerk	10455 Armstrong St. Fairfax, VA 22030
City of Falls Church	Nader Baroukh	Mayor	243 Gundry Drive Falls Church, VA 22046
Town of Herndon	Stephen DeBenedittis	Mayor	777 Lynn St. Herndon, VA 20170-4602
Town of Purcellville	Robert W. Lazaro, Jr.	Mayor	130 E. Main St. Purcellville, VA 20132
Town of Lovettsville	Elaine Walker	Mayor	6 E. Pennsylvania Ave. Lovettsville, VA 20180
Town of Leesburg	Kristen C. Umstattd	Mayor	25 W. Market St. Leesburg, VA 20176
Town of Vienna	M. Jane Seeman	Mayor	127 Center St. S Vienna, VA 22180

Organization	Point of Contact (Number of Copies)	Title	Address
Federal Agencies			
Federal Aviation Administration	Terry Page	Manager, Washington Airports District Office	23723 Air Freight Ln. Suite 210 Dulles, VA 20166
Federal Highway Administration	Roberto Fonseca-Martinez	Virginia Division Administrator	1200 New Jersey Ave., SE Washington, DC 20590
U.S. Army Corps of Engineers	Nick Konchuba	Chief, Northern Virginia Regulatory Section	18139 Triangle Shopping Plaza Suite 213 Dumfries, VA 22026
Environmental Protection Agency, Region 3	Shawn Garvin	Regional Administrator	1650 Arch St. Philadelphia, PA 19103-2029
Regional, State and Local Agencies			
Maryland – National Capital Park and Planning Commission	Samuel Parker, Jr.	Chairman	6080 Falls Rd. Baltimore, MD 21209
Metropolitan Airports Authority	John Potter	President	1 Aviation Cir. Washington, DC 20001-6000
Metropolitan Washington Council of Governments	David Robertson	Executive Director	Suite 300 777 North Capitol St, NE Washington, DC 20002
National Capital Planning Commission	Marcel Acosta	Executive Director	401 9th St., NW North Lobby, Suite 500 Washington, DC 20004
Northern Virginia Regional Planning Commission	G. Mark Gibb	Executive Director	3060 Williams Dr., Suite 510 Fairfax, VA 22031
Northern Virginia Transportation Commission	Richard K. Taube	Executive Director	2300 Wilson Blvd. Suite 620 Arlington, VA 22201
Commonwealth Transportation Board	J. Douglas Koelemay	Northern Virginia District	6822 Jerome St. Springfield, VA
Commonwealth Transportation Board	F. Gary Garczynski	At-Large, Urban	6822 Jerome St. Springfield, VA
Virginia Department of Transportation	Garrett W. Moore (2)	Northern Virginia District Administrator	1401 E. Broad St. Richmond, VA 23219
Virginia Department of Conservation and Recreation	David A. Johnson	Director	203 Governor St. Richmond, VA 23219-2094
Virginia Department of Conservation and Recreation, Chesapeake Bay Local Assistance Office	Joan Salvati	Division Director	Pocahontas Building 900 E. Main St. 8th Floor Richmond, VA 23219

Organization	Point of Contact (Number of Copies)	Title	Address
Virginia Department of Environmental Quality, Office of Environmental Impact Review	Ellie Irons (3)	Program Manager	629 East Main St. 6th Floor Richmond, VA 23219
Virginia Department of Environmental Quality, Office of Environmental Impact Review	Thomas Faha	Regional Director	13901 Crown Ct. Woodbridge, VA 22193
Virginia Department of Game and Inland Fisheries	Bob Duncan	Executive Director	4010 W. Broad St. Richmond, VA 23230
Virginia Department of Historic Resources	Marc Holma	Office of Review and Compliance	2801 Kensington Avenue Richmond, VA 23221
Virginia Marine Resources Commission	Steven G. Bowman	Commissioner	2600 Washington Ave. 3rd Floor Newport News, VA 23607
Maryland Department of Transportation	Beverley Swaim-Staley	Secretary	7201 Corporate Center Dr Hanover, MD 21076
Maryland State Highway Administration	Melinda Peters	Administrator	7201 Corporate Center Dr Hanover, MD 21076
Maryland Department of Planning	Richard E. Hall	Secretary	301 West Preston St., Baltimore, MD 21201 - 2365
Washington Metropolitan Area Transit Commission	William Morrow, Jr.	Executive Director	600 5 th St., NW Washington, DC 20001
Washington Suburban Transit Commission	Elizabeth M. Hewlett, Esq	Interim Executive Secretary-Treasurer	4351 Garden City Dr. Suite 305 Hyattsville, MD 20785
Washington Metropolitan Area Transit Authority	Richard Sarles	General Manager	600 5th St., NW Washington, DC 20001
Washington Metropolitan Area Transit Authority	Ildefonso Burgos (2)	Dulles Project Manager	600 5th St., NW Washington, DC 20001
Washington Metropolitan Area Transit Authority	James Ashe (25)	Manager, Environmental Compliance	600 5th St., NW Washington, DC 20001
Fairfax County	Edward L. Long, Jr (as of April 25 th) Anthony Griffin Deputy Executive: Robert A. Stalzer	County Executive	12000 Government Center Pkwy Suite 551 Fairfax, VA 22035-0065
Fairfax County Department of Planning and Zoning	Fred R. Selden (2)	Director	12000 Government Center Pkwy Suite 551 Fairfax, VA 22035-0065

Organization	Point of Contact (Number of Copies)	Title	Address
Fairfax County Department of Public Works and Environmental Services	James Patterson	Director	12000 Government Center Pkwy Suite 551 Fairfax, VA 22035-0065
Fairfax County Department of Transportation	Tom Biesiadny (2)	Acting Director	12000 Government Center Pkwy Suite 551 Fairfax, VA 22035-0065
Loudoun County	Tim Hemstreet	County Administrator	1 Harrison St. SE Leesburg, VA 20175
Arlington County	Barbara Donnellan	County Manager	2100 Clarendon Blvd. Arlington, VA 22201
City of Falls Church	Wyatt Shields	City Manager	300 Park Ave. Falls Church VA 22046
Town of Herndon	Arthur Anselene	Town Manager	777 Lynn St. Herndon, VA 20170-4602
Town of Vienna	Mercury Payton	Town Manager	127 Center St. S. Vienna, VA 22180
Libraries and Public Locations			
Ashburn Library	Loudoun County Branch		43316 Hay Rd. Ashburn, VA 20147
Dolley Madison Community Library	Fairfax County Branch		1244 Oak Ridge Ave. McLean, VA 22101-2818
Cascades Library	Loudoun County Branch		21030 Whitfield Pl. Potomac Falls, VA 20165
Mary Riley Styles Public Library	Falls Church Library		120 N. Virginia Ave. Falls Church VA 22046
Great Falls Community Library	Fairfax County Branch		9830 Georgetown Pike Great Falls, VA 22066
Herndon Fortnightly Library	Fairfax County Branch		768 Center Street Herndon, VA 20170-4640
Patrick Henry Community Library	Fairfax County Branch		101 Maple Avenue East, Vienna, VA 22180-5794
Reston Regional Library	Fairfax County Branch		11925 Bowman Towne Dr. Reston, VA 20190-3311
Sterling Library	Loudoun County Branch		120 Enterprise St. Sterling, VA 20164

Organization	Point of Contact (Number of Copies)	Title	Address
Tysons-Pimmit Regional Library	Fairfax County Branch		7584 Leesburg Pike, Falls Church, VA 22043
Dulles Corridor Metrorail Project Office	(5)		1593 Spring Hill Rd. Suite 300 Vienna, VA 22182
Private Companies and Unions Required by WMATA Compact			
United Motor Coach Association	Tom Ready	Chairman	113 S. West St. 4th Floor Alexandria, VA 22314-2824
Amalgamated Transit Union, Local 689	Jackie Jeter	President	2701 Whitney Place Forestville, MD 20747
International Brotherhood of Teamsters, Local 246	Don Johnson	Manager	25 Louisiana Ave., NW Washington, D.C. 20001
International Brotherhood of Teamsters, Local 922	Ferline Buie	President	25 Louisiana Ave., NW Washington, D.C. 20001
Greater Washington on Board of Trade	James C. Dinegar	President	1725 I Street, NW #200 Washington, DC 20006
Federal City Council	Frank Keating	President	1156 15th St, NW # 600 Washington, DC 20005-1767

THIS PAGE INTENTIONALLY LEFT BLANK.

Appendix **B**

Correspondence

Letter from DCR, 22 June 2010
Letter from FTA, 15 September 2010
Letter from DHR, 15 September 2010
Letter from NCPC, 15 September 2010
Letter from DRPT, 20 September 2010
Letter from ACHP, 20 September 2010
Letter of Jurisdictional Determination from USACE, 30 September 2010
Letter from FTA, 3 January 2011
Letter from FTA, 21 November 2011
Letter from DHR, 28 December 2011
Letter from DHR, 2 February 2012
Letter to Section 106 Consulting Parties, 9 February 2012
Letter from FTA to Catawba Indian Nation, 29 February 2012
Letter from FTA to Eastern Band of Cherokee Indians, 29 February 2012
Letter from FTA to Tuscarora Nation of New York, 29 February 2012
Letter from FTA to United Keetoowah Band Cherokee Indian (Oklahoma), 29 February 2012
Letter from Loudoun County, 12 March 2012
Email to FTA from United Keetoowah Band Cherokee Indian (Oklahoma), 10 April 2012

THIS PAGE INTENTIONALLY LEFT BLANK.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Division of Natural Heritage
217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951

June 22, 2010

David Smith
Coastal Resources, Inc
25 Old Solomons Island Road
Annapolis, MD 21401

Re: Dulles Corridor Metrorail Project, Phase II

Dear Mr. Smith:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Sterling Quad:

According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Herndon Quad:

According to the information currently in our files, the project site is within the Broad Run – Route 607 Stream Conservation Unit. Stream Conservation Units (SCUs) identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. Stream Conservation Units are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain. The Broad Run – Route 607 SCU has been given a biodiversity ranking of B5, which represents a site of general biodiversity significance. The natural heritage resource associated with this site is :

Lampsilis cariosa

Yellow lampmussel

G3G4/S2/NL/SC

The yellow lampmussel averages about 70 mm in length but can reach a length of 130 mm (Johnson, 1970). The yellow lampmussel is found in larger streams and rivers where good currents exist over a sand and gravel substrate and in small creeks and ponds. This species is known to occur in the Potomac,

York, and Chowan river basins (TNC, 1996). Please note that this species is currently classified as a special concern species by the Virginia Department of Game and Inland Fisheries (VDGIF); however, this designation has no official legal status.

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species.

Vienna Quad:

Sugarland Run, which has been designated by the Virginia Department of Game and Inland Fisheries (VDGIF) as a "Threatened and Endangered Species Water," is downstream of the project area. The species associated with this T & E Water is the Wood turtle (*Glyptemys insculpta*, G4/S2/NL/LT).

To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations. Due to the legal status of the Wood turtle, DCR also recommends coordination with VDGIF to ensure compliance with protected species legislation.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Furthermore, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

A fee of \$305.00 has been assessed for the service of providing this information. Please find enclosed an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, **DCR - Division of Natural Heritage, 217 Governor Street Richmond, VA 23219**. Payment is due within thirty days of the invoice date. Please note the change of address for remittance of payment as of July 1, 2008. Late payment may result in the suspension of project review service for future projects.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Should you have any questions or concerns, feel free to contact me at (804) 692-0984. Thank you for the opportunity to comment on this project.

Sincerely,



Alli Baird, LA, ASLA
Coastal Zone Locality Liaison

CC: Amy Ewing, VDGIF

Literature Cited

Johnson, R.I. 1970. The systematics and zoogeography of the Unionidae (Mollusca: Bivalva) of the southern Atlantic slope region. *Bulletin Museum of Comparative Zoology* vol 140(6): 362-365.

The Nature Conservancy. 1996. Biological and Conservation Data System. Arlington, Virginia, USA.

Williams, J.D., M.L. Warren, Jr., K.S. Cummings, J.L. Harris, and R.J. Neves. 1993.
Conservation status of freshwater mussels of the United States and Canada. *Fisheries* 18: 6-9.



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

SEP 15 2010

Mr. Karl A. Rohrer
Deputy Project Director-Phase 2
Dulles Corridor Metrorail Project
1593 Spring Hill Road, Suite 300
Vienna, VA 22182-2245

Re: Dulles Corridor Metrorail Project – Phase 2
Lead Federal Agency for NEPA Re-Evaluation

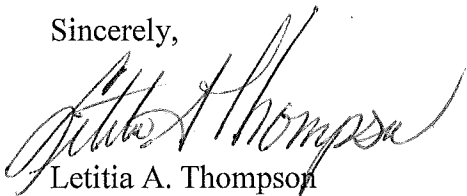
Mr. Rohrer:

I am writing to respond to the letter from the Metropolitan Washington Airports Authority (MWAA) of August 30, 2010 seeking the agreement of the Federal Transit Administration (FTA) to serve as the Federal lead agency for continued compliance with the National Environmental Policy Act (NEPA) and related Federal laws for Phase 2 of the Dulles Corridor Metrorail Project (Phase 2).

After consulting with the Federal Aviation Administration (FAA), FTA has decided that it will serve as the lead agency in conducting the environmental review of the proposed changes to Phase 2. The FAA has agreed to act as a cooperating agency in accordance with NEPA regulations. To determine the appropriate NEPA and historic preservation process to follow, FTA would like to meet with the environmental staff of MWAA and FAA and MWAA's consultants to discuss the proposed changes to Phase 2 further.

Please contact Melissa Barlow of our Washington, DC Metropolitan Office at (202) 219-3562 to arrange this meeting. Let her know if you have any questions.

Sincerely,



Letitia A. Thompson
Regional Administrator

cc: P. Nowakowski
C.S. Carnaggio
P. Elman
T. Page, FAA



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Douglas W. Domenech
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

15 September 2010

Mr. Karl A. Rohrer
Dulles Corridor Metrorail Project
Metropolitan Washington Airports Authority
1595 Spring Hill Road, Suite 300
Vienna, Virginia 22182

Re: Draft Alternative Alignment Study for the Dulles Corridor Rapid Transit Project—Phase 2
Fairfax and Loudoun Counties
DHR File # 2000-1061

Dear Mr. Rohrer:

This letter is in response to your request at the 19 August 2010 consulting parties meeting regarding the above referenced project for comments on the proposed alternative alignment for the Dulles Corridor Rapid Transit Project—Phase 2. As you are aware, in 2004 the Federal Transit Authority (FTA), the Department of Historic Resources (DHR), and the Virginia Department of Rail and Public Transportation (VDRPT) concluded a Memorandum of Agreement (MOA) for this undertaking pursuant to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800. The MOA was necessary in order to mitigate the adverse effect that the proposed construction of the extension of the Dulles Corridor Metrorail will have to the National Register of Historic Places (NRHP)-eligible Eero Saarein designed Dulles International Airport historic district. Specifically, the project when completed will alter the remaining historic "peek-a-boo" views of the main terminal control tower for approaching travelers from the Dulles International Airport Access Highway. The "peek-a-boo" approach experience was a conscious design feature of the Saarein plan and is a significant characteristic of the NRHP-eligible resource.

Since the conclusion of the MOA for this undertaking, the Metropolitan Washington Airports Authority (MWAA) has assumed project sponsorship from the Commonwealth of Virginia. The MWAA Board of Directors requested that a more cost effective alternative than the one which was the subject of the MOA be explored. As a result, the MWAA conducted an alternatives analysis on nine potential alternatives. The proposed alternative selected for further study, designated Alternative 8A, consists of an above ground station on the south face of the north garage structure with aerial rails.

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way
2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Avenue, SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region
Preservation Office
P.O. Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

As expressed in the consulting parties meeting and during an earlier informational meeting at the DHR's Richmond headquarters, we believe that Alternative 8A also represents an adverse effect upon the Dulles International Airport historic district. However, in many respects the negative impacts to the historic resource will be greater in the Alternative 8A plan than in the original design proposal. For instance, the elimination of one of the remaining peek-a-boo views will still remain with Alternative 8A, but the new design will introduce much greater visual intrusions onto the core of the historic district. Rather than being hidden underground, the new station will be constructed above ground and in full view from the terminal building. Additionally, the station will loom over the parking bowl and its historic designed landscape. Visitors arriving to the airport via automobile will have to pass under elevated metro rail tracks; further diminishing the approach experience that was so important to Saarenin's architectural concept.

If Alternative 8A is approved by the MWAA Board of Directors a new MOA will have to be negotiated and entered into by the signatory and consulting parties. This is necessary since the preferred design has changed so much from what was initially presented that it essentially constitutes a new project. Further, since the DHR believes that the adverse effect to the Dulles International Airport historic district presented by Alternative 8A has increased in both its scope and nature from the original design, the mitigation offered up by the MWAA needs to reflect this reality. In addition to those applicable mitigation measures already set forth in the existing MOA, we recommend including in any new agreement document, at a minimum, meaningful consultation with all parties on the design of the above-ground station and writing of a draft NRHP nomination for the Dulles International Airport historic district that the MWAA and the Federal Aviation Administration (FAA) will agree to forward on to the National Park Service (NPS) for listing. We believe that the airport is of national significance and may even qualify for National Historic Landmark (NHL) status; the NPS's highest recognition. As Dulles International Airport has already been determined eligible for the NRHP, formal listing on the NRHP will place no further regulatory burden on the FAA or MWAA than already exists under Section 106. We strongly encourage listing the property on the NRHP.

If you have any questions about our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Holma", written in a cursive style.

Marc Holma, Architectural Historian
Office of Review and Compliance

IN REPLY REFER TO
NCPC File No. 7168

September 15, 2010

Mr. Karl A Rohrer
Deputy Project Director – Phase 2
Dulles Corridor Metrorail Project
Metropolitan Washington Airports Authority
1593 Spring Hill Road, Suite 300
Vienna, VA 22182

Dear Mr. Rohrer:

I am responding to your request for Section 106 comments on the Dulles Corridor Metrorail alignment alternatives study and preliminary assessment of effects. The National Capital Planning Commission is participating as a party in the Section 106 consultation. The Commission will also eventually review the plans pursuant to the Memorandum of Understanding (MOU) between the Metropolitan Washington Airports Authority and the Commission dated November 2, 1988.

The Dulles Airport Historic District is eligible for the National Register of Historic Places under Criteria A, B, and C. The district includes structures and landscapes and incorporates the remaining “Peek-a-boo” viewpoints as contributing elements. The landscapes associated with the terminal and the Approach Road are also contributing historic elements.

We appreciated the opportunity to attend the August 19, 2010 consultation meeting with you and your team to discuss possible revisions to the previously selected underground tunnel alignment and the possible amendment of the 2004 Section 106 Memorandum of Agreement. We offer the following comments, which are consistent with those we stated at the meeting.

The current alignment alternatives study and your assessment of effects appear to us to be well-considered and defensible. Your range of alternatives includes a mix of station locations and track configurations and your evaluation criteria are comprehensive and appropriately include the potential for effects to cultural resources. We concur that Alternative 8A is an acceptable alternative to advance for further study and comparison to the 2004 tunnel alternative decision.

We also concur with your preliminary determination of effects for Alternative 8A, and with your comparison of the effects of Alternative 8A to the effects of the 2004 tunnel alternative. While both alternatives avoid most categories of adverse effects, both will have some adverse effects on the historic district’s “Peek-a-boo” viewpoints due to proposed above-ground elements. Although there has been some compromise in the

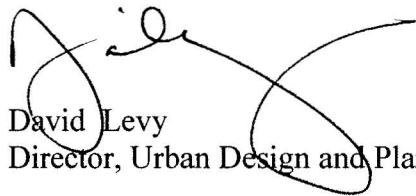
viewpoints over the years, they retain sufficient integrity as elements of the historic district and should be preserved from foreground intrusions to the greatest extent possible, especially direct views of the façade of the terminal.

Alternative 8A is an aerial alignment that would locate the station immediately to the south of the North Garage, thus preserving the views of the iconic airport terminal façade except for brief, intermittent interruptions from the Access Road as a result of the structural supports for the aerial segment of the rail line itself. In our judgment, the anticipated adverse effects can be minimized through careful design development.

We offer an additional comment on the proposed Metrorail station, which is in a very early stage of design. We recommend that the station be designed to be a signature building, not competing with the Saarinen terminal but complementing it in quality and character. The North Garage is a neutral, utilitarian building and the addition of a signature Metrorail station, visible from Saarinen Circle and the terminal itself, would be a welcome new feature within the Dulles Airport Historic District as the airport enters a new period in its history.

If you have any comments on questions, please contact Nancy Witherell at nancy.witherell@ncpc.gov or 202-482-7239. Thank you for the opportunity to comment on this significant regional project.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Levy', with a large, sweeping flourish extending to the right.

David Levy
Director, Urban Design and Plan Review



COMMONWEALTH of VIRGINIA

Thelma D. Drake
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX (804) 225-3752
VIRGINIA RELAY CENTER
1-800-828-1120 (TDD)

Mr. Karl A Rohrer
Deputy Project Director – Phase 2
Dulles Corridor Metrorail Project
Metropolitan Washington Airports Authority
1593 Spring Hill Road, Suite 300
Vienna, VA 22182

Dear Mr. Rohrer:

The Virginia Department of Rail and Public Transportation (DRPT) is pleased to respond to your request for Section 106 comments on the Dulles Corridor Metrorail alignment study and preliminary assessment of effects for the proposed Dulles Rail alignment through Dulles Airport property.

The current alignment alternatives study and your assessment of effects appear to be well considered. Alternative 8A is an acceptable alternative to advance for further study and comparison to the 2004 tunnel alternative decision.

As a Consulting Party, DRPT does not object to the advancement of the aerial alignment at Dulles Airport, and we would like to participate in any continued consultations and development of a revised Memorandum of Agreement on this effort.

If you have any questions or concerns, please feel free to contact me. Thank you for the opportunity to comment on this important state and regional project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Harris".

Michael Harris
DRPT Coordinator

cc: Corey Hill, DRPT

The Smartest Distance Between Two Points

smarter debt alignment now



Preserving America's Heritage

September 20, 2010

Mr. Karl A. Rohrer
Deputy Project Director—Phase 2
Dulles Corridor Metrorail Project
Metropolitan Washington Airports Authority
1595 Spring Hill Road, Suite 300
Vienna, VA 22182

*RE: Draft Alternative Alignment Study for the Dulles Corridor Metrorail Project—Phase 2
Fairfax and Loudon Counties, Virginia*

Dear Mr. Rohrer:

The Advisory Council on Historic Preservation (ACHP) recently received the Metropolitan Washington Airports Authority's (MWAA's) letter concerning the referenced phase of the Dulles Corridor Metrorail Project. We have also received a copy of information presented at a meeting of consulting parties on August 19, 2010, and a copy of the Virginia State Historic Preservation Officer's (SHPO) comments on the aerial design option under consideration for the Dulles Airport Metrorail station.

Given the possible change in the nature of effects to the Washington Dulles International Airport Historic District should an aerial design option be selected, the Federal Transit Administration (FTA) should initiate the procedure (Stipulation 5) to amend the 2004 Memorandum of Agreement (MOA) among FTA, the Virginia SHPO, and FTA's applicant, the Virginia Department of Rail and Public Transportation (DRPT). FTA, as the federal agency responsible for Section 106 compliance for this undertaking, must amend the MOA to ensure that consulting parties and the public have an opportunity to provide their views on the effects of the proposed aerial design option on historic properties and to propose other measures to minimize or mitigate newly identified adverse effects.

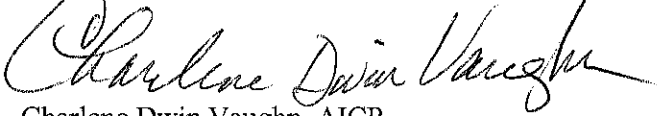
Amendments to the MOA should also reflect recent changes in administrative responsibility now that MWAA has assumed the DRPT's responsibility for implementation of the undertaking. MWAA should become an invited signatory to an amended MOA since the agency will now carry out many of the minimization and mitigation measures stipulated by the agreement [36 CFR §800.6(c)(2)(iii)]. Any other changes in the roles and oversight responsibilities of other federal agencies, including the Federal Aviation Administration (FAA), or other consulting parties should likewise be clarified.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Thank you for providing information about the proposed design changes to the Dulles Corridor Metrorail Project. If you have any questions or wish to discuss this matter further, please contact Blythe Semmer of our staff at (202) 606-8552 or via e-mail at bsemmer@achp.gov.

Sincerely,

A handwritten signature in black ink, reading "Charlene Dwin Vaughn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section



U.S. Army Corps of Engineers, Norfolk District
Northern Virginia Field Office
18139 Triangle Plaza, Suite 213
Dumfries, VA 22026

September 30, 2010

Project Number: 2010-2277

Waterway: Horsepen Run and other waterways

1. Participant:

Metropolitan Washington Airports Authority
Attn: Mr. Karl Rohrer
1593 Spring Hill Road, Suite 300
Vienna, VA 22182

2. Authorized Agent:

Dulles Rail Consultants
Attn: Mr. David Smith
465 Spring Park Place
Herndon, VA 20170-5227

3. Project Location:

The project is located along a corridor from Wiehle Avenue in Fairfax County, west to Dulles Airport and continuing west to Ashburn Village Boulevard (Route 772) in Loudoun County, Virginia.

4. Project Description:

The project consists of the confirmation of a wetland delineation for the subject study area. The project is called Dulles Corridor Metrorail Project - Phase 2.

5. Findings

A site inspection has verified that waters and/or wetlands regulated under Section 404 of the Clean Water Act (33 USC 1344) exist at the location listed above. The delineation, described by letter, report and plans dated August 30, 2010 and revisions dated September 28, 2010, is in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and 33 CFR 328.3(a).

Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any structure, fill or excavation in the waters/wetlands on this site may require a Department of the Army permit and possibly authorization by state and local authorities. Your proposed work may require a Virginia Water Protection Permit from the Virginia Department of Environmental Quality and/or a permit from the Virginia Marine Resources Commission. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This letter serves as an approved jurisdictional determination for the subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address: United States Army Corps of Engineers, North Atlantic Division, Attn: Michael Vissichelli, Regulatory Appeals Review Officer, Building 301, General Lee Avenue, Fort Hamilton Military Community, Brooklyn, NY 11252

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five years from the date of this letter.

6. Corps Contact: Mr. Ron Stouffer at 703-221-6967(o) 703-221-6575 (f)

Nicholas L. Konchuba
Chief, Northern Virginia Regulatory Section

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Metropolitan Washington Airports Authority		File Number: 2010-2277	Date: 30 Sep 2010
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Norfolk District
Northern Virginia Field Office
Attn.: Mr. Ronald H. Stouffer, Jr.
18139 Triangle Plaza, Suite 213
Dumfries, VA 22026

703-221-6967 or email ron.h.stouffer@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

United States Army Corps of Engineers
North Atlantic Division
Attn: Mr. Michael Vissichelli, Regulatory Appeals Review Officer
Building 301, General Lee Avenue
Fort Hamilton Military Community
Brooklyn, NY 11252
(718) 765-7163

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

JAN - 3 2011

Mr. Marc Holma
Architectural Historian
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

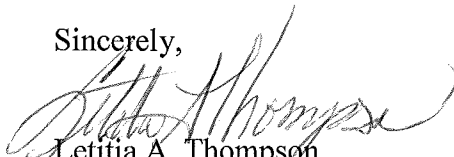
Re: Dulles Corridor Metrorail Project Phase 2 Section 106 Process

Dear Mr. Holma,

This letter is to notify you of the Federal Transit Administration (FTA) determination that the Dulles Corridor Metrorail Project Phase 2 in Loudon County, VA, proposed by the Metropolitan Washington Airports Authority (MWAA) will be a Federal undertaking. As such, the project is subject to Section 106 of the National Historic Preservation Act of 1966, as amended, and associated implementing regulations 36 CFR 800. Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of these regulations, FTA is authorizing MWAA, as an applicant for Federal assistance, to prepare information, analyses, and recommendations regarding Section 106 consultation for this project. The delegated authority to initiate consultation does not extend to making determinations, such as the area of potential effects or consulting parties. This letter serves as the official notification from FTA of the initiation of the 106 process.

Thank you in advance for your assistance on this project. Please contact Melissa Barlow of the FTA Regional Office at (202) 219-3545 with any questions. A MWAA representative will be contacting your office as the project proceeds.

Sincerely,



Letitia A. Thompson
Regional Administrator

cc: Mr. Jim Ashe, WMATA
Mr. Chris Osburne, FAA



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

NOV 21 2011

Mr. Mark Holma
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Subject: Dulles Corridor Metrorail Project - Phase 2 Refined Locally Preferred Alternative – Section 106 Determination of Effects Report and Amended Memorandum of Agreement: Historic Architecture DHR File #2000-1061

Dear Mr. Holma:

Attached for your review is the *Refined Locally Preferred Alternative – Section 106 Determination of Effects Report: Historic Architecture* for the Dulles Corridor Metrorail Project (Project). This report supplements the analyses presented in the April 2004 *Identification and Evaluation Report – Historic Architecture* for the Project. An updated assessment of potential effects to historic resources is necessary to ensure the Project's continued compliance with both the National Environmental Policy and National Historic Preservation Acts, as amended. A single historic property, the Dulles Airport Historic District, is located within the Project's Area of Potential Effect.

The Federal Transit Administration (FTA) has also attached the amended Memorandum of Agreement (MOA) to address the Refined Locally Preferred Alternative (LPA). This amendment addresses the changes in the Project description and sponsor, updates the summary of effects, and reaffirms FTA's commitment to implement the original MOA's stipulations, including context-sensitive design within the historic district and the installation of the permanent interpretative displays.

The original LPA approved by FTA and the Federal Aviation Administration (FAA) included a tunnel alignment and underground station at Dulles Airport. However, during the completion of Preliminary Engineering for Phase 2, several refinements to the Project's design have been proposed to comply with updated standards and reduce the Project's overall capital costs, most notably, the replacement of the LPA's tunnel and underground station with an aerial (elevated) alignment and station. Collectively, these design refinements are considered the Refined LPA for the purposes of environmental and Section 106 reviews. This Determination of Effect report specifically addresses any changes in effects to historic resources from those previously identified in the Section 106 MOA for the Project executed in October 2004.

During the completion of Preliminary Engineering for Phase 2, the original Section 106 consulting parties were re-engaged to review the proposed design refinements and evaluate the potential impacts of various Airport alignment and station options on the Dulles Airport Historic District. These consulting parties included FTA, FAA, Virginia Department of Historic Resources (VDHR), Virginia Department of Rail and Public Transportation, the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, Fairfax County, and Loudoun County. Although they did not participate in the original consultations, both the Advisory Council on Historic Preservation and the National Capital Planning Commission were invited to participate in the new consultations related to the Refined LPA.

As noted in the attached report, FTA has determined that the construction of the Refined LPA's aerial guideway and Metrorail station within the Dulles Airport Historic District would be considered an Adverse Effect because it would add new non-contributing elements to the historic district and diminish the integrity of its setting. In order to mitigate this effect, the location and design of the aerial guideway structure has been modified during Preliminary Engineering to minimize interruptions to approach views of the Main Terminal to the extent possible given operational and safety requirements. An architectural design for the Metrorail guideway and station that complements the historic setting while being distinct in appearance and materials from the existing contributing historic resources will also be used. Furthermore, the development and installation of public interpretive displays in the pedestrian tunnel between the Metrorail station and the Main Terminal is proposed to further mitigate any adverse effects. The interpretive displays would highlight the significant aspects of Saarinen's career, the significance of his design of the Dulles Airport, its planning and construction, and the Airport's evolving design in response to changing aspects of passenger air travel since the early 1960s.

Please note, that FTA is very eager to work with your office to get concurrence on the amended MOA and should you need any additional information or would like to schedule a meeting to discuss this matter further, please contact daniel.koenig@dot.gov at (202) 219-3528.

Sincerely,



Brigid Hynes-Cherin
Acting Regional Administrator

cc: Melissa Barlow (FTA)
Brian Glenn (FTA)
Jay Fox (FTA)



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Douglas W. Domenech
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

28 December 2011

Ms Brigid Hynes-Cherin
United States Department of Transportation
Federal Transit Administration, Region III
1760 Market Street, Suite 500
Philadelphia, Pennsylvania 19103-4124

Re: Refined Locally Preferred Alternative for Dulles Corridor Rapid Transit Project—Phase 2
Fairfax and Loudoun Counties
DHR File # 2000-1061

Dear Ms Hynes-Cherin:

The Department of Historic Resources (DHR) has received for our review and comment the report "Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture" (November 2011) prepared by the Federal Transit Administration (FTA) and the Metropolitan Washington Airports Authority (MWAA). The report documents, among other things, the assessment of effect that the newly proposed and approved Locally Preferred Alternative (LPA) will have on the Dulles International Airport Historic District, a property eligible for listing in the National Register of Historic Places (NRHP).

As you are aware, in 2004 FTA, DHR, and the Virginia Department of Rail and Public Transportation (VDRPT) concluded a Memorandum of Agreement (MOA) for this undertaking pursuant to Section 106 of the National Historic Preservation Act. The MOA was necessary in order to mitigate the adverse effect that the proposed construction of the extension of the Dulles Corridor Metrorail will have on the Eero Saarinen designed Dulles International Airport terminal and its historic environs. Specifically, the project was determined to alter the remaining historic "peek-a-boo" views of the main terminal control tower for approaching travelers from the Dulles International Airport Access Highway. The "peek-a-boo" approach experience was a conscious design feature of the Saarinen plan and is a significant characteristic of the NRHP-eligible resource. The project would also introduce new design elements into the "Parking Bowl", a contributing resource to the NRHP-eligible historic district.

Since the conclusion of the MOA for this undertaking, the MWAA Board of Directors requested that a more cost effective alternative than the one which was the subject of the MOA be explored. As a result, the MWAA conducted an alternatives analysis on nine potential alternatives. The proposed alternative selected for further study, designated Alternative 8A, consists of an above ground station on the south face of the north garage structure with aerial rails. This alternative was selected by the MWAA Board to replace the

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way 2nd
Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5428
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

Page 2
28 December 2011
Ms Brigid Hynes-Cherin


previous design concept of an underground station within the Parking Bowl. It is this new LPA and its "design refinements" that are the subject of the current document.

Before discussing the impacts of the new project design on the historic property, DHR wants to acknowledge the efforts of FTA to minimize effects on the historic district. We understand that, for example, during the iterative design process FTA identified a structural layout intended to reduce the need for bents, thereby resulting in the lowest profile for the rail track structure. The outcome was that where earlier designs required as many as four bents supporting the rail guideway over the inbound Dulles International Airport Access Highway, the current concept requires only one.

Despite these efforts to minimize impacts, DHR concurs with the report that the new LPA still represents an adverse effect upon the Dulles International Airport Historic District. Although we agree that the overall effect of the two project designs will be the same, in many respects the negative impacts to the historic resource will be greater with the current LPA plan than they were for the original proposal. For instance, the elimination of one of the remaining peek-a-boo views will still remain with the new LPA, but the new design will introduce much greater visual intrusions onto the core of the historic district. Rather than being hidden underground, the new station will be constructed above ground and in full view from the terminal building. Additionally, the station will loom over the Parking Bowl and its historic designed landscape. Visitors arriving to the airport via automobile will have to pass under elevated metro rail tracks; further diminishing the approach experience that was so important to Saarinen's architectural concept. More troubling, as stated on page 24 of the report, the construction of the Metrorail guideway and new aerial station will displace landscaping along the north side of the Saarinen Circle. This landscaping was part of a master plan to rehabilitate the original landscape, which was designed by noted landscape architect Dan Kiley. Contrary to the first bullet point on page 25, DHR considers the intrusion into this historic designed landscape as physical damage to a previously unaffected feature of the historic district. As such, new mitigation should be included in the draft MOA amendment to address this occurrence.

With respect to the draft MOA amendment, in addition for the need of new mitigation that specifically addresses the new impacts to the landscape on the north side of Saarinen Circle, DHR requests that we receive a version of the document in Word so we may utilize "track changes" when editing. Please ensure that the other consulting parties also have the opportunity to review the report and draft MOA amendment.

If you have any questions about our comments, please call me at (804) 482-6090.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

C: Mr. Karl A. Rohrer, MWAA



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Douglas W. Domenech
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

2 February 2012

Mr. Karl A. Rohrer
Dulles Corridor Metrorail Project
Metropolitan Washington Airports Authority
1595 Spring Hill Road, Suite 300
Vienna, Virginia 22182

Re: Dulles Corridor Metrorail Project Phase 2—Addendum Archaeology Report Phase IB/II Survey (Revised)
Fairfax and Loudoun Counties
DHR File # 2000-1061

Dear Mr. Rohrer:

The Department of Historic Resources (DHR) has received for our review and comment the revised report "Addendum Report, Phase IB/II Archaeological Survey, Dulles Metrorail Project – Phase 2, Fairfax and Loudoun Counties, Virginia" (21 December 2011) prepared by AECOM Transportation for the Metropolitan Washington Airports Authority (MWAA). Thank you for making the recommended revisions to this report and your collective patience throughout this review process. To reiterate our previous formal and informal recommendations, it is the opinion of the archaeological subcommittee of our Department's National Register Eligibility Evaluation Team that site **44LD1596** is eligible for listing in the National Register of Historic Places and that sites **44LD1597** and **44LD1598** are not eligible for National Register listing. Based on the information provided, it appears that the proposed Lead Track and Lead Track East Area will impact site 44LD1596. Please continue consultation with our office regarding the appropriate treatment of this site. If site 44LD1596 cannot be avoided and is adversely affected by the project, appropriate mitigation will have to be developed and included in a Memorandum of Agreement (MOA).

If you have any questions about our comments, please call me at (804) 482-6090.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

C: Mr. Paul Elman, MWAA

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way 2nd
Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5428
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

FEB 9 2012

To: Dulles Corridor Metrorail Project Phase II Section 106 Consulting Parties

Subject: Dulles Corridor Metrorail Project - Phase 2

Dear Consulting Party:

In November and December of 20011, the FTA submitted (1) the *Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture*, and (2) the *Addendum Report – Phase 1B/II Archaeological Survey* to the Virginia Department of Historic Resources (VDHR), the Virginia SHPO for their review. The FTA has received preliminary responses from VDHR that concur with our draft findings in these reports. We are now distributing these DOE reports for a 30-day consulting party comment period and review, along with preliminary letters from VDHR.

Please provide any comments on these draft findings to Daniel Koenig (daniel.koenig@dot.gov) of my staff no later than March 13, 2012. Should you need any additional information, please contact Mr. Koenig at 202-219-3528.

Sincerely,

Brigid Hynes-Cherin
Regional Administrator

Attachments:

DHR letter December 12, 2011

DHR letter February 2, 2012

cc: Jay Fox (FTA)
Melissa Barlow (FTA)
Paul Elman (MWAA)
Karl Rohrer (MWAA)



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

FEB 29 2012

Donald Rodgers, Chief
Catawba Indian Nation
996 Avenue of the Nations
Rock Hill, SC 29730-7645

Re: Historic and Archaeological Study for the Dulles Corridor Metrorail Project - Phase 2

The Metropolitan Washington Airports Authority (MWAA), in cooperation with the Federal Transit Administration (FTA), is conducting an architectural and archaeological study for the proposed Dulles Corridor Metrorail Project (Project). The study is occurring in areas within the ancestral homeland of the Catawba Indian Nation. We invite your participation in these studies.

The Project is a 23-mile extension of the existing Metrorail system that will provide improved mobility and accessibility to the Dulles Corridor in Fairfax and Loudoun Counties, Virginia. Phase 1 of the Project, which is currently under construction, will extend the Metrorail system by 11.6 miles from the current West Falls Church Metrorail Station through Tysons Corner to Wiehle Avenue in Reston, Virginia. Phase 2 of the Project will extend the Metrorail line an additional 11.5 miles from Wiehle Avenue to Dulles Airport and on to Route 772 in Loudoun County, Virginia. Due to several design refinements made to the previously-approved Locally Preferred Alternative (LPA), including a new alignment and station location at Dulles International Airport, a review of historic and archaeological resources protected under Section 106 of the National Historic Preservation Act (NHPA) is being conducted.

In late 2011, MWAA and the FTA completed two draft reports: (1) the Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture, and (2) the Addendum Report- Phase 1B/II Archaeological Survey. FTA and MWAA submitted these reports to the Virginia Department of Historic Resources (VDHR), the State Historic Preservation Office, for review. The VDHR returned preliminary responses that concur with our draft findings in these reports. We are now distributing these two reports for a 30-day consulting party comment period and review, along with preliminary responses from VDHR.

We invite you to review and provide any comments on these draft findings to Mr. Daniel Koenig by March 31, 2012. If you prefer to arrange a government-to-government consultation meeting to discuss the Project, please send a written request as soon as possible, but no later than March 27, 2012.

Mr. Koenig may be contacted at daniel.koenig@dot.gov; or by phone at (202) 219-3528; and by mail 1990 K Street NW, Suite 510, Washington, DC 20006-1178.

Sincerely,

A handwritten signature in black ink, appearing to read "Brigid Hynes-Cherin", followed by a long horizontal line.

Brigid Hynes-Cherin
Regional Administrator

Attachments:

1. Refined Locally Preferred Alternative Section 106 Determination of Effects Report:
Historic Architecture
2. Addendum Report – Phase 1B/II Archaeological Survey

cc: Melissa Barlow, FTA DC Metro Office
Dan Koenig, FTA DC Metro Office
Adam Stephenson, FTA HQ
Paul Elman, MWAA
Karl Rohrer, MWAA



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

FEB 29 2012

Mitchell Hicks, Principal Chief
Eastern Band of Cherokee Indians
Qualla Boundary, PO Box 455
Cherokee, NC 28719

Re: Historic and Archaeological Study for the Dulles Corridor Metrorail Project - Phase 2

The Metropolitan Washington Airports Authority (MWAA), in cooperation with the Federal Transit Administration (FTA), is conducting an architectural and archaeological study for the proposed Dulles Corridor Metrorail Project (Project). The study is occurring in areas within the ancestral homeland of the Eastern Band of Cherokee Indians. We invite your participation in these studies.

The Project is a 23-mile extension of the existing Metrorail system that will provide improved mobility and accessibility to the Dulles Corridor in Fairfax and Loudoun Counties, Virginia. Phase 1 of the Project, which is currently under construction, will extend the Metrorail system by 11.6 miles from the current West Falls Church Metrorail Station through Tysons Corner to Wiehle Avenue in Reston, Virginia. Phase 2 of the Project will extend the Metrorail line an additional 11.5 miles from Wiehle Avenue to Dulles Airport and on to Route 772 in Loudoun County, Virginia. Due to several design refinements made to the previously-approved Locally Preferred Alternative (LPA), including a new alignment and station location at Dulles International Airport, a review of historic and archaeological resources protected under Section 106 of the National Historic Preservation Act (NHPA) is being conducted.

In late 2011, MWAA and the FTA completed two draft reports: (1) the Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture, and (2) the Addendum Report- Phase 1B/II Archaeological Survey. FTA and MWAA submitted these reports to the Virginia Department of Historic Resources (VDHR), the State Historic Preservation Office, for review. The VDHR returned preliminary responses that concur with our draft findings in these reports. We are now distributing these two reports for a 30-day consulting party comment period and review, along with preliminary responses from VDHR.

We invite you to review and provide any comments on these draft findings to Mr. Daniel Koenig by March 31, 2012. If you prefer to arrange a government-to-government consultation meeting to discuss the Project, please send a written request as soon as possible, but no later than March 27, 2012.

Mr. Koenig may be contacted at daniel.koenig@dot.gov; or by phone at (202) 219-3528; and by mail 1990 K Street NW, Suite 510, Washington, DC 20006-1178.

Sincerely,

A handwritten signature in black ink, appearing to read "Brigid Hynes-Cherin", with a long horizontal flourish extending to the right.

Brigid Hynes-Cherin
Regional Administrator

Attachments:

1. Refined Locally Preferred Alternative Section 106 Determination of Effects Report:
Historic Architecture
2. Addendum Report – Phase 1B/II Archaeological Survey

cc: Melissa Barlow, FTA DC Metro Office
Dan Koenig, FTA DC Metro Office
Adam Stephenson, FTA HQ
Paul Elman, MWAA
Karl Rohrer, MWAA



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

FEB 29 2012

Leo R. Henry, Chief
Tuscarora Nation of New York
2006 Mt. Hope Road
Lewistown, NY 14092

Re: Historic and Archaeological Study for the Dulles Corridor Metrorail Project - Phase 2

The Metropolitan Washington Airports Authority (MWAA), in cooperation with the Federal Transit Administration (FTA), is conducting an architectural and archaeological study for the proposed Dulles Corridor Metrorail Project (Project). The study is occurring in areas within the ancestral homeland of the Tuscarora Nation of New York. We invite your participation in these studies.

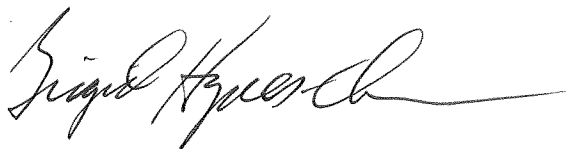
The Project is a 23-mile extension of the existing Metrorail system that will provide improved mobility and accessibility to the Dulles Corridor in Fairfax and Loudoun Counties, Virginia. Phase 1 of the Project, which is currently under construction, will extend the Metrorail system by 11.6 miles from the current West Falls Church Metrorail Station through Tysons Corner to Wiehle Avenue in Reston, Virginia. Phase 2 of the Project will extend the Metrorail line an additional 11.5 miles from Wiehle Avenue to Dulles Airport and on to Route 772 in Loudoun County, Virginia. Due to several design refinements made to the previously-approved Locally Preferred Alternative (LPA), including a new alignment and station location at Dulles International Airport, a review of historic and archaeological resources protected under Section 106 of the National Historic Preservation Act (NHPA) is being conducted.

In late 2011, MWAA and the FTA completed two draft reports: (1) the Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture, and (2) the Addendum Report- Phase 1B/II Archaeological Survey. FTA and MWAA submitted these reports to the Virginia Department of Historic Resources (VDHR), the State Historic Preservation Office, for review. The VDHR returned preliminary responses that concur with our draft findings in these reports. We are now distributing these two reports for a 30-day consulting party comment period and review, along with preliminary responses from VDHR.

We invite you to review and provide any comments on these draft findings to Mr. Daniel Koenig by March 31, 2012. If you prefer to arrange a government-to-government consultation meeting to discuss the Project, please send a written request as soon as possible, but no later than March 27, 2012.

Mr. Koenig may be contacted at daniel.koenig@dot.gov; or by phone at (202) 219-3528; and by mail 1990 K Street NW, Suite 510, Washington, DC 20006-1178.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brigid Hynes-Cherin".

Brigid Hynes-Cherin
Regional Administrator

Attachments:

1. Refined Locally Preferred Alternative Section 106 Determination of Effects Report:
Historic Architecture
2. Addendum Report – Phase 1B/II Archaeological Survey

cc: Melissa Barlow, FTA DC Metro Office
Dan Koenig, FTA DC Metro Office
Adam Stephenson, FTA HQ
Paul Elman, MWAA
Karl Rohrer, MWAA



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

FEB 29 2012

George Wickliffe, Chief
United Keetoowah Band of Cherokee Indian in Oklahoma
PO Box 746
Tahlequah, OK 74465

Re: Historic and Archaeological Study for the Dulles Corridor Metrorail Project - Phase 2

The Metropolitan Washington Airports Authority (MWAA), in cooperation with the Federal Transit Administration (FTA), is conducting an architectural and archaeological study for the proposed Dulles Corridor Metrorail Project (Project). The study is occurring in areas within the ancestral homeland of the United Keetoowah Band of Cherokee Indian in Oklahoma. We invite your participation in these studies.

The Project is a 23-mile extension of the existing Metrorail system that will provide improved mobility and accessibility to the Dulles Corridor in Fairfax and Loudoun Counties, Virginia. Phase 1 of the Project, which is currently under construction, will extend the Metrorail system by 11.6 miles from the current West Falls Church Metrorail Station through Tysons Corner to Wiehle Avenue in Reston, Virginia. Phase 2 of the Project will extend the Metrorail line an additional 11.5 miles from Wiehle Avenue to Dulles Airport and on to Route 772 in Loudoun County, Virginia. Due to several design refinements made to the previously-approved Locally Preferred Alternative (LPA), including a new alignment and station location at Dulles International Airport, a review of historic and archaeological resources protected under Section 106 of the National Historic Preservation Act (NHPA) is being conducted.

In late 2011, MWAA and the FTA completed two draft reports: (1) the Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture, and (2) the Addendum Report- Phase 1B/II Archaeological Survey. FTA and MWAA submitted these reports to the Virginia Department of Historic Resources (VDHR), the State Historic Preservation Office, for review. The VDHR returned preliminary responses that concur with our draft findings in these reports. We are now distributing these two reports for a 30-day consulting party comment period and review, along with preliminary responses from VDHR.

We invite you to review and provide any comments on these draft findings to Mr. Daniel Koenig by March 31, 2012. If you prefer to arrange a government-to-government consultation meeting to discuss the Project, please send a written request as soon as possible, but no later than March 27, 2012.

Mr. Koenig may be contacted at daniel.koenig@dot.gov; or by phone at (202) 219-3528; and by mail 1990 K Street NW, Suite 510, Washington, DC 20006-1178.

Sincerely,

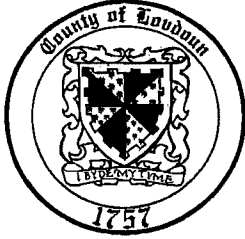
A handwritten signature in black ink, appearing to read "Brigid Hynes-Cherin", with a long horizontal flourish extending to the right.

Brigid Hynes-Cherin
Regional Administrator

Attachments:

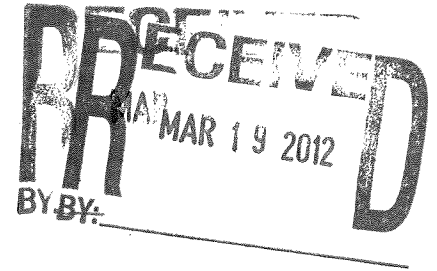
1. Refined Locally Preferred Alternative Section 106 Determination of Effects Report:
Historic Architecture
2. Addendum Report – Phase 1B/II Archaeological Survey

cc: Melissa Barlow, FTA DC Metro Office
Dan Koenig, FTA DC Metro Office
Adam Stephenson, FTA HQ
Paul Elman, MWAA
Karl Rohrer, MWAA



Loudoun County, Virginia

Department of Planning
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62
Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441



March 12, 2012

Mr. Daniel Koenig
United States Department of Transportation
Federal Transit Administration, Region III
1760 Market Street, Suite 500
Philadelphia, PA 19103-4124

Re: Dulles Corridor Metrorail Project Phase II Expansion to Dulles Airport Route 722:
Section 106 Determination of Effects Report: Historic Architecture and Archaeology

Dear Mr. Koenig,

Thank you for the opportunity to comment on the Refined Locally Preferred Alternative Section 106 Determination of Effects Report: Historic Architecture (November 2011) and the Addendum Report Phase IB/II Archaeology Survey, Dulles Metrorail Project-Phase 2 Report Phase IB/II Survey (December 2011).

As stated in the Loudoun County Revised General Plan, "The County supports the continued growth and expansion of Washington Dulles International Airport and will ensure that provision is made for land uses and County infrastructure consistent with the expansion" (Revised General Plan, Chapter 4, Economic Development Policies, Policy 9).

The proposed project is within the Washington Dulles International Airport Historic District, which is eligible for listing on the National Register of Historic Places. Based on the information provided within the environmental assessment (EA) reports, we acknowledge that it has been determined that the proposed construction of the above-ground Metrorail aerial guideway structure and station will have an adverse visual impact on the Eero Saarinen designed Dulles International Airport and that a previously identified archaeological site will be impacted by the proposed construction.

The County's Board of Supervisors in 2011 offered their support for the proposed above-ground option as a necessary cost-saving measure to enable the extension of Metrorail to Dulles International Airport and the County. The County applauds the Airport Authority's efforts to engineer and design the Metrorail aerial guideway structure and station to minimize to the extent possible the visual impact of the proposed structures on the historic district.

Thank you for the opportunity to comment on the environmental assessment (EA) reports. If you have any questions regarding these comments, please contact Pat Giglio, Planner III in the Loudoun County Department of Planning, at 703-737-8563.

Sincerely,

A handwritten signature in cursive script that reads "Julie Pastor". The signature is written in dark ink and is positioned above the printed name and title.

Julie Pastor, AICP
Director of Planning

cc: Brigid Hynes-Cherin, Regional Director, FTA, Region III
Tim Hemstreet, County Administrator
Linda Neri, Deputy County Administrator
Andy Beacher, Director of Transportation
Cindy Keegan, AICP, Program Manager, Community Planning

Elman, Paul

From: daniel.koenig@dot.gov
Sent: Wednesday, April 11, 2012 8:58 AM
To: Rohrer, Karl; Elman, Paul
Subject: FW: Dulles Corridor Metrorail Project, Phase 2

From: Lisa LaRue-Baker [<mailto:lisalaruekeyboard@yahoo.com>]
Sent: Tuesday, April 10, 2012 4:56 PM
To: Koenig, Daniel (FTA)
Cc: lstapleton@unitedkeetoowahband.org
Subject: Dulles Corridor Metrorail Project, Phase 2

The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project and has no objection or comment. However, if any human remains or funerary items are inadvertently discovered, please cease all work and contact us immediately.

Lisa LaRue-Baker

Acting THPO
United Keetoowah Band of Cherokee Indians in Oklahoma
PO Box 748
Tahlequah, OK 74465

c 918.822.1952 f 918.458.6889
ukbthpo-larue@yahoo.com

THIS PAGE INTENTIONALLY LEFT BLANK.

Appendix C

FTA Amended Record of Decision and FAA Record of Decision

THIS PAGE INTENTIONALLY LEFT BLANK.

**AMENDED
RECORD OF DECISION**

by the Federal Transit Administration

**Dulles Corridor Metrorail Project
Fairfax and Loudoun Counties, Virginia**

DECISION

The Federal Transit Administration (FTA), in accordance with 23 CFR part 771, the regulation that governs the Federal environmental review process for transportation projects funded by the FTA, has decided that the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended, have been satisfied for the Dulles Corridor Metrorail Project. The Project, a planned extension of the Washington Metropolitan Area Transit Authority (WMATA) regional Metrorail system in Fairfax and Loudoun Counties, Virginia, will include 23.1 miles of electrically-powered rapid rail transit operating in an exclusive right-of-way with at-grade, aerial, and subway sections, 11 new stations, parking facilities, new and improved yard and shop facilities, rail vehicles, fare collection equipment, communications and train control systems, and ancillary facilities for the distribution of electrical power and stormwater management.

This FTA Record of Decision (ROD) applies to the Locally Preferred Alternative ("the Project"), as described in the Project's December 2004 *Final Environmental Impact Statement and Section 4(f) Evaluation* (Final EIS) and modified in the February 2006 *Preliminary Engineering Design Refinements Environmental Assessment*. This Amended ROD replaces the FTA Record of Decision previously issued in March 2005. The Project sponsor,¹ the Virginia Department of Rail and Public Transportation (DRPT), seeks financial assistance from FTA for the first phase of the Project (the Extension to Wiehle Avenue), which will extend from the existing Metrorail Orange Line near the West Falls Church Station and terminate at Wiehle Avenue in Reston. The second phase of the project (the Extension to Dulles Airport/Route 772) will extend west from Wiehle Avenue to Dulles International Airport and eastern Loudoun County. Once constructed and accepted by WMATA, each phase of the Project will be operated as part of the regional Metrorail system.

In addition to FTA, the Federal Aviation Administration (FAA) participated in the Project's NEPA review as a cooperating agency because construction of the Project requires the use of airport property and FAA's approval of the change in the Airport Layout Plan.

¹ Up to now, the Virginia Department of Rail and Public Transportation (DRPT) has been the sponsoring agency and the presumed recipient of any grant provided by FTA. However, the Metropolitan Washington Airports Authority (MWAA) is working with DRPT and FTA to take over as the Project sponsor, and if this change occurs, MWAA will become the recipient of any FTA grant already in place or awarded after such a transition. As a condition of any grant, FTA will require that the Project sponsor construct the Project in accordance with the environmental record referenced herein. (The Washington Metropolitan Area Transit Authority (WMATA) is not a Project sponsor, but is serving as technical manager to the Project since WMATA will assume ownership and operation of the Project after it is constructed.)



BACKGROUND

The Dulles Corridor, located in Northern Virginia, west of the nation's capital, is home to several of the Washington metropolitan region's most dynamic and rapidly growing activity centers. Extending from the vicinity of West Falls Church Metrorail Station in Fairfax County, Virginia, to Route 772 in Loudoun County, Virginia, the 23.1-mile corridor includes the high-density office buildings and regional shopping centers of Tysons Corner; the residences, shopping centers, and suburban office complexes of the Reston-Herndon area; the rapidly growing Washington Dulles International Airport (Dulles Airport); and an emerging residential and employment center in eastern Loudoun County.

With the Dulles Corridor's increasing attractiveness as a place to live and work, travel in the corridor has been steadily growing over the past 15 years. This increasing travel demand has strained the capacity of the existing transportation network, causing delays and increasing travel times between activity centers within the corridor and the region. The central and eastern portions of the corridor currently experience some of the region's worst traffic congestion.

Over the next 25 years, continued development of the corridor as a regional employment destination and the maturation of residential communities and commercial areas within the corridor are expected to far outpace the growth of the region as a whole. Parallel increases in travel demand are projected to exceed the capacity of the corridor's already overburdened transportation system, resulting in severely congested conditions on numerous routes, further degradation of air quality, and a threat to the valued quality of life in the Dulles Corridor.

Planned roadway enhancements in the corridor are not expected to relieve the current levels of congestion and the ability to further expand roadway capacity beyond currently planned improvements is constrained by right-of-way limitations and federal air quality standards. For these reasons, alternative transportation improvements in the Dulles Corridor that would increase capacity and improve mobility without further expanding roadways, such as a high-quality, high-capacity rapid transit line, have long been the focus of public and private sector studies.

Rapid transit in the Dulles Corridor was initially explored in the 1950s as part of the planning of Dulles Airport. At that time, it was decided to reserve the median of the Dulles International Airport Access Highway (DIAAH), previously known as the Dulles Airport Access Road, for future transit access to the airport. In the late 1960s the need for transit in the corridor was evaluated during the planning of the regional Metrorail system. While Metrorail's original Adopted Regional System did not include a connection to Dulles Airport, extending rapid transit service to the airport has remained a local and regional goal.

In the 1990s, providing a rapid transit connection to Dulles Airport was evaluated in the *Dulles Corridor Transportation Study* (1997) and the *Supplement to the Dulles Corridor Transportation Study* (1999). The former, a Major Investment Study (MIS), recommended developing a rail line between the Metrorail Orange Line and Route 772 primarily using the median of the DIAAH.

The MIS Supplement in 1999 recommended developing this rail line through a phased implementation program that would begin with enhanced express bus services, then use bus rapid transit (BRT) technology to institute rapid transit service in the Dulles Corridor as quickly as possible. BRT is an emerging transit mode in which buses are used to provide high-quality service akin to a rapid rail system. The BRT line would then be converted to rail use over time.

The recommended transit alternatives for the Dulles Corridor were evaluated in the *Dulles Corridor Rapid Transit Project Draft Environmental Impact Statement and Section 4(f) Evaluation* (Draft EIS) published in June 2002. The results of the evaluation assisted the Commonwealth of Virginia, MWAA, WMATA, FTA, FAA, local and regional decision-makers, and the public in understanding the potential effects of the alternatives under consideration for the project. Based on the analysis contained in the Draft EIS, public comments received on the document, and agency coordination, in late 2002 an extension of the WMATA Metrorail from the existing Orange Line to Route 772 in Loudoun County was selected as the Locally Preferred Alternative (LPA) for the project by both the Commonwealth Transportation Board (CTB) and the WMATA Board of Directors. Like the alternative recommended in the 1997 MIS, the rail line would primarily use the median of the DIAAH, leaving the highway to directly serve Tysons Corner and Dulles Airport. However, unlike the recommendations of the MIS Supplement, the selected LPA was not proposed to be developed through a phased implementation program that included BRT as an interim step to rail.

Following the publication of the Draft EIS and selection of the Metrorail Alternative as the LPA, additional agency and public coordination resulted in revisions to the selected LPA. The potential effects of these changes—which included design modifications to the preferred alignment and facilities, adjustment of opening years, and scheduling construction of the project in two phases—were documented in the *Dulles Corridor Rapid Transit Project Supplemental Draft Environmental Impact Statement and Section 4(f) Evaluation* (Supplemental Draft EIS) published in October 2003. Although many of the merits and potential impacts of the proposed LPA were similar to those presented in the Draft EIS, the Supplemental Draft EIS allowed decision makers to fully and explicitly examine the effects of the revised LPA compared to the Metrorail Alternative evaluated in the Draft EIS and a No Build Alternative. Based on the analysis contained in the Supplemental Draft EIS, public comments received on the document, and agency coordination, in March 2004 the CTB approved the revision of the LPA to incorporate the elements required for phased construction and the design refinements outlined in the Supplemental Draft EIS and recommended in its Public Hearings Report. In April 2004, the WMATA Board of Directors approved the revision of the LPA. The Transportation Planning Board of the Metropolitan Washington Council of Governments included the LPA in the 2005 Constrained Long-Range Transportation Plan for metropolitan Washington, D.C.

The Final EIS was developed to respond to comments and issues raised during the circulation of the Draft EIS and the Supplemental Draft EIS and to provide more detailed information on the design of proposed mitigation measures for unavoidable adverse impacts associated with the Project. The Final EIS was published in December 2004.

In February 2006, an Environmental Assessment (the 2006 EA) was prepared to assess the environmental impacts of modifications that were made to the design of the Project's initial construction phase during preliminary engineering (PE). These design refinements came about after the publication of the Final EIS and issuance of the original FTA Record of Decision in March 2005.

BASIS FOR DECISION

FTA's decision is based on information contained in the Draft EIS (June 2002), the Supplemental Draft EIS (October 2003), the Final EIS (December 2004), and the Preliminary Engineering Design Refinements Environmental Assessment (February 2006), which together constitute the detailed statement on environmental impacts required by NEPA and the Federal transit statutes (49 USC 5324(b)). The statement identifies the Preferred Alternative and includes a review of the purpose and need for the Project, its goals and objectives, consideration of alternatives, environmental impacts, and measures to minimize harm. FTA has reviewed this statement and notes that the Metrorail Alternative was selected over other alternatives considered because it:

- provided better access to corridor activity centers;
- provided better access to other regional activity centers
- did not require a mode transfer to access the regional Metrorail system;
- provided shorter travel times for trips within the corridor;
- provided the greatest increase in person throughput capacity in the corridor;
- attracted the highest number of total riders and new riders;
- better supported the comprehensive planning efforts of Fairfax and Loudoun counties;
- allowed for more transit-oriented development to be focused in station areas;
- increased the overall mobility within the corridor, the counties, and the region;
- conformed with regional air quality plans; and
- had the highest level of public and agency support.

The FAA has determined that the use of airport property for the Project is consistent with the terms of Section VII.G of FAA's *Policy and Procedures Concerning the Use of Airport Revenue* (64 FR 7696-7723). Public transit access to Dulles International Airport was envisioned in the airport's original Master Plan, and the Project will not affect airport operations. The median of the airport access highway was initially reserved for a future rail line when the airport was constructed in the early 1960s. In 1985, when the Master Plan was updated, FAA recommended that the median of airport access highway continue to be reserved for a future transit line and anticipated that this would likely be an expansion of the region's Metrorail system. On airport property, the rail line will be located either underground or along existing roadways; the station at the main terminal will be located underground. Other related facilities will be located in an airport buffer zone on land that would not otherwise be used for airport

development. The improved mobility and access provided by the Project will benefit the airport's operator, tenants, and air passengers.

ALTERNATIVES CONSIDERED

Numerous alternatives were evaluated throughout the various stages of the environmental review phase of the Project. Consistent with the Project's evaluation methodology, the effectiveness of each alternative was assessed based on social, environmental, economic, and transportation factors. The evaluation process applied increasingly detailed and comprehensive measures of effectiveness to a decreasing number of alternatives. This process allowed decision-makers to identify similarities, differences, and trade-offs between each alternative, and to carry forward those alternatives that were determined to best achieve the following:

- Improve transportation service;
- Increase transit ridership;
- Support future development;
- Support environmental quality;
- Provide cost-effective, achievable transportation choices; and
- Serve diverse populations.

The formal NEPA review process began with the Notice of Intent, which was published on June 26, 2000, and a series of scoping meetings, which were held July 25-27, 2000. The initial set of alternatives considered for the Project included various rapid transit modes, alignments, station locations, and ancillary facilities. These alternatives were based on recommendations from the *Dulles Corridor Transportation Study* (1997), the *Supplement to the Dulles Corridor Transportation Study* (1999), and the comments received during the scoping meetings. These initial alternatives were then subjected to a two-phase screening process to determine which should be advanced for more detailed evaluation in the Draft EIS. For the initial screening process, most measures were qualitative. Criteria included consistency with land use plans, order of magnitude capital costs, access to activity centers within the Dulles Corridor and the region, and compatibility with existing infrastructure, among others. Alternatives carried forward from initial screening were subjected to a more rigorous evaluation in intermediate screening. In this phase of evaluation, many of the criteria applied during initial screening were measured more quantitatively. Alternatives that performed well were advanced for more detailed evaluation in the Draft EIS. The results of the screening evaluation are documented in detail in the Project's *Final Alternatives Analysis Report* (May 2001). Additional alternatives evaluated are documented in the *Final Alternatives Analysis Report Addendum* (December 2004.)

Draft Environmental Impact Statement

The Draft EIS evaluated the potential effects of several alternative transit improvements for the Dulles Corridor. In addition to a No Build Alternative, four Build Alternatives that primarily ran

along the Dulles Connector Road, the DIAAH, and the Dulles Greenway were evaluated. The alternatives included:

- **No Build (Baseline) Alternative.** The No Build Alternative represented the “no-action alternative” required by the Council of Environmental Quality’s (CEQ’s) regulations for implementing NEPA, and provided a baseline for comparison against which the other alternatives were evaluated in the Draft EIS. The No Build Alternative included existing highway and public transportation infrastructure in the Dulles Corridor, and transportation system improvements, aside from the Project, that were included in the Washington metropolitan region’s constrained long-range transportation plan and planned for implementation by 2025.
- **Bus Rapid Transit (BRT) Alternative.** BRT is a bus-based transit system that operates like a rail system. Passengers on BRT are provided rail-like amenities such as off-board fare collection, level boarding, enhanced stations, and platforms. Because it often takes advantage of pre-existing roadway facilities, BRT is generally a lower-cost transit technology than rail. Three alignment options were considered for the BRT Alternative in the Draft EIS.
- **Metrorail Alternative.** Metrorail is the region’s rapid rail system. It is powered by an electrified third rail and operates in exclusive rights-of-way. By using multiple-car trains, Metrorail is capable of moving high volumes of passengers. Key features of the Metrorail system include fixed stations, dedicated rights-of-way, advanced fare collection, relatively simple transfers between different lines, and multiple-door boarding from level platforms. For the Metrorail Alternative, four alignment options were considered in Tysons Corner, and three sites were considered for a Metrorail Service & Inspection (S&I) Yard in Loudoun County.
- **BRT/Metrorail Alternative.** This alternative combined the BRT and Metrorail alternatives. Metrorail would be constructed in the eastern part of the Dulles Corridor as far as Tysons Corner, and BRT would be constructed in the western part of the corridor to Route 772 in Loudoun County.
- **Phased Implementation Alternative.** This alternative combined the other three Build Alternatives into a program of rapid transit improvements that would be implemented in stages (BRT, then BRT/Metrorail, then Metrorail). This approach would allow decision-makers to begin to address the travel needs in the corridor with rapid transit in the near term, while allowing for future development of rail.

Each of the Build Alternatives included several stations located in the median of the DIAAH, which were similar to stations on the existing Metrorail system. The BRT stations were designed to allow future conversion to rail stations. The alternatives also included the development of station and ancillary facilities such as parking and bus transfer facilities, a bus maintenance and storage facility, a rail service and inspection yard (S&I Yard), rail traction power substations and tie-breaker stations, and stormwater management facilities.

Supplemental Draft Environmental Impact Statement

Based on subsequent public and agency coordination after the completion of the Draft EIS and after an LPA was recommended and selected, the Project sponsor identified a series of modifications to the project to resolve outstanding design issues, reduce environmental and community impacts, and allow for construction of the project in two phases. The Supplemental Draft EIS was prepared to assist decision-makers and the public in understanding the effects of the proposed modifications to the selected LPA. A comparative evaluation was presented for the following alternatives:

- **No Build Alternative.** The No Build Alternative for the Supplemental Draft EIS was the same as the Baseline Alternative defined in the Draft EIS. The alternative included existing transportation infrastructure and services, as well as improvements included in the region's constrained long-range plan and planned to be implemented by 2025. The No Build Alternative provided a baseline for comparison against which the other alternatives were evaluated.
- **Metrorail Alternative (T6/Y15).** This alternative was the Metrorail Alternative evaluated in the Draft EIS and originally selected as the LPA (with Alignment T6 through Tysons Corner and a new S&I Yard at Site 15). The alternative generally followed an alignment between the Metrorail Orange Line near West Falls Church Station and Route 772 in Loudoun County, using the median of the Dulles Connector Road, the DIAAH, and the Dulles Greenway. It included 11 new stations and ancillary facilities, such as a new Metrorail S&I Yard, traction power substations, tie-breaker stations, and stormwater management ponds. The Metrorail Alternative (T6/Y15) was included in the Supplemental Draft EIS to facilitate understanding of the changes in effects associated with the proposed modifications to the LPA.
- **Proposed LPA.** The proposed LPA was similar to the Metrorail Alternative (T6/Y15) in terms of alignment, stations, facilities, and operating characteristics. The primary difference between the two alternatives was that the LPA was to be implemented in two phases. For the Wiehle Avenue Extension, Metrorail would be constructed from the Metrorail Orange Line through Tysons Corner to Wiehle Avenue, with interim express bus service in the western portion of the corridor until rail service could be extended. The Wiehle Avenue Extension was anticipated to open in 2011 with the full LPA opening in 2015. The impacts associated with operating the Wiehle Avenue station temporarily as an end-of-line station were evaluated. Other differences between the proposed LPA and the Metrorail Alternative (T6/Y15) included additional improvements at West Falls Church S&I Yard to accommodate operation of the Wiehle Avenue Extension prior to construction of the remainder of the LPA; adjustments to alignment plans and profiles for a variety of purposes including to reduce potential noise impacts, visual impacts, costs, and to improve operational efficiency; and design modifications of station site plans and ancillary facilities to address operational changes and to respond to concerns of local jurisdictions and landowners.

Final Environmental Impact Statement

The Final EIS was developed to respond to comments and issues raised during the circulation of the Draft EIS and the Supplemental Draft EIS and to provide more detailed information on the design of proposed mitigation measures for unavoidable impacts associated with the Project. The Final EIS presented an evaluation of the following alternatives:

- **No Build Alternative.** The No Build Alternative for the Final EIS is similar to the No Build Alternative defined in the Supplemental Draft EIS, but updated to reflect current conditions. The alternative includes existing transportation infrastructure and services, as well as improvements included in the region's constrained long-range plan and planned to be implemented by 2025. The No Build Alternative provides a baseline for comparison against which the other alternatives were evaluated.
- **Wiehle Avenue Extension.** The initial construction phase of the LPA was evaluated as a stand-alone alternative in the Final EIS. This alternative includes the first 11.6 miles of the Project from the existing Metrorail Orange Line near West Falls Church through Tysons Corner to Wiehle Avenue. The Wiehle Avenue Extension follows the Dulles Connector Road, Routes 123 and 7 in Tysons Corner, and the Dulles International Airport Access Highway (DIAAH). It includes 5 new stations, additional commuter parking, improvements to the existing Metrorail Service and Inspection Yard at West Falls Church, and required ancillary facilities. Express bus service would be provided by local transit operators between Wiehle Avenue and the western portion of the corridor.
- **LPA.** The LPA in the Final EIS is the entire 23.1-mile Metrorail extension, which is the subject of this Record of Decision. The LPA extends along the Dulles Connector Road, Routes 123 and 7, the DIAAH, and the Dulles Greenway between the Metrorail Orange Line and Route 772 in Loudoun County. It includes direct Metrorail service to Tysons Corner and Dulles Airport. The LPA includes 11 new stations, additional commuter parking, a new Metrorail Service & Inspection Yard on Dulles Airport property, improvements to the existing West Falls Church Service and Inspection Yard, and required ancillary facilities such as traction power substations, tie-breaker stations, and stormwater management ponds. The LPA would be constructed in two phases, the first phase being the Wiehle Avenue Extension described above, and the second phase being the further extension from Wiehle Avenue through the Airport to the terminus at Route 772 on the Dulles Greenway. Express bus service would be provided by local transit operators between Wiehle Avenue and the western portion of the corridor until Metrorail is extended to Route 772. This alternative, as modified by the Preliminary Engineering Design Refinements Environmental Assessment (2006 EA), discussed below, is the subject of this Amended Record of Decision.

Preliminary Engineering Design Refinements Environmental Assessment (2006 EA)

In early 2006, an Environmental Assessment (2006 EA) was prepared to assess the environmental impacts of modifications that were made to the design of the Project's initial

construction phase during preliminary engineering (PE). These design refinements came about after the publication of the Final EIS and issuance of the original FTA Record of Decision in March 2005. The 2006 EA presented an evaluation of the following two alternatives of limited scope, with variations primarily in the Tysons Corner area:

- **Final EIS Wiehle Avenue Extension.** This alternative is identical to initial phase of the LPA evaluated in detail in the Final EIS.
- **PE Wiehle Avenue Extension.** This alternative reflects the design refinements made during preliminary engineering (PE), including: a shift of the alignment from the southern edge to the median of Route 7 and reconfiguration of the roadway travel lanes, narrower track centers (outside station areas), simplified aerial guideway structures and architectural treatments, alternative station designs, and a revised connection with the existing Metrorail Orange Line. The tunnel portion of the Route 7 alignment would be shortened in length from approximately 5,000 feet to 3,000 feet, and the underground Tysons Central 7 Station would be replaced with an at-grade station in the Route 7 median. In addition, the site of the Dulles Storage and Inspection (S&I) Yard that was originally envisioned as an element only of Phase 2 of the Project would be used for soil fill and disposal during construction of the Wiehle Avenue Extension (Phase 1).

Two changes proposed in the 2006 EA have not been incorporated into the Project. The 2006 EA proposed to store and maintain the Project's additional rail vehicles at existing WMATA storage and maintenance facilities and to forgo the expansion of the West Falls Church Storage and Inspection (S&I) Yard. That change has not been accepted and the expansion of the West Falls Church S&I Yard, as described in the FEIS, will proceed and remains an element of the Project that is the subject of this Amended ROD. The 2006 EA also proposed to forgo some elevators at Phase 1 stations, especially in the Tyson's Corner area, to reduce the Project's cost. Numerous public comments opposing this change (see Attachment B) were received during the comment period for the 2006 EA, and in response to those comments, FTA and the Project sponsor have decided to retain those elevators.

On the basis of the 2006 EA, FTA has found that the PE design refinements would result in no significant changes in impacts and no new significant impacts from those evaluated in the Final EIS.

ENVIRONMENTAL IMPACTS AND MEASURES TO MINIMIZE HARM

The Project's effects on the existing social, environmental, economic, and transportation conditions in the Dulles Corridor were assessed in the Final EIS and the subsequent 2006 EA. Because most of the Metrorail extension would be built along existing roadways or within the medians of highways (e.g., the Dulles Connector Road, the DIAAH, and the Dulles Greenway), the anticipated environmental and community impacts are limited, in spite of the length and complexity of the Project.

FTA notes the following environmental impacts of the Project in reaching a decision:

- **Property Acquisition.** Construction of the Project and its facilities will require the acquisition of approximately 22 acres of privately-owned commercial property and 4 acres of privately owned residential property. One commercial business, an automotive repair facility, will be displaced to accommodate Project facilities. A portion of a self-storage business will also be acquired, but the business will be able to continue operations. There will be no residential displacements. Additional private property and business displacements will be required temporarily to accommodate construction activities or maintain traffic during construction. All property acquisitions and relocations will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, and its implementing regulation at 49 CFR part 24.

Another 159 acres of government-owned or controlled property will also be used for the Project's line and track, stations, rail yard, and ancillary facilities. This includes the acquisition of property interests in the median and other parts of the Dulles International Airport Access Highway and Dulles Connector Road, and in parts of the Dulles Airport property itself, including the site of the Service & Inspection Yard and portions of eight parcels that are currently leased to commercial entities. The U.S. Department of Transportation (U.S. DOT) owns the Access Highway, the Connector Road and the Dulles Airport property. The Metropolitan Washington Airports Authority (MWAA) leases the property from the U.S. DOT (the current lease extends through the year 2067) and has sublet certain commercial parcels to private businesses. If necessary, the Project sponsor will seek conveyance of property interests or easements on the Access Highway, Connector Road, and Airport needed for the Project's construction and operation from MWAA and the U.S. DOT. The acquired property interest will be adequate to ensure the Project sponsor's continuing control of the Project facilities throughout the useful life of the Project.

- **Land Use.** The Project is expected to have positive effects on commercial and residential properties located near transit stations, and contribute to more sustainable and transit-supportive economic development by focusing higher-density residential and commercial land uses around the station areas.
- **Historic and Archaeological Resources.** The effects of the Project on historic and archaeological resources have been assessed in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC §470f), and its implementing regulations (36 CFR 800). The Project will have an adverse effect on the Dulles Airport Historic District by altering the historic views of the main terminal for travelers approaching via the DIAAH. The Project will have no effects on known archaeological resources. The measures to be taken to avoid, minimize and mitigate the adverse effects on this historic resource and on any archaeological resources that may be encountered during construction activities are set forth in the Section 106 Memorandum of Agreement (MOA) among FTA, DRPT, and the Virginia Department of

Historic Resources. A copy of the signed MOA is included herein as Attachment C. FTA will require compliance with the MOA by the Project sponsor, even if the lead sponsoring agency changes.

- **Wetlands.** The Project will affect approximately 5 acres of wetlands, which are primarily located in the vicinity of the Service and Inspection Yard on Dulles Airport property. Practicable mitigation measures are described in the Final EIS and summarized herein in Attachment A.
- **Noise and Vibration.** Without noise mitigation, operation of the Project was predicted to exceed FTA noise impact criteria at many sensitive receptors along the alignment, primarily residences along the Dulles Connector Road. During preliminary engineering, additional noise analyses were conducted to confirm mitigation requirements. Track edge barriers (parapets) will be installed to reduce the noise levels from Metrorail train passbys along all aerial sections of the track. For at-grade locations where noise levels at sensitive receptors are predicted to exceed FTA criteria, track edge barriers will also be installed as described in Attachment A. During construction, noise and vibration levels from construction activities may temporarily impact nearby sensitive receptors.
- **Traffic and Transportation.** The Project will result in changes to traffic conditions as people change their travel patterns to access the new transit stations, affecting some of the neighborhoods that surround certain stations. Although they would experience such traffic-related effects, these neighborhoods would also directly benefit from the mobility and accessibility that the transit improvements would bring. The Project includes roadway improvements needed for vehicular access to stations or facilities and additional roadway improvements to address opening year traffic congestion in the vicinity of the new Metrorail stations.

Construction of the Project will impede access to residences or to building entrances or to the parking area of businesses. It may also necessitate temporary relocation of parking either for safety reasons or if property is needed for construction staging areas. Construction-related disruptions to access will generally be short-term and temporary.

Throughout the process of developing and evaluating alternatives and coordinating with the public and other stakeholders, the Project sponsor and FTA made considerable effort to incorporate measures to minimize the Project's potential social, environmental, economic and transportation impacts. The Final EIS and 2006 EA provide a description of the mitigation measures that are now incorporated into the Project to avoid and minimize adverse impacts. FTA will ensure that the Project sponsor designs and builds the Project in accordance with the mitigation measures contained in the Final EIS and 2006 EA and summarized in Attachment A. In addition, FTA will require that the Project sponsor establishes a mitigation-monitoring program to ensure adequate communication of mitigation and design commitments to the teams working on final design and construction, and to provide a means for the Project sponsor and FTA to track the progress in accomplishing the mitigation commitments. FTA will monitor

implementation of mitigation measures through quarterly reviews during design and construction or other appropriate means.

PUBLIC COORDINATION AND COMMENTS

During the preparation of the Draft EIS and the Supplemental Draft EIS, a comprehensive public involvement program was conducted to provide citizens, businesses, and organizations with an interest in the Project the opportunity to keep informed of project developments, to participate in project planning and to provide recommendations to decision-makers for the selection of the LPA. In order to facilitate public participation in project planning and design, several different outreach techniques were employed to reach a wide range of participants. These included a variety of information dissemination outlets and interactive techniques in addition to meetings and coordination and public hearings as described below.

Public Outreach

A number of different techniques and activities were conducted over the course of the environmental review process in order to ensure that the public remained informed of project developments and were provided the opportunity to comment throughout project planning and design. Major activities conducted for the project included a call-in line, mailing list, newsletter, update bulletins, comment forms, website, and email address, as well as the distribution of project materials through the project kiosk and information center, libraries and community centers. Other outreach techniques included representation at community fairs and festivals, and presentations to communities and businesses.

Public Coordination Meetings and Hearings

As required by Federal transit laws [49 USC §5323(b) and §5324(b)], public coordination meetings and public hearings were held. Notices of public hearings were also provided. Meetings were held with the general public and stakeholders on an as-needed basis to understand issues of concern, to inform them on the development and evaluation of potential alternatives, and to discuss the selection of the LPA. Public meetings held to support the development of the project included public scoping meetings, public information meetings, stakeholder meetings, and public hearings on the Draft EIS and the Supplemental Draft EIS, as well as a post-hearing conference as detailed in Chapter 11 of the Final EIS. Additional meetings and a public hearing were held during preliminary engineering to review and seek comment on the proposed design refinements presented in the 2006 EA.

To maintain public and stakeholder support for the project, the Project sponsor will continue public outreach efforts throughout preliminary engineering, final design and construction. The focus of these outreach activities will be to keep the public, stakeholders, and affected property owners informed about the project's progress. Continuing outreach efforts will include participation in community outreach activities and public information meetings and events, circulation of project newsletters, brochures, and fact sheets, project website updates, and development of presentations or meeting materials for interested parties.

Comments on the Final EIS and 2006 EA

The Notice of Availability of the Final EIS was published in the Federal Register on December 23, 2004. During the Final EIS circulation period, comment letters were received from one Federal agency, the District of Columbia, and one interest group. Responses to the comments received on the Final EIS were provided in the original ROD of March 2005. Responses to comments received on the 2006 EA are contained in Attachment B of this Amended ROD.

DETERMINATIONS AND FINDINGS

On the basis of the determinations made in compliance with relevant portions of federal law, the FTA finds that the Project, as described as the Final EIS and 2006 EA, and including the mitigation measures identified in those documents and summarized in this ROD, satisfies the requirements of the National Environmental Policy Act of 1969, 49 USC 5301(e) and 5324(b), , the Clean Air Act of 1970, and the Department of Transportation Act of 1966 (all as amended) and complies with Executive Orders 11988, 11990, and 12898, as specified below.

Environmental Protection (49 USC Section 5301(e) and 5324(b))

The environmental record for the Project includes the previously referenced Draft EIS (June 2002), the Supplemental Draft EIS (October 2003), the Final EIS (December 2004), and the PE Design Refinements EA (February 2006), and all attachments thereto. Cumulatively, these documents represent the detailed statement required by both NEPA and the Federal transit laws, 49 USC Sections 5301(e) and 5324(b), regarding:

- the environmental impacts of the proposed Project;
- adverse environmental effects that cannot be avoided;
- alternatives to the proposed Project; and
- irreversible and irretrievable impacts on the environment.

On the basis of the evaluation of social, economic, and environmental impacts presented in the Final EIS and 2006 EA, and the written and oral comments offered by the public and other agencies, FTA has determined, in accordance with 49 USC 5324(b), that:

- An adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest in the Project;
- Fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the proposed Project is to be located; and
- All reasonable steps have been taken to minimize the adverse environmental effects of the Project, and where adverse environmental effects remain, no feasible and prudent alternative to the effects exist.

Conformity with Air Quality Plans

The Clean Air Act of 1970, as amended, requires that Federally-funded transportation projects in air quality nonattainment and maintenance areas conform to the State Implementation Plan (SIP) for eliminating or reducing the severity and number of violations of the national ambient air quality standards (NAAQS). The regulation of the U.S. Environmental Protection Agency implementing this provision of the Clean Air Act (40 CFR Parts 51 and 93) establishes criteria for demonstrating that a transportation project is in conformity with the goals of the SIP. The Washington metropolitan area in which the Dulles Corridor Metrorail Project is located is classified as an ozone non-attainment area. The Project is therefore subject to the conformity requirements of the EPA regulation. The primary project-level conformity requirements of the EPA regulation dictate that the project comes from a conforming regional transportation plan and program and that the project not cause or contribute to any localized violation of the NAAQS.

The Project is included in the 2005 Constrained Long-Range Plan (CLRP), a plan that has been duly adopted by the Metropolitan Washington Council of Governments (MWCOC) Transportation Planning Board and has been found by MWCOC to conform to the relevant State Implementation Plans (SIPs) (i.e., those of Virginia, Maryland, and the District of Columbia). FHWA and FTA have reviewed and concurred in that conformity determination for the CLRP. Near-term project activities are included in the FY 2005–2010 Transportation Improvement Program (TIP) adopted by MWCOC. The TIP has also been found by MWCOC, FHWA, and FTA to conform with air quality plans for the area. In addition, micro-scale air quality analyses in the Final EIS indicate that no localized violations of the National Ambient Air Quality Standards will result from implementation of the Project. Therefore, FTA finds that the Project conforms to air quality plans for the area.

Section 4(f) Determination

Section 4(f) of the Department of Transportation (DOT) Act of 1966 (49 USC 303) affords special protection to parks, recreation areas, wildlife refuges, and historic sites, by prohibiting use of such properties for a transportation project unless there is no feasible and prudent alternative to such use and the project includes all possible planning to minimize the harm to the protected resource. Based on the evaluation conducted and coordination with the U.S. Department of the Interior, the Project would result in a permanent physical use of one section 4(f) resource, the Dulles International Airport Historic District and the potential permanent physical use of another section 4(f) resource, the Hunter Mill Road Proposed Historic District, depending on that district's final boundaries.

The Dulles International Airport Historic District will be affected by the placement of the Project alignment within the median of the DIAAH and by the addition of inbound and outbound portals within the district boundaries. This would result in a use of a contributing element to the district (the historic viewshed) and require the physical use of property within the historic district boundaries. The median of the DIAAH 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 International Airport Historic District that would serve the purpose of the 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 International Airport Historic District, as detailed in the Section 106 MOA and the Final EIS.

The rail alignment, stormwater management ponds, and traction power substations may fall within the Hunter Mill Road Proposed Historic District, whose exact boundaries have not been established. The Project facilities within the likely boundaries of the historic district would not use any contributing element of the historic district. Minor proximity impacts identified would not substantially impair the historic features of the protected resources. Construction activities will not result in additional permanent impacts to the Section 4(f) resource. FTA has determined that there is no feasible and prudent alternative to the use of the Hunter Mill Road Proposed Historic District and that the Project includes all possible planning to minimize harm, as detailed in the Section 106 MOA and the Final EIS.

Floodplain Finding

Executive Order 11988, "Floodplain Management and Protection," and U.S. DOT Order 5620.2 state that FTA may not approve an alternative involving a significant floodplain encroachment unless FTA can make a finding that the proposed encroachment is the only practicable alternative. The major purposes of Executive Order 11988 are to avoid Federal support for floodplain development; to prevent uneconomic, hazardous, or incompatible use of floodplains; to restore and preserve the natural and beneficial floodplain values; and to be consistent with the standards and criteria of the National Flood Insurance Program.

Based on a review of the Federal Emergency Management Agency maps, the Project will cross portions of the 100-year base floodplains of several streams along the alignment, including Pimmit Run, Scotts Run, Difficult Run, Horsepen Run, and Broad Run. The Project will span these streams parallel to existing roadway structures, thereby minimizing impacts to floodplains. The placement of new piers to span these streams will not increase the surface elevation of the 100-year flood at any location by more than one foot, nor will the Project increase the risks of off-site flooding. All Project facilities located within floodplains will be designed to comply with Federal, State, and local regulations and the Project sponsor will comply with all applicable regulations or ordinances governing construction in floodplains.

FTA finds that the Project's encroachment on floodplains has been minimized to the extent practicable and that the remaining encroachments represent the only practicable alternative. During final design and construction, the Project sponsor will continue to explore design measures to reduce floodplain encroachments even further.

Wetlands Finding

Executive Order 11990, "Protection of Wetlands," directs federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

The Project will destroy approximately 5 acres of wetlands. The Project sponsor will provide compensatory mitigation for these unavoidable wetland impacts. A 1:1 replacement ratio for impacts to the approximately 1 acre of emergent wetlands, and a 2:1 replacement ratio for impacts to the approximately 4 acres of forested wetlands will be used. Because on-site mitigation is not allowable on airport property due to potential wildlife interference with airport operations, an off-site location for mitigation will be used. Permanent impacts will be mitigated through the purchase of credits at an existing regional wetland bank, if available. Otherwise, an appropriate wetlands mitigation site of a size consistent with the replacement ratios above will be found and developed into wetlands in accordance with conditions on a Section 404 permit expected to be issued by the U.S. Army Corps of Engineers (COE). The Section 404 Permit is required by the COE and a Virginia Water Protection Permit will also be required from the Virginia Department Environmental Quality (VDEQ).

Impacts to wetlands during construction activities will be minimized through the use of Best Management Practices recommended by state and regional agencies, such as pollution control devices, installation and maintenance of runoff diversion structures and secondary containment structures. All temporarily disturbed wetland areas will be restored to pre-construction conditions by re-vegetating these areas with the appropriate cover type, as required by applicable permits.

FTA finds that the wetland impacts of the Project have been minimized to the extent practicable, and that there is no practicable alternative to construction in the wetlands and that all practicable measures to minimize harm to the wetlands have been included in the Project. During final design, the Project sponsor will coordinate with COE and VDEQ to obtain the necessary permits and will continue to consider measures to reduce permanent and temporary wetland impacts even further.

Environmental Justice

Executive Order 12898, "Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations"), provides, in relevant part, that FTA identify and address "disproportionately high and adverse human health or environmental effects" of federally-funded mass transit projects on minority populations and low-income populations, and that FTA "conduct its programs, policies, and activities in a manner that ensures that such programs, policies, and activities do not have the effect of subjecting persons...to discrimination...because of their race, color, or national origin."

On the basis of the evaluation in the Final EIS and 2006 EA, FTA has determined that the adverse health and environmental effects of the Project will not be disproportionately borne by minority or low-income populations, and furthermore, that all persons within the study area will enjoy improved mobility as a result of the Project.

Susan Borinsky
Susan Borinsky

Regional Administrator
Federal Transit Administration
Region III

Nov. 17, 2006
Date

ATTACHMENT A

SUMMARY OF MITIGATION MEASURES

The mitigation measures and other Project features that avoid or reduce adverse impacts, to which FTA and the Project sponsor committed in the Final EIS or 2006 EA, are now incorporated into the Project and are summarized in the Table below. The Final EIS and 2006 EA provide a complete description of these mitigation measures and design features. FTA will ensure that the Project sponsor designs and builds the Project in accordance with the mitigation measures contained in the Final EIS and 2006 EA.

In addition, FTA will require that the Project sponsor establish a mitigation-monitoring program to ensure adequate communication of mitigation and design commitments to the teams working on final design and construction, and to provide a means for the Project sponsor and FTA to track the progress in accomplishing the mitigation commitments. FTA will monitor implementation of mitigation measures through quarterly reviews during design and construction or other appropriate means. The table in this attachment will serve as a starting point for the mitigation monitoring program. As mitigation commitments are advanced or implemented, the status will be updated in the table to reflect that state of implementation. As permits are received, DRPT will add the conditions on those permits to this mitigation table to facilitate monitoring of, and compliance with, those permit conditions.

Supplemental Environmental Review

The mitigation measures presented in the Final EIS and 2006 EA for the LPA may not be altered or eliminated from the Project except by FTA's written consent following an appropriate supplemental environmental review. The Project sponsor and FTA will initiate a supplemental environmental review of the Project, as outlined in 23 CFR 771.130, whenever FTA determines that:

- (1) Substantial changes to the Project would result in significant environmental impacts that were not evaluated in the Final EIS;
- (2) New information or circumstances relevant to environmental concerns and bearing on the Project or its impacts would result in significant environmental impacts not evaluated in the Final EIS; or
- (3) Where the significance of new impacts is uncertain.

A supplemental environmental review will not be necessary where FTA and the Project sponsor agree that the changes to the Project, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the Final EIS without causing other environmental impacts that are significant and were not evaluated in the Final EIS. If a supplement is needed, the FTA will determine the appropriate level of environmental review (i.e., a written re-evaluation of the Final EIS, an environmental assessment of the change, or a supplemental environmental impact statement), and the NEPA process for this supplement will conclude with a separate or amended NEPA determination.

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
LAND USE AND SOCIOECONOMICS					
LU-1	Continue coordination with Fairfax County, Loudoun County and Town of Herndon to encourage appropriate transit-oriented development at station locations.	Monitor compliance during design and construction.	DRPT	Design and Construction	
LU-2	Incorporate Tysons West station park-and-ride requirements (500 spaces) into Fairfax County Comprehensive Plan.	Monitor compliance during design.	DRPT, in coordination with Fairfax County	Design	
LU-3	Assist Fairfax County in pursuing joint-development opportunities at the Wiehle Avenue station.	Participate in the Fairfax County joint-development solicitation process.	DRPT	Design	
PROPERTY ACQUISITION AND DISPLACEMENTS					
RW-1	Conduct all property acquisitions in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.	Monitor compliance during right-of-way acquisition and construction.	DRPT	Right-of-Way Acquisition and Construction	
RW-2	Prepare detailed Property Acquisition and Relocation Plan.	Monitor compliance during design.	DRPT	Design	
RW-3	Provide relocation assistance to all displaced property or business owners without discrimination.	Monitor compliance during right-of-way acquisition and construction.	DRPT	Right-of-Way Acquisition and Construction	
RW-4	Acquire property interest in the median and other parts of the Dulles Connector Road and Dulles International Airport Access Highway and in parts of the Dulles Airport property sufficient to allow DRPT or WMATA's continuing control and use of Project facilities for the Project's useful life.	Incorporate property transfer and use terms into intergovernmental agreement(s) with MWAA, FAA, and/or U.S. DOT.	DRPT in coordination with MWAA and FAA	Design and Right-of-Way Acquisition	
VISUAL and AESTHETIC CONDITIONS					
VS-1	Consider designs for Metrorail stations, aerial structures, and portals that are compatible with the surrounding environment.	Monitor compliance during design; include in contract drawings and specs.	DRPT	Design	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
VS-2	Provide landscaping at stations.	Include in contract drawings and specifications.	DRPT	Design	
VS-3	Using established WMATA designs, design traction power substations and tie-breaker stations to be compatible with surrounding environment.	Monitor compliance during design; include in contract drawings and specifications.	DRPT	Design	
CULTURAL RESOURCES/SECTION 4(f)					
CR-1	Lower the at-grade Metrorail alignment in the DIAAH median to the extent practicable to preserve historic "peekaboo" view sequence of main terminal control tower.	Include in contract drawings.	DRPT	Design	
CR-2	Develop treatment plan and implement specific measures (e.g., interpretive exhibits, public artwork, or photo documentation) to highlight Dulles Airport's unique historic characteristics.	Monitor compliance during design and construction.	DRPT, in coordination with MWAA and VDHR	Design and Construction	
CR-3	Consider the historic characteristics and other contributing elements of the Dulles Airport historic district in the design of the station, terminal connections, aerial structures, and tunnel portals. Review these proposed designs with the VA SHPO.	Monitor compliance during design; include in contract drawings and specifications.	DRPT, in coordination with MWAA and VDHR	Design	
PARKLANDS					
PK-1	Design and construct Metrorail overpass of the W&OD Railroad Regional Park in accordance with the <i>NVRPA Guideline for the Development of W&OD Trail Bridge Crossings</i> .	Include requirements in contract specifications. Monitor compliance during design and construction.	DRPT	Design and Construction	
PK-2	Maintain use and access to the W&OD Railroad Regional Park, Pimmit Run Stream Valley Park, Scotts Run Stream Valley Park, and Difficult Run Stream Valley Park during construction.	Monitor compliance during construction.	DRPT	Construction	
PK-3	Minimize disruption to the W&OD Railroad Regional Park, Pimmit Run Stream Valley Park, Scotts Run Stream Valley Park, and Difficult Run Stream Valley Park during construction.	Monitor compliance during construction.	DRPT	Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
PK-4	Following completion of construction, restore all disturbed public parklands to pre-construction conditions.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
PK-5	Continue coordination with Fairfax County and the Northern Virginia Regional Park Authority on the design of the Project in the vicinity of public parklands.	Monitor compliance during design.	DRPT	Design	
SAFETY AND SECURITY					
SS-1	Update WMATA Safety and Security Program with elements required by Transportation Security Administration or the Metropolitan Washington Airports Authority.	As required, include necessary elements in contract documents. Monitor compliance during design and construction.	WMATA, in coordination with MWAA and TSA	Design and Construction	
SS-2	Develop mutual aid agreements for emergency response with local jurisdictions.	Monitor compliance during design and construction.	DRPT, in coordination with MWAA, WMATA, Fairfax and Loudoun Counties	Design and Construction	
SS-3	Locate tunnel exits of any kind, including vent shafts, emergency access shafts or any other kinds of openings outside the secure zone of the airport.	Include in contract drawings.	DRPT	Design and Construction	
WATER RESOURCES					
WR-1	Plant riparian buffers near the affected areas for two streams [Tributaries W-50 and W-51] converted to culvert or pipe.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
WR-2	Provide compensatory mitigation for unavoidable wetlands impacts associated with the Service & Inspection Yard on Dulles Airport property, stations, and ancillary facilities. A 1:1 replacement ratio for impacts to emergent wetlands and 2:1 replacement ratio for impacts to forested wetlands will be used.	Purchase additional credits at an existing regional wetland bank. Monitor compliance during design and construction.	DRPT	Design and Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
WR-3	Acquire applicable Federal and state water resource permits required for construction. Incorporate any permit conditions into required mitigation measures	Include, as applicable, in the contract drawings and specifications. Monitor compliance during design and construction.	DRPT in coordination with USACOE and VDEQ	Design and Construction	
WR-4	Avoid changes in floodplain elevation(s) of more than 1 foot.	Include in the contract drawings and specifications. Monitor compliance during construction.	DRPT	Design and Construction	
WR-5	Coordinate design of new crossings with Fairfax and Loudoun Counties to ensure consistency with stream protection policies.	Include in the contract drawings and specifications. Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-6	Coordinate with the Federal Aviation Administration to ensure compliance with FAA Advisory Circular No. 150/5200-33 and control potentially hazardous wildlife from interfering with airport operations and safety.	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-7	Coordinate the design of the stormwater management pond at the West Falls Church Yard with the Fairfax County Department of Public Works and Environmental Services and the Virginia Department of Conservation and Recreation to ensure that it meets the stricter of state and county requirements.	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-8	Coordinate with the Virginia Department of Conservation and Recreation on the design of all Project-related stormwater management facilities to ensure compliance with the provisions of the Chesapeake Bay Preservation Act.	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-9	Coordinate with the Virginia Marine Resources Commission to determine if the Project encroaches channelward of ordinary high water along streams	Monitor compliance during design and construction.	DRPT	Design and Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
	and, if it does, obtain the required permit.				
WR-10	Comply with all applicable requirements of the Virginia Coastal Resources Management Program.	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-11	Coordinate with the Virginia Department of Environmental Quality to ensure compliance with the Fisheries Management enforceable policy of the Virginia Coastal Resources Management Program.	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-12	Coordinate with the Virginia Department of Conservation and Recreation to ensure compliance with the requirements of the Chesapeake Bay Preservation Act (Virginia Code sections 10.1-2100 <u>et seq.</u>) and the <u>Chesapeake Bay Preservation Area Designation and Management Regulations</u> (9 VAC 10-20-10 <u>et seq.</u>).	Monitor compliance during design and construction.	DRPT	Design and Construction	
WR-13	Design and construct the Project in accordance with the Permitting Plan that the Virginia Department of Conservation and Recreation (the agency responsible for stormwater management) and Fairfax County (the local agency with jurisdiction for implementation of the CBPA) have agreed to.	Monitor compliance during design and construction.	DRPT	Design and Construction	
NOISE					
NS-1	All aerial sections of the PE Wiehle Avenue Extension will include parapet walls or trackside barriers to minimize noise impacts due to train operations, consistent with FTA noise criteria. Parapet and/or trackside noise barriers of increased height will be provided at sensitive receptors specified in the Wayside Noise Report (April 2006 and June 2006).	Include in contract drawings.	DRPT	Design	
NS-2	Install box structure to the new lead track and the existing loop track at the West Falls Church Yard to reduce noise impacts from yard operations.	Include in contract drawings.	DRPT	Design	
NS-3	Analyze reflective highway noise impacts to the Hallcrest Heights residential community during	Monitor compliance during design.	DRPT	Design	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
	preliminary engineering and/or final design.				
NS-4	Comply with WMATA guidelines, Federal law (for Wolf Trap Farm Park) and local noise ordinances, as applicable, during construction.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
VIBRATION					
VB-1	Utilize dampening materials or devices under switches and crossovers near sensitive receptors, consistent with FTA vibration criteria.	Include in contract drawings.	DRPT	Design	
TRANSPORTATION EFFECTS – STATION and FACILITY ACCESS					
SA-1	<i>Tysons Central 123 Station</i> – Construct dedicated right turn lane for buses on Tysons Boulevard and acceleration lane on Route 123.	Include in contract drawings.	DRPT	Design	
SA-2	<i>Wiehle Avenue Station</i> – Construct new left turn lane northbound on Wiehle Avenue.	Include in contract drawings.	DRPT	Design	
SA-3	<i>Wiehle Avenue Station</i> – Construct new left turn lane to the eastbound Dulles Toll Road exit ramp at Wiehle Avenue.	Include in contract drawings.	DRPT	Design	
SA-4	<i>Wiehle Avenue Station</i> – Widen eastbound Sunset Hills Road between Wiehle Avenue and Isaac Newton Square and provide new left turn lane.	Include in contract drawings.	DRPT	Design	
SA-5	<i>Wiehle Avenue Station</i> – Improve private roadway south of Sunset Hills Road to VDOT standards.	Include in contract drawings.	DRPT	Design	
SA-6	<i>Wiehle Avenue Station</i> – Construct new entry for bus ingress to the north side station facilities from the westbound Dulles Toll Road entry ramp.	Include in contract drawings.	DRPT	Design	
SA-7	<i>Wiehle Avenue Station</i> – Construct new acceleration lane for bus egress from the station facilities onto the westbound Dulles Toll Road.	Include in contract drawings.	DRPT	Design	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
SA-8	<i>Wiehle Avenue Station</i> – Add bus bays on eastbound Dulles Toll Road exit ramp.	Include in contract drawings.	DRPT	Design	
SA-9	<i>Route 606 Station</i> – Construct new left turn lane to northbound Route 789 at both the north and south station entrances.	Include in contract drawings.	DRPT	Design	
SA-10	<i>Yard Site 15</i> – Construct new left turn and acceleration lanes on Route 606 for vehicular access to yard facilities. Complete construction of roadway improvements prior to use of the Y15 yard site for construction staging activities associated with the Extension to Wiehle Avenue.	Include in contract drawings.	DRPT	Design	
TRANSPORTATION EFFECTS – STATION VICINITY					
TR-1	<i>Tysons East Station</i> – Construct second left turn lane from Old Meadow Drive to southbound Route 123.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-2	<i>Wiehle Avenue Station</i> – Improve right turn lane from eastbound Sunset Hills Road to southbound Wiehle Avenue.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-3	<i>Wiehle Avenue Station</i> – Improve right turn lane from westbound Sunrise Valley Drive to northbound Wiehle Avenue.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-4	<i>Reston Parkway Station</i> – Add northbound through lane on Reston Parkway at Sunrise Valley Drive intersection.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-5	<i>Reston Parkway Station</i> – improve right turn lane from southbound Reston Parkway to westbound Sunrise Valley Drive.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment	Implementation and Monitoring	Responsible Party²	Timing	Status
TR-6	<i>Herndon-Monroe Station</i> – Add left turn lane from southbound Monroe Street to eastbound Sunrise Valley Drive.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-7	<i>Herndon-Monroe Station</i> –improve right turn lane from eastbound Sunrise Valley Drive to southbound Fairfax County Parkway.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-8	<i>Herndon-Monroe Station</i> –modify lane configuration at the Van Buren (Monroe) Street and Herndon Parkway intersection.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-9	<i>Route 606 Station</i> – Add right turn lane from southbound Route 789 to westbound Route 606.	Provide funding for improvement. Monitor VDOT design and construction activities.	DRPT, in cooperation with VDOT	Station Opening	
TR-10	Consult with VDOT and Fairfax County to refine the design of the reconstructed portion of Route 7 and associated pedestrian facilities and landscaping along Route 7.	Include in design and construction drawings.	DRPT	Design	
TR-11	In the Tysons Corner area, any new pedestrian crossings and modifications to existing pedestrian crossings will be constructed to meet current VDOT design and safety standards, unless a deviation from these standards is approved by VDOT and Fairfax County to improve the pedestrian environment.	Include in design and construction drawings.	DRPT	Design	
SECONDARY AND CUMULATIVE EFFECTS					
(Secondary or cumulative effects to the built and natural environment resulting from additional station area development would be mitigated through compliance with Fairfax and Loudoun counties' land use policies and development permitting processes.)					
CONSTRUCTION EFFECTS					
CN-1	Comply with all applicable laws, regulations, and permit conditions in designing and constructing the Project.	Monitor compliance during design and construction.	DRPT	Design and Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
CN-2	Develop Erosion and Sediment Control Plan that complies with state law.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Design and Construction	
CN-3	Develop Stormwater Management Plan and complies with state law.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Design and Construction	
CN-4	Use Best Management Practices recommended in the <i>Virginia Stormwater Management Handbook</i> and the <i>Virginia Erosion and Sediment Control Handbook</i> , and the <i>Northern Virginia BMP Handbook</i> for stormwater management and groundwater protection during construction.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-5	Use Best Management Practices recommended in the <i>Virginia Stormwater Management Handbook</i> and the <i>Virginia Erosion and Sediment Control Handbook</i> , and the <i>Northern Virginia BMP Handbook</i> to minimize stream disturbance during construction.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-6	Consult with the Virginia Department of Conservation and Recreation and acquire any permits or approvals necessary for construction in floodplains.	Determine requirements during design and in contract specifications. Monitor compliance during construction.	DRPT	Design and Construction	
CN-7	Consult with the Virginia Marine Resource Commission and, if deemed necessary by the Commission, acquire necessary permits for encroachments in, on, or over state-owned rivers, streams, or creeks from the Commission.	Monitor compliance during construction.	DRPT	Design and Construction	
CN-8	Conduct Project in-stream construction activities in low-flow conditions following Virginia Department of Game and Inland Fisheries guidelines.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-9	Conduct surveys to determine the presence of mussel species six months prior to any construction	Include requirements in contract specifications and	DRPT	Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
	activities that affect perennial streams. Relocate all encountered mussels to suitable habitat to avoid construction-related impacts.	monitor compliance during construction.			
CN-10	Prepare and distribute information sheet on the identification and treatment of wood turtles to construction contractors. Require contractors to relocate any wood turtles encountered to suitable habitat in the nearest perennial stream under the supervision of a qualified biologist.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-18	Prior to the start of construction activities, conduct surveys (using a qualified and permitted biologist) to determine the presence of wood turtles in the vicinity of Pimmit Run and Difficult Run. Any wood turtles encountered will be safely relocated to a suitable habitat in the nearest perennial stream. The survey and relocation shall be accomplished just before construction in order to prevent turtles from wandering into the Project area.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Pre-construction	
CN-19	Minimize impacts to Pimmit Run and Difficult Run during construction. The mitigation of such impacts includes protection of the floodplains and tributaries of these streams.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-20	Limit impacts to riparian buffers of 300 feet in width along Pimmit Run and Difficult Run and of 100 feet in width along all other streams, including intermittent streams. Revegetate using native plant materials within permitted levels of disturbance.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-21	Coordinate with the Virginia Department of Conservation and Recreation to ensure that the requirements of the Virginia Erosion and Sediment Control Law are met.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-22	Coordinate with the Virginia Departments of Environmental Quality and of Conservation and Recreation to ensure that the requirements for the Virginia Pollutant Discharge Elimination System (VPDES) program are met and VPDES stormwater permit for construction is obtained.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	

**DULLES CORRIDOR METRORAIL PROJECT
MEASURES TO MITIGATE ENVIRONMENTAL IMPACTS**

Mitigation ID	Mitigation Commitment¹	Implementation and Monitoring	Responsible Party²	Timing	Status
CN-11	Comply with local regulations governing noise and vibration during construction and use construction methods that minimize vibration.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-12	Comply with VDEQ requirements for fugitive dust control (9 VAC 5-50-60 et. seq.) and open burning (9 VAC 5-40-5600 et. seq.).	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	
CN-13	Prepare maintenance of traffic plans to address construction-related traffic management and detours.	Develop maintenance of traffic plans and monitor compliance during construction.	DRPT, in coordination with VDOT and MWAA	Design and Construction	
CN-14	Maintain access (pedestrian and vehicular) to existing businesses during construction. Communicate with affected businesses and residents in order to minimize construction effects.	Develop outreach program and monitor compliance during construction.	DRPT	Construction	
CN-15	Engage affected stakeholders to participate in the development of mitigation measures for construction effects and maintenance of traffic plans.	Develop outreach program and monitor compliance during design and construction.	DRPT	Design and Construction	
CN-16	Coordinate construction activities with VDOT for Commonwealth-owned roadways and MWAA for Dulles Airport property, including the DIAAH.	Monitor compliance during construction	DRPT, in coordination with VDOT and MWAA	Construction	
CN-17	Comply with federal, state, and local regulations governing the use and handling of hazardous materials during construction.	Include requirements in contract specifications and monitor compliance during construction.	DRPT	Construction	

Notes:

¹ See the Final Environmental Impact Statement and the 2006 EA for complete descriptions of the mitigation measures.

² Additional agencies may monitor compliance or review activities associated with permits and regulatory approvals; Up to now, the DRPT has been the sponsoring agency and the primary responsible party for implementing mitigation commitments. However, the MWAA is working with DRPT and FTA to take over as the Project sponsor, and if this should occur, MWAA will become the responsible party wherever DRPT has been. As a condition of any grant, FTA will require that the Project sponsor construct the Project in accordance with this ROD and the environmental record referenced herein.

Acronyms:

DRPT – Virginia Department of Rail and Public Transportation
FAA – Federal Aviation Administration
MWAA – Metropolitan Washington Airports Authority
SHPO – State Historic Preservation Office
TSA – Transportation Security Administration
USACOE – U.S. Army Corps of Engineers
U.S. DOT – U. S Department of Transportation
VDCR – Virginia Department of Conservation and Recreation
VDEQ – Virginia Department of Environmental Quality
VDHR – Virginia Department of Historic Resources
VDOT – Virginia Department of Rail and Public Transportation
WMATA – Washington Metropolitan Area Transit Authority

ATTACHMENT B
2006 ENVIRONMENTAL ASSESSMENT
COMMENTS AND RESPONSES

2006 EA COMMENTS AND RESPONSES

1. Purpose and Need for the Proposed Action

General Support for the Project

Public Comment: Despite some reservations about the proposed design changes, especially those that will affect accessibility, we are highly supportive of the effort to provide Metrorail in Tysons Corner and the Dulles Corridor. We look forward to having service soon.

Response: *FTA and DRPT have reconsidered the proposed changes that would affect accessibility by pedestrians, especially elderly and disabled pedestrians, and have decided to retain the pedestrian facilities and elevators in question.*

2. Public Involvement

Public Comment: I urge you to embrace citizen input as you move forward with decisions on Metro in Tysons. Rushing Metrorail construction to provide access to Dulles Airport raises concerns that months of community input, especially on the Tysons Corner portion, will be forgotten.

Response: *Public input has always been an important component of the decision-making process on this project. DRPT and WMATA prepared public hearing reports after each hearing and made those reports available to the public. DRPT has maintained a public Web site to make available documents related to the Project and to provide the public with information about public meetings, Project status, and other items.*

Public Comment: I do not think these hearings are necessary or sufficient. This project needs to go to the ballot box.

Response: *The public hearing on the EA was held to facilitate public participation in the continuing environmental review process for this Project. The Commonwealth of Virginia, not the FTA, would determine the need for a referendum on the Project.*

3. Agency Coordination

Comment: The EA indicates that DRPT has reviewed plans for the proposed stormwater management pond with the Department of Conservation, Fairfax County, and WMATA, and that these agencies agree that the proposed pond is appropriate (page 3-24). Fairfax County's Department of Planning and Zoning is unable, so far, to identify the agency or person that reviewed the plans for the pond, and so does not know the basis of the statement.

Response: *The plans for the stormwater management pond in question were provided to the Fairfax County Department of Public Works and Environmental Services (DPWES), Land Development Services. DPWES has reached an agreement with DRPT and the Virginia Department of Conservation and Recreation that this pond and all of the other Project related stormwater management facilities will be designed to meet the stricter of either state or county requirements.*

A letter to this effect has been submitted by Fairfax County to the Virginia Department of Environmental Quality to indicate that the outstanding agency coordination needed to complete the Coastal Zone Consistency Review has been completed.

2006 EA COMMENTS AND RESPONSES

Public Comment: As a way to ensure that the project remains one of regional benefit, the City of Falls Church calls for the creation of a Dulles Rail Policy Committee, composed of elected representatives from each of the Virginia jurisdictions, including the City of Falls Church.

Response: *Chapters 5, 6, and 10 of the Final EIS (December 2004) clearly show the regional benefits of the Project. None of the design refinements evaluated in the EA would affect these anticipated benefits. The Commonwealth of Virginia, not the FTA, would determine the need for such policy committee.*

4. Metropolitan Washington Airports Authority Role in Project

Public Comment: MWAA should take over the Dulles Toll Road to ensure that revenue is available for improvements in Dulles Corridor, including rail to the airport.

Public Comment: The Dulles Rail Corridor Association embraces the agreement between the state and the Airports Authority, and looks forward to expediting this project.

Public Comment: How is this document relevant, given the takeover of the project by MWAA?

Public Comment: Is the change of ownership to the Metropolitan Washington Airports Authority going to change the relationship with the Federal Transit Administration? Will that affect the cost-effectiveness metric that's driving all these changes? Will local official objections to the new MWAA relationship delay construction and operation of the system?

Response: *These issues were not related to the design refinements studied in the EA. The agreements between the Commonwealth and MWAA are currently under development and at this time, any changes in the scope, timing, and funding for the two phases of the Project are not known. FTA will require, as a condition of any FTA funding for the Project, that the Project's sponsor, be it DRPT or MWAA, design and build the Project in accordance with the Final EIS, 2006 EA, and this Amended Record of Decision.*

5. Cost-Saving Priorities and Preferences

Public Comment: The design and construction of the rail system should be first based on what is best for the riders and the community, and then on the resources found to accomplish it.

Public Comment: Make every economy you can that is not short-sighted.

Public Comment: The proposed design changes are necessary to make the project cost-effective and keep it on schedule. Some of the features we would have preferred to see in the plans should be deferred to move ahead as quickly as possible. We can find a way to add these enhancements back in after the project is built. An affordable rail line, even with decreased accessibility, is better than no rail line at all.

Response: *In response to the many public comments on the accessibility issue, FTA and DRPT have decided to retain the elevators that the EA proposed for deletion as a cost savings measure. FTA and DRPT are committed to developing a cost-effective Project that meets the goals of the surrounding community.*

2006 EA COMMENTS AND RESPONSES

Public Comment: If you need to save money, cut back on the amenities that won't affect the system's ability to carry passengers. Reduce the number of escalators. Bring the line to the surface. But don't reduce the number of rail cars.

Response: *A reduction in the number of rail cars for the Extension to Wiehle Avenue was not a design refinement evaluated in the EA.*

Public Comment: With the scaling back of the design, certain choices are going to be irrevocable. Once we build it above ground, we are not going to be able to move it underground. So let's not make decisions that damage what was previously a nice, urban friendly design.

Public Comment: Given the potential new fiscal capacity provided by the project being turned over to MWAA, the Greater Washington Board of Trade urges reinstating the design features that might adversely impact future transit-oriented development in Tysons Corner if left out.

Response: *The underground section of the alignment within Tysons Corner was shortened approximately 2,300 feet and raised approximately 45 feet. The Tysons Central 7 Station, previously proposed to be underground would now be at-grade. Other design changes include shifting the Tysons East Station to avoid stream impacts, moving the alignment to the median of the Route 7, reconstructing Route 7 to eliminate the service roadways and to add an additional through lane, and other minor modifications to station layouts.*

Pedestrian bridges continue to be part of the design. In addition, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will be modified to include redundant elevators and associated equipment.

The design refinements considered in the EA would result in minimal change in the transit-oriented development (TOD) potential in the station areas. The county's plans allow for an increase in intensity in each station area as well as a more diverse mix of uses if transit is implemented. The analysis of the potential for TOD documented in the Draft EIS is primarily dependent on the location of the stations, the existing uses within the station areas, and the amount of vacant or underutilized land.

In May 2006, following the circulation of the EA and the close of the public comment period, the Virginia Secretary of Transportation commissioned an independent panel to investigate the feasibility and cost-effectiveness of constructing the aerial segment through Tyson's Corner in tunnel rather than on aerial structure. After reviewing the panel's findings and conferring with Federal, state and local officials, the Commonwealth made a determination to drop the tunnel alternative due to cost and schedule concerns and to advance the Project as described in this Amended Record of Decision.

Public Comment: The accessibility of the Dulles Corridor Metrorail Project is not an acceptable trade-off for cost savings. If we can't build a system that will provide for easy accessibility and maximum ridership, then we should not build the project. It is not reasonable to expect that developers would restore critical pedestrian connections or accessibility features after the fact. The project should be built right from the start. The current cost containment efforts are short-sighted. The project team should restore the features that ensure accessibility for everyone and find a different way to save costs.

2006 EA COMMENTS AND RESPONSES

Response: *Though narrower in width than originally proposed in the Final EIS, the pedestrian bridges continue to be part of the Project design. In response to public and agency comments, DRPT is not advancing the design refinement evaluated in the 2006 EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will include redundant elevators and associated equipment as originally proposed in the Final EIS.*

Public Comment: To save costs, I propose that the owners of properties where the pedestrian bridges land should fund the construction of the bridges.

Public Comment: Under no circumstances should pedestrian bridges be value engineered out of the project or effectively cost shifted to adjacent landowners as some have recently said in newspaper reports.

Public Comment: If the money won't cover pedestrian bridges, have the County provide the bridges and all the sidewalks and roads. The bridges are needed to safely cross Route 7 and Route 123.

Response: *The design refinements resulting from the 2006 EA do not include elimination of the pedestrian bridges over Routes 123 or 7. The bridges remain in the Project's current design as does the elevator access to those bridges.*

6. Alternatives Evaluated

PE Wiehle Avenue Extension – Alignment

Public Comment: Revised alignment drawings are submitted for review and consideration. Revisions may or may not reduce costs.

Response: *The suggestions submitted by the commenter were revisions of earlier plans that have already been superseded. Many of the suggestions proposed by the commenter have been integrated into the current design.*

Public Comment: Lowering the aerial structures is important for aesthetics and cost. The project team should allow 4 to 5 percent grades where trains are slowing to stop and accelerating to proceed.

Response: *These recommended changes in the aerial structure grades are not possible because WMATA's design criteria call for a maximum slope of 4 percent.*

Public Comment: The West Falls Church yard connection is particularly unnecessary since a yard will be built in Loudoun County. Temporary operating inconvenience is tolerable.

Response: *The new yard lead and the storage track improvements at West Falls Church Yard are necessary to support operation of the Wiehle Avenue Extension until the new Service and Inspection Yard is constructed on Dulles Airport property as part of the Project's second phase, the Extension to Dulles Airport/Route 772.*

Public Comment: The alignment along what we call the Cleveland site between Colshire Drive and Anderson Road should be put back into its previous alignment profile. The currently proposed alignment requires more private property than the previously planned alignment.

2006 EA COMMENTS AND RESPONSES

Response: *The vertical profile of this portion of the alignment was lowered to reduce capital costs, and the Tysons East station was shifted to avoid impacts to Scotts Run. The alignment referenced in the comment, previously presented in the Final EIS, is not compatible with the current design of the Tysons East station and its approaches. The current design is presented in the 2006 EA and is now part of the Project that is the subject of this Amended Record of Decision.*

Public Comment: An alternate site should be found for the temporary construction easement which has been shown in some plans on Cleveland Building parking lot.

Response: *The proposed use of this site for construction staging has been included in Project plans and coordinated with the property owner since 2003. The site, which is slated for future redevelopment, currently includes an older office building that has been vacant for several years. DRPT will compensate the property owner for any temporary use of the property for construction-related activities in accordance with applicable Federal and state laws, including the Uniform Relocation and Real Property Acquisition Policies Act and its implementing regulation (49 CFR part 24).*

Public Comment: A single box girder configuration on single piers which combines both tracks should be utilized rather than the proposed paired box girder configuration. This would improve the aesthetics and possibly provide the opportunity for greater spacing between columns.

Response: *Single piers and box girders have been used where possible, up to the point of the alignment where the track centers widen for the Tysons East station. A single pier and box girder configuration cannot be used for the station portion of the alignment.*

Public Comment: The viaduct at Colshire Drive and at Old Meadow Road is too low and designed in a way that would preclude the future possibility of grade separated road connections across Route 123 at these key intersections. This could dramatically limit the potential for improved road network access along this critical roadway.

Response: *Grade separation of these intersections is not currently planned or programmed for construction by VDOT, Fairfax County, or the Metropolitan Washington Council of Governments in their future transportation plans.*

Public Comment: We strongly believe that the Metrorail viaduct and Tysons East Station should be realigned from the northern edge of Route 123 to the centerline of Route 123 between the Dulles Access Road and the 1-495 Interchanges. We understand this option may need to be evaluated under a separate environmental assessment.

Response: *A shift in the Project's alignment from the north side to the median of Route 123 was not a design refinement evaluated in the EA. Over the long course of the EIS and EA, DRPT and Fairfax County have considered several possible configurations along Routes 123 and 7 and have settled on the configuration described in the 2006 EA that is now part of the Project. Cost, system accessibility, property needs, disruption of adjacent land uses, and other considerations factored into this decision.*

2006 EA COMMENTS AND RESPONSES

PE Wiehle Avenue Extension – Stations

Public Comment: The current plans should show a proposed future station at Wolf Trap. The project should include engineering to ensure that, at whatever future date it does make sense financially to have a station there, it can be placed with minimal impact.

Response: *The Project's current design does not include a station at Wolf Trap Farm Park. The current design includes a 1,400-foot section of retained fill to accommodate a future station at this location.*

Public Comment: The Tysons East Station should be moved back to a location as close as possible to the previously planned location equidistant between Colshire Drive and at Old Meadow Road.

Response: *This station platform and pier locations were shifted to their current locations based on coordination with environmental resource agencies and associated permitting requirements.*

PE Wiehle Avenue Extension – Ancillary Facilities

Public Comment: Fairfax County recommends that DRPT and WMATA coordinate with the County's Department of Public Works and Environmental Services regarding the need for, the location of, and the design of the stormwater management facility proposed for the West Falls Church Rail Yard. If it is confirmed that the construction of the proposed stormwater pond would be desirable and appropriate, the pond should be designed and located to minimize impacts, as much as possible, to the Resource Protection Area. The facility should also be designed and constructed to minimize potential adverse visual impacts to adjacent residential lots.

Response: *As documented in the EA, the pond was designed and placed to minimize effects to Pimmit Run and its unnamed tributaries in the vicinity of the Yard. A Resource Protection Area (RPA) is a land use designation for an area adjacent to and landward of a water resource connected to the Chesapeake Bay. RPAs protect water quality by removal, reduction, or assimilation of sediments, nutrients, or potentially harmful or toxic substances in runoff before entering the bay or its tributaries. The addition of a stormwater pond within or adjacent to the RPA between the S&I Yard and Pimmit Run would serve the same purposes of the RPA and is needed to mitigate stormwater flowing from the S&I Yard. The pond will both correct an existing issue at the yard and mitigate the additional stormwater flow to Pimmit Run that would result from the new yard lead and storage tracks for the Wiehle Avenue Extension.*

The plans for this stormwater management pond were provided to the Fairfax County Department of Public Works and Environmental Services (DPWES), Land Development Services. DPWES has reached an agreement with DRPT and the Virginia Department of Conservation that this pond and all of the other Project-related stormwater management facilities will be designed to meet the stricter of either state or county requirements. Fairfax County and DRPT will continue to coordinate on the design of all Project-related stormwater management facilities to ensure compliance with the provisions of the Chesapeake Bay Preservation Act.

Capital and Operating Costs

Public Comment: The current cost estimate does not account for the effects of moving construction activity to the center of Leesburg Pike. The productivity of construction crews will be reduced because of

2006 EA COMMENTS AND RESPONSES

limited space for operations and the need to maintain traffic. This will require more night shifts, driving up costs.

Response: *The current cost estimate includes the costs associated with construction of the Metrorail alignment in the median of Route 7.*

Alternatives to Current Design

Public Comment: The Dulles Corridor Rail Line should be underground through the entire Tysons Corner area. It is especially important to have the line underground where it passes through residential areas. Advanced tunnel technology is available that could reduce costs; we should not ignore this option. Many communities in the Tysons Corner area have expressed a desire for an underground plan.

Public Comment: The costs of the tunnel option merit independent review.

Public Comment: A subway alternative is not appropriate for Tysons Corner. The costs of such an alternative are too high. Much higher than when Metro was originally built. Moreover, the perception that subway construction will be less disruptive than aerial construction is not true.

Response: *A tunnel alternative was not one of the design refinements evaluated in the EA. A full tunnel alternative through Tysons Corner was eliminated during the alternatives analysis conducted during the Draft Environmental Impact Statement (EIS). Following publication of the Draft EIS, a tunnel version of the Project's current alignment was re-evaluated and again eliminated from further consideration due to the additional costs and risks associated with underground construction. For more detailed information, please refer to the Final Alternatives Analysis Report (May 2001), the Final Alternatives Analysis Report Addendum (November 2004), and Chapter 2 of Appendix J of the Final EIS (Public and Agency Comments and Responses).*

In May 2006, following the circulation of the EA and the close of the public comment period, the Virginia Secretary of Transportation commissioned an independent panel to investigate the feasibility and cost-effectiveness of constructing the aerial segment through Tyson's Corner in tunnel rather than on aerial structure. After reviewing the panel's findings and conferring with Federal, state and local officials, the Commonwealth made a determination to drop this tunnel alternative due to cost and schedule concerns and to advance the Project as described in this Amended Record of Decision.

Public Comment: The project team should consider an alternative that keeps Metrorail in the median of the Dulles Toll Road, with a connection to a bus or light rail circulator loop in Tysons Corner. Such a service would provide a better connection to destinations in Tysons Corner.

Response: *This alternative was not a part of the design refinements evaluated in the EA. An alternative that included Metrorail in the median of the Dulles Connector Road with a connection to transit feeder service through Tysons Corner (called Alignment T8) was eliminated during the alternatives analysis conducted during the preparation of the Draft EIS. For more detailed information, please refer to the Final Alternatives Analysis Report (May 2001) and Chapter 2 of Appendix J of the Final EIS (Public and Agency Comments and Responses).*

Public Comment: It is time to reconsider a bus rapid transit option, or a combination of rail and bus rapid transit. The Federal Transit Administration is supportive of this new mode.

2006 EA COMMENTS AND RESPONSES

Response: *This alternative was not a part of the design refinements evaluated in the EA. Bus Rapid Transit (BRT) was eliminated from further consideration following publication of the Draft EIS. Based on the evaluation of alternatives contained in the Draft EIS, the record of public comments, and agency coordination, a Metrorail extension was formally adopted as the region's Locally Preferred Alternative (LPA) by the Commonwealth Transportation Board and the WMATA Board of Directors. A more detailed discussion of the rationale for this decision is presented in the Final EIS. FTA is generally supportive of BRT nationwide, but defers to local decision-makers in the planning of specific projects.*

Public Comment: We need to have access from all four corners of the Wiehle Avenue/Dulles Toll Road interchange. The lack of this access is a short-coming of the current design. Hopefully, this will be addressed during the process of considering developer proposals at that station area.

Response: *The proposed modification was not a part of the design refinements evaluated in the EA. The current design includes pedestrian bridges from the Wiehle Avenue station to both the north and south sides of the Dulles Toll Road. None of the proposed improvements is anticipated to preclude the ability to further enhance connections to the north and south sides of the station along the Dulles Toll Road.*

Public Comment: The Dulles Corridor System must be a three-track system capable of providing express service.

Response: *This alternative was not a part of the design refinements evaluated in the EA. An alignment that included such express service (called Alignment T12) was eliminated during the alternatives analysis conducted as a result of comments received on the Draft EIS. For more detailed information, please refer to the Final Alternatives Analysis Report Addendum (November 2004) and Chapter 2 of Appendix J of the Final EIS (Public and Agency Comments and Responses).*

Public Comment: A heavy rail system like this will not work. The Dulles Corridor needs to be redesigned with 400-foot right-of-way. It needs to be redesigned for congestion relief. This project provides no congestion relief.

Public Comment: Instead of building a new rail line, we should establish more bus routes between West Falls Church and Dulles Airport.

Response: *The need for a high-quality, high-capacity transit improvement in the Dulles Corridor is well documented. During the early studies of alternatives in the Dulles Corridor (Dulles Corridor Transportation Study (1997) and Supplement to the Dulles Corridor Transportation Study (1999)), express bus service and highway improvements were eliminated from further consideration as stand-alone alternatives because they could not adequately address future demand in the Dulles Corridor.*

7. Environmental Effects

Displacements and Relocation

Public Comment: There is no indication whether any of the parcels to be targeted for acquisition are Fairfax County Park Authority-owned or Fairfax County Board of Supervisors-owned properties.

2006 EA COMMENTS AND RESPONSES

Response: None of the parcels slated for acquisition is owned by the Fairfax County Park Authority or is a "parkland" as defined by Section 4(f) of the U.S. Department of Transportation Act. The Project's Draft EIS, Supplemental Draft EIS, and Final EIS contained detailed assessments of potential impacts to the parklands within the Dulles Corridor, including those owned by Fairfax County Park Authority. For further information, see Chapter 7 (Section 4(f) Evaluation) of the Final EIS (December 2004).

As documented in Table C-1 of the EA, no changes in effects to parks and recreation areas would occur as a result of the design refinements evaluated in the EA.

Visual and Aesthetic Conditions

Public Comment: The power lines that cross Route 7 from the south side near Tysons West Station are ugly and must present some sort of safety issue. I would like to see these lines relocated below grade along Route 7 at this early stage as opposed to later when development begins.

Response: During the reconstruction of Route 7, the local distribution lines will be placed underground. The Virginia Dominion Power transmission lines will remain above ground unless Virginia Dominion Power decides to relocate them underground.

Public Comment: The proposed, above-ground design will be ugly and very detrimental to the Tysons Corner area. The project will result in noise and visual clutter for those who live close by, and will decrease property values. Urban, pedestrian-oriented development is not likely to increase because of the visual and auditory disturbance.

Response: Changes in the environmental effects from the design refinements—including the additional portion of aerial alignment along Route 7—are documented in the EA. The changes in visual and aesthetic conditions were found to be modest and no additional mitigation was required beyond what is already documented in the Final EIS. The new portion of aerial alignment along Route 7 will not result in any additional noise impacts beyond those discussed in the Final EIS. Like all other sections of aerial track, a parapet wall (a wall placed along the track on the aerial structure) is planned to mitigate noise.

Noise

Public Comment: Where will the noise walls along Route 7 be?

Response: Along Route 7, all aerial sections of the Metrorail alignment will include track-side barriers (called parapet walls). These barriers will be approximately 4 feet high and serve to block the noise from its primary source—the train running along the track.

Water Resources

Public Comment: A permit may be required from the Marine Resources Commission if project encroaches channelward of ordinary high water along natural rivers and streams.

2006 EA COMMENTS AND RESPONSES

Response: *DRPT does not expect such encroachment but will continue to coordinate with the Virginia Marine Resources Commission as the Project is designed and constructed.*

Public Comment: Based on the information submitted and the comments of reviewing agencies, we confirm our earlier concurrence that the proposed project (taking into account the proposed design refinements) is consistent with the Virginia Coastal Resources Management Program, provided that FTA, DRPT, and WMATA and their contractors comply with all applicable requirements.

Response: *FTA and DRPT are committed to complying with all of the applicable requirements of the original (October 27, 2004) coastal zone consistency determination.*

Public Comment: If the project meets the requirements of the Virginia Erosion and Sediment Control Law, it is consistent with the non-point source pollution control enforceable policy of the Virginia Coastal Resources Management Program.

Public Comment: Provided that strict erosion and sediment control measures are implemented, the revised project is consistent with the Fisheries Management enforceable policy of the Virginia Coastal Resources Management Program.

Response: *DRPT will continue to coordinate with the Virginia Department of Conservation and Recreation to ensure that the requirements of the Virginia Erosion and Sediment Control Law are met as the Project is designed and constructed.*

Public Comment: Projects causing land disturbance of one acre or more are subject to the requirement to obtain a Virginia Pollutant Discharge Elimination System (VPDES) Stormwater General Permit for Construction Activities.

Response: *DRPT will continue to coordinate with the Virginia Department of Conservation and Recreation to ensure that the requirements for the Virginia Pollutant Discharge Elimination System (VPDES) Stormwater General Permit for Construction Activities are met as the Project is designed and constructed.*

Public Comment: The project appears to be consistent with the Chesapeake Bay Preservation Act (Virginia Code sections 10.1-2100 et seq. and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.), which constitute the Coastal Lands Management enforceable policy of the Virginia Coastal Resources Management Program.

Response: *DRPT will continue to coordinate with the Virginia Department of Conservation and Recreation to ensure that the requirements for protection of the Chesapeake Bay are met as the Project is designed and constructed.*

Public Comment: Non-linear features of the project, such as parking lots and stations, are not exempt from the requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations and are required to be consistent with the general performance criteria found in 9 VAC 10-20-120 et seq. of the Regulations and the development criteria for Resource Protection Areas (9 VAC 10-20-130 et seq.). The Tyson's East Station site plan places the Kiss & Ride facility almost entirely within the Resource Protection Area (RPA) and is not an exempt activity. However, it appears that the design has been modified to minimize the impervious pavement.

2006 EA COMMENTS AND RESPONSES

Response: A Resource Protection Area (RPA) is a land use designation for an area adjacent to and landward of a water resource connected to the Chesapeake Bay. RPAs serve to protect water quality by removal, reduction, or assimilation of sediments, nutrients, or potentially harmful or toxic substances in runoff before entering the bay or its tributaries. The portion of the Tysons East Station facilities that are in the RPA have not changed since the Final EIS and therefore were not included in the EA. A description of these facilities and how they relate to the regulations and performance criteria for development in an RPA, are included in the Project's Permitting Plan.

DRPT has reviewed the Project's Permitting Plan with the Virginia Department of Conservation and Recreation (the agency responsible for stormwater management) and Fairfax County (the local agency with jurisdiction for implementation of the CBPA). These agencies are in agreement with the Plan. The Project will be designed and constructed in accordance with this agreed-upon Permitting Plan.

Public Comment: The EA indicates that the "new stormwater pond would be placed adjacent to the Resource Protection Area" (page 3-24, first bullet, first paragraph). However, it goes on to discuss the "addition of a stormwater pond within the RPA between the S&I Yard and Pimmit Run" (page 3-24, first bullet, second paragraph). Fairfax County, pointing out this discrepancy, states that a comparison of the pond site in the EA (Figure 2-16, "Changes to West Falls Church Rail Yard") with the County's map of Chesapeake Bay Preservation Areas suggests that there will be at least some encroachment into the RPA.

Response: The plans for the stormwater management pond in question were provided to the Fairfax County Department of Public Works and Environmental Services (DPWES), Land Development Services. DPWES has reached an agreement with DRPT and the Virginia Department of Conservation that this pond and all of the other Project related stormwater management facilities will be designed to meet the stricter of either state or county requirements.

Fairfax County and DRPT will continue to coordinate the design of all of the Project-related stormwater management facilities with the DPWES and the Virginia Department of Conservation to ensure compliance with the provisions of the Chesapeake Bay Preservation Act.

Cultural Resources and Parklands

Public Comment: Cultural resources must be identified and evaluated prior to the establishment of construction staging areas and in areas to be affected by construction.

Public Comment: The report does not address cultural (archaeological) resources at all. The Park Authority recommends that if there are no changes to effects on cultural resources, this category should be added to Table 3.1 with a note indicating there are no changes from those presented in the EIS.

Public Comment: The project has the potential to have direct impacts on Pimmit Run Stream Valley Park, Olney Park, Scotts Run Stream Valley Park near Route 123, Ash Grove/Courthouse Spring Branch, and Difficult Run Stream Valley Park near the Dulles Toll Road. Potential impacts from the project could be loss of park land, structures and grading in the Resource Protection Area (RPA), impacts to wetlands, and stormwater impacts.

Public Comment: The maps and information provided do not allow assessment of what direct impacts may occur to Fairfax County-owned park properties. The Park Authority cannot fully evaluate the

2006 EA COMMENTS AND RESPONSES

potential archaeological and environmental impacts of the Dulles Rail Extension project because the EA report is extremely vague. The Park Authority would like more information on specific properties, wetlands and stream segments to be impacted in order to make an adequate assessment.

Response: *The purpose of the EA was to document the changes in effects between the Final EIS Wiehle Avenue Extension and the Project's current design, the PE Wiehle Avenue Extension. Only those areas where changes in effects occurred were included in the Environmental Effects chapter.*

Appendix C of the EA included a complete comparison of the effects between the Final EIS Wiehle Avenue Extension and the PE Wiehle Avenue Extension. This table includes the changes in effects documented in Table 3-1 and documents that no changes occurred to the topics not included in Chapter 3, such as cultural resources and parklands.

Cultural resources, parklands, and recreation areas were studied in detail in the Section 4(f) Evaluations prepared for the Draft EIS, Supplemental Draft EIS, and Final EIS. As a part of these efforts, both a Cultural Resources Technical Report (Phase Ia) and Identification and Evaluation Reports for both archaeology and historic architecture were prepared to fulfill the requirements for identification and evaluation under Section 106 of the of the National Historic Preservation Act, as amended. The Section 106 Memorandum of Agreement between VDHR, FTA, and DRPT which is included as Attachment D of this Amended Record of Decision was executed on October 5, 2004, and outlines measures to address the Project's effects on historic resources and a process to deal with unanticipated discoveries during construction.

Biota and Habitat

Public Comment: The proposed project will not affect any documented state-listed plants or insects.

Public Comment: The Department of Game and Inland Fisheries (DGIF) indicates that the first phase of the project may adversely affect wood turtles and recommends the following measures to protect this species:

- Avoid Impacts to Pimmit Run and Difficult Run. The avoidance or mitigation of such impacts includes protection of the floodplains and tributaries of these streams.
- Preserve Riparian Buffers. Undisturbed riparian buffers of at least 300 feet in width should be preserved along Pimmit Run and Difficult Run. Buffers of at least 100 feet in width should be preserved along all other streams, including intermittent streams.
- Survey for Wood Turtles. Immediately before the commencement of construction activities, a qualified and permitted biologist should conduct a survey of wood turtles. Any wood turtles encountered should be safely relocated to suitable habitat in the nearest perennial stream. The survey and relocation should be accomplished just before construction in order to prevent turtles from wandering into the project area.

Response: *No changes in the effects to water resources, including Difficult or Pimmit Run are anticipated due to the design refinements evaluated in the EA.*

However, FTA and DRPT have agreed to include in the Project certain actions to protect wood turtles, as follow: during design and construction, the impacts to Pimmit Run and Difficult Run, including the riparian buffers, will be minimized; information sheets about the identification and treatment of wood turtles will be distributed to construction contractors, and if a wood turtle is encountered, it will be safely relocated to suitable habitat in the nearest perennial stream; and

2006 EA COMMENTS AND RESPONSES

surveys for wood turtles will be conducted in Pimmit Run and Difficult Run immediately prior to construction activities by a qualified and permitted biologist, and if a wood turtle is encountered, it will be safely relocated to suitable habitat in the nearest perennial stream.

8. Traffic

General Traffic Concerns

Public Comment: Existing traffic in Tysons Corner is very bad. You cannot allow further development without addressing the existing shortcomings of the roadways. Especially since transit-oriented development tends to also bring too much traffic to adjacent neighborhoods.

Response: *This subject was not a part of the design refinements evaluated in the EA, although the proposed reconfiguration of Route 7 is expected to help address congestion issues on this Tysons Corner roadway.*

Local development policies and permitting processes would mitigate the impacts due to increased densities within the corridor. Fairfax County has adopted non-degradation policies that will limit development that would result in traffic congestion, thus reducing the level of development and limiting any negative impacts due to congestion. Actual implementation of transit-oriented development and the timing and increase in densities within Tysons Corner is under the jurisdiction of Fairfax County. The developers would be responsible for any mitigation needed to address the effects of increases in development densities that is mandated by Fairfax County.

Public Comment: Service on the Dulles Toll Road is going to get worse and worse. As a result, the ultimate decision on whether to do this project should be based on its ability to provide congestion relief. The projections from the EIS show there will be no congestion relief whether or not Dulles Rail is built. Have these projections been updated?

Response: *This subject was not a part of the design refinements evaluated in the EA. The travel demand projections documented in the Final EIS were not updated for the EA. The Dulles Corridor Metrorail Project would provide an alternative mode of transportation within the region. The Final EIS (December 2004) notes that the Project most likely would not solve the current congestion problems on the Dulles Toll Road and other regional roadways, but the Project would increase the capacity, mobility, and accessibility in the corridor. In general, every six "new riders" attracted to transit by this Project would result in roughly five fewer automobiles on the Dulles Toll Road or other corridor roadways.*

Public Comment: How is all the traffic coming to the stations for Kiss & Ride not going to create a huge environmental impact? What improvements are planned for the existing exits from Route 123 to I-495 north and south? Because I'm sure you haven't counted on all the people coming from Maryland to use this Metro system.

Response: *This subject was not a part of the design refinements evaluated in the EA, but it was studied in detail in the Draft EIS, Supplemental Draft EIS, and Final EIS. Only the Tysons East and Tysons West stations are proposed to have Kiss & Ride spaces. As documented in the Final EIS (December 2004), traffic conditions are expected to deteriorate at two of the intersections in the Tysons East Station vicinity. The Project includes roadway improvements to address these impacts. Traffic conditions in the Tysons West Station vicinity are expected to remain the same or improve. Improvements at the Route 123/I-495 interchange are being studied by VDOT as part of the Capital Beltway Study.*

2006 EA COMMENTS AND RESPONSES

Public Comment: The City of Falls Church has concerns about the Dulles extension's effect on traffic, transit access and service, and safety issues at the existing East Falls Church and West Falls Church Metrorail stations. The City has repeatedly spoken to this issue at each step of the EIS review and heard no meaningful response.

Response: *The design refinements evaluated in the EA would not result in any changes to the operation or passenger volume of the East Falls Church or the West Falls Church stations. DRPT held several meetings with the City of Falls Church during the course of the environmental process to more fully understand the concerns and position of the City as it relates to the Project. Issues ranged from parking problems at and near the existing Metrorail stations to the noise levels at the West Falls Church Service and Inspection Yard. Additional traffic and safety issues in the vicinity of the East Falls Church and West Falls Church Metrorail stations are not anticipated as a result of the Project.*

Specific Concerns about Traffic Discussions in EA

Public Comment: On page 3-28, Section 3.7 of the EA, the last bullet item in the listing of road modifications should include westbound as well as eastbound dual left turns at the Route 7 intersection with Westpark Drive/Gosnell Road intersections.

Response: *The intersection will be configured as proposed by the commenter.*

Public Comment: On page 3-29, Section 3.7.1.1 of the EA, it is not clear whether the analysis considers the dual left turn from westbound Route 7 to southbound Gosnell Road. The dual left has been added since January 2006, but the level-of-service numbers in Table 3-9 do not reflect this addition.

Response: *The traffic analysis conducted for the EA assumed dual left-turn lanes from westbound Route 7 to southbound Gosnell Road. The Project plans have been updated to show the correct lane configuration at this location.*

Public Comment: On page 3-29 (second paragraph below Table 3-9), the EA states that traffic volumes at the interchange between Routes 7 and 123 were not reanalyzed because the design refinements would not alter the lane configuration at the interchange. The Virginia Department of Transportation disagrees with this conclusion, stating that the removal of the signalized intersection and left turn restriction at the entrance to Marshall's Drive would affect traffic volumes. For example, drivers heading eastbound on Route 7 with a destination of Clyde's would be unable to turn left to get to it; they would have to make a U-turn at the next intersection east of Routes 7 and 123, head back westbound on Route 7, and then turn right.

Response: *Traffic operations along this section of Route 7 were re-analyzed as part of the EA. This analysis concluded that the turning movements at this intersection were redistributed along Route 7. With this design refinement, traffic along Route 7 would continue to operate at LOS F during peak periods, a level of congestion similar to today's conditions.*

Public Comment: Tables 3-10 and 3-11 are deceptive because they present the improvements in delay as a benefit of the rail project. This is not true because the intersection improvements along Route 7 could be built without the rail project.

2006 EA COMMENTS AND RESPONSES

Response: The design refinements proposed along Route 7 were developed in conjunction with VDOT and Fairfax County. The reconfiguration of the roadway is intended to support both traffic flow and rail alignment needs. Because the improvements will be developed as part of the Project, the anticipated changes in traffic effects are documented in the EA. As stated in the EA, the anticipated reduction in delays "can be directly attributed to the additional through lanes and additional left-turn storage capacity at intersections along Route 7."

9. Transit Operations

Access for the Disability Community

Public Comment: WMATA is not shy in asserting that Metrorail is one of the most accessible subway systems in the United States. And in many ways, they, and all of us, should be proud of the progress they have made.

Public Comment: The Dulles Corridor rail line should provide better access for everyone, including people with disabilities. An accessible public transportation allows people with disabilities to be a vital part of the community. Persons with disabilities want to be able to use the regular public transportation system; they don't want to rely on MetroAccess. The project plans should create an environment that is friendly to persons with disabilities.

Public Comment: I am extremely concerned that many of the cuts in the plans will affect mainly people with disabilities.

Response: Based on public and agency comments, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will be modified to include redundant elevators and associated equipment.

Public Comment: I urge project planners and designers to work closely with the Disability Services Board and other members of disability community to ensure the Dulles Corridor Metrorail Project is fully accessible and usable.

Public Comment: When you do other plans or make changes to the current ones, please include one person on your staff who is disabled or specializes in accessibility for people with disabilities.

Public Comment: If the stations are not accessible, then Fairfax County and other jurisdictions will have to spend more money on MetroAccess service for people to travel to and from the Tysons and Dulles areas. The money you save in capital expenditures will instead increase operating expenditures.

Response: Based on public and agency comments, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will be modified to include redundant elevators and any associated equipment.

2006 EA COMMENTS AND RESPONSES

Opposition to Elimination of Elevator Redundancy at Station Entrances

Public Comment: Eliminating the second elevator at the entrances to pedestrian walkways at stations is an unacceptable design change. Redundant elevators are needed to ensure that people can still use the local station if one elevator is out of service. Past experience with the Metrorail system has shown stations with only one elevator quickly become unusable for anyone that needs that elevator if it is out of service. The lack of redundant elevators reduces accessibility, especially for seniors and the disability community. But elevator redundancy is important for everyone, not just for the disabled population. Especially during times of heavy ridership. Please restore the original design.

Public Comment: One elevator is affordable at most stations, but two are needed for redundancy at Tysons 123 and Wiehle Avenue.

Public Comment: Some have argued that providing one elevator at entrances is sufficient to meet ADA requirements. But what happens if that one elevator breaks down? That elevator outage can cause extensive delays and impose undue hardships on persons with disabilities. Crossing the road poses a nearly impossible task for many in the disability community.

Public Comment: Note that ADA requires that accessible features must be maintained in order to ensure that stations are readily accessible and usable. Moreover, it is important that the project follow not only the letter of the law, but the spirit of the law.

Public Comment: The provision of one escalator at the entrances to pedestrian walkways is inadequate. Dual direction escalators are a needed feature for all users of the Metrorail system. (where is this escalator comment responded to?)

Public Comment: WMATA developed a policy (or standards), in coordination with the disability community, that requires all new stations to have redundant elevators throughout. This policy was developed based on a long history of problems with elevator outages and trip interruptions. The proposed design refinements are a violation of this policy.

Response: *Based on public and agency comments, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will include redundant elevators and associated equipment.*

Accommodations for Second Elevator

Public Comment: The plan proposes only one elevator at the ends of pedestrian bridges. Oddly, revised plans call for second elevator shaft, but the shaft will be left empty.

Public Comment: The station designs should include provisions to allow the later incorporation of the elevators and escalators that may not be built initially, with minimal disruption.

Public Comment: Our checks with elevator experts suggests that adding the second elevator would cost substantially less than DRPT claims.

Public Comment: The plans could be revised to include a second elevator at some locations in lieu of an escalator. This would result in a cost savings because escalators are more expensive to install and maintain than elevators.

2006 EA COMMENTS AND RESPONSES

Response: Based on public and agency comments, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will be modified to include redundant elevators and associated equipment.

Concerns about Proposed "Bus Bridges"

Public Comment: Although well-intentioned, the bus shuttle or bus bridge is fraught with problems. Having to wait for the shuttle, ride to another station, and later be bused back is extremely inconvenient and a major barrier to using the system. Existing bus bridge operations often leave passengers with disabilities stranded, waiting for the shuttle for 30 to 60 minutes (sometimes more). In Tysons, congestion would severely hamper bus bridge operations. Moreover, a bus shuttle system would be costly to implement and operate, possibly costing more than installing the second elevator.

Response: In the event of an elevator outage at a station, WMATA uses "bus bridges" to provide connections to the nearest operating elevator. In many cases, the bus bridge service proposed in the event of an elevator outage at one station entrance would provide connections to the station entrance on the opposite side of Route 7 or Route 123 or to a nearby station. For this kind of service, area congestion would be unlikely to result in substantial delays.

Public Comment: How would the bus shuttle service work? How would the person at the entrance notify the station manager that the elevator wasn't working? How long would the person have to wait for the bus? Is there a sheltered place to wait?

Response: The current design includes call boxes at all station pavilions to alert the station manager in the event of an elevator/escalator outage. The station manager notifies the operations department, which in turn dispatches a bus to provide a bus bridge to the nearest elevator.

Pedestrian and Bicycle Access

Public Comment: The project's success depends on safe and convenient access by pedestrians and bicyclists. Currently, you take your life in your hands if you try to walk around the Route 7 area. Wide sidewalks and extensive bike parking need to be included. In particular, the project should include 8- to 10-foot paved trails along Route 7, as called for in the Fairfax County Comprehensive Plan.

Public Comment: Many of proposed design changes, such as eliminating elevators and narrowing pedestrian bridges, will make station access less convenient and more difficult. In particular, the reduction in width of the pedestrian bridges will increase the difficulty of getting to and from stations during periods of heavy use. Crowding in the 12-foot walkways will be substantial. Walkways of at least 18 feet would be preferable. In addition, the changes would eliminate the service roads which bicyclists currently use. These roads are appropriate and safe for cyclists to use; however, the 6-foot sidewalks included in the new design are not appropriate for bicycle access. Overall, the proposed changes will make Route 7 even more hostile to non-motorized transportation users. The changes will lead travelers into the path of auto traffic.

Public Comment: The refinements in EA are not consistent with the vision outlined in the Comprehensive Plan and the County Trails Plan. Route 7 would have minimal sidewalks, no landscaping, and no bike accommodations. Bridges are no substitute for a pleasant pedestrian environment.

2006 EA COMMENTS AND RESPONSES

Response: *The width of the paved area adjacent to Route 7 will vary in width, design, and degree of landscaping along Route 7 due to differing site conditions. During Final Design, Project staff will consult with VDOT and Fairfax County to refine the design of the reconstructed portion of Route 7 and associated pedestrian facilities.*

Feeder Bus Service

Public Comment: Shuttle bus service is needed to transport people from their homes to transit stations, especially at stations without parking garages. At stations with transit-oriented development, shuttles will be especially important for reducing auto traffic. Shuttle service should operate every 5 to 10 minutes, rather than every 15 to 20 minutes.

Public Comment: I recommend cutting back on plans for feeder bus service. Most of this vital service is already in place. Existing routes now serve or could serve Wiehle Avenue, Tysons 123, Tysons 7, and Spring Hill Tyco. New route 19-G is needed to serve more of McLean and Great Falls.

Response: *The feeder bus network in the Dulles Corridor is an essential part of the overall corridor transit network. Feeder bus service plans for the Wiehle Avenue Extension were developed in consultation with technical staff from Fairfax County. These plans also reflect the County estimates of demand for the feeder service as well as additional demand estimates developed for the EIS. The plans have been developed with a focus on providing service from multiple origins to multiple destinations in the counties, and are designed specifically to provide mobility options that are attractive relative to making a trip by private automobile.*

Circulation within Tysons Corner via transit was a key focus of the effort to develop feeder bus plans for the Wiehle Avenue Extension. This service includes both Fairfax Connector service as well as WMATA Metrobus service. In addition to existing services, new Tysons circulator services are recommended to provide internal circulation for Metrorail riders alighting at Tysons Corner stations.

An integral part of the Project development will be the continued examination of the feeder bus systems serving specific stations; however, ultimately, Fairfax County and WMATA will be responsible for implementing the feeder bus network planned for the Wiehle Avenue Extension and/or modifying existing routes.

Effect on Ridership

Public Comment: The loss of direct pedestrian connections and major alterations in bus service (to produce the longer headways necessary for staggered arrivals) would result in reductions in boardings at the stations. The EA does not reflect this. Table 3-1 indicates there would be no reductions.

Response: *The preliminary engineering design includes the same pedestrian connections at stations proposed for the Final EIS Wiehle Avenue Extension. As a result, no major alterations in bus service have been proposed. Several minor route changes were proposed to provide improved connections to the relocated bus bays at the Tysons West Station. These re-routings would have minimal impacts on bus running times. In addition, for some circulator routes, schedules were modified to stagger arrival times at the Tysons West Station. However, service frequencies were not changed. Therefore, no effects on ridership are anticipated.*

2006 EA COMMENTS AND RESPONSES

10. Other Issues

Land Use and Air Rights

Public Comment: The plans for the Dulles Corridor Metrorail Project should support both rail service and the walkable community envisioned for the Tysons Corner area in the Fairfax County Comprehensive Plan. Development plans should not compromise commuter access, and rail plans should encourage a vibrant, pedestrian-friendly, mixed-use community. We are concerned that the current plans may not support the County's vision for the area, especially regarding pedestrian accessibility. The station designs should be better integrated with the urban design of Tysons Corner.

Response: *The Project team is working closely with Fairfax County to integrate the new Metrorail stations into the surrounding development. As designed, the stations provide access to commuters, whether they arrive as pedestrians, cyclists, on feeder buses or from any transit-oriented development that might be implemented in proximity to the stations.*

Public Comment: We must de-couple the redevelopment of Tysons Corner from the rail project. Redevelopment is necessary but should not depend on this expensive project that requires huge subsidies.

Response: *This subject was not a part of the design refinements evaluated in the EA. The approval of new developments and decisions on the appropriate locations and timing of growth within Tysons Corner is controlled by Fairfax County.*

Public Comment: I think moving the Route 7 alignment to the median provides opportunities to create a really handsome boulevard.

Response: *Moving the rail alignment to the median of Route 7 does provide the opportunity for Fairfax County to implement balanced and transit-oriented future development in the corridor. The County would decide whether a boulevard is appropriate in this context.*

Public Comment: The community of Reston has long asked for air rights development to be planned as part of the Wiehle Avenue station. My understanding is that it will not be possible to put the supports for air rights development in the station area. This is a very negative impact for the community. Allowing air rights development could reduce the negative impacts of the Wiehle Avenue Station. We need to find a way to accommodate air rights development.

Response: *As currently designed, the Wiehle Avenue Station does not preclude future air rights development by others. However at this time, no specific provisions are planned to accommodate such development. If specific air-rights project(s) are proposed at this location in the future, any associated technical issues would have to be addressed at that time.*

Station Access

Pedestrian and Bicycle Access

Public Comment: We are concerned about reports that the pedestrian walkways are going to be eliminated as a cost savings measure. Elimination of these walkways would eliminate the ability of many people to get to the Metrorail trains, especially people with disabilities.

2006 EA COMMENTS AND RESPONSES

Public Comment: The pedestrian bridges are absolutely necessary except where a traffic signal and crosswalk with pedestrian signals and center island are available. VDOT should provide pedestrian bridges at all locations where pedestrians will benefit—not just at rail stations. VDOT should be held responsible for pedestrian safety on their highways.

Response: *The preliminary engineering design includes the same pedestrian connections at stations proposed for the Final EIS Wiehle Avenue Extension. In addition, based on public and agency comments, DRPT is not advancing the design refinement evaluated in the EA that would have eliminated some elevators at pedestrian bridge entrances. The plans for the pedestrian bridge entrance pavilions will be modified to include redundant elevators and associated equipment.*

Public Comment: What features will the project include to ensure people can safely cross Routes 7 and 123 if there are no pedestrian walkways or the entrance elevator is out of service? Are you going to change Virginia code for right-of-way to add enough crossing time to the light cycle so that older people and people with disabilities can cross safely? Will you have raised lines on the edge of the crosswalk so visually impaired people can walk in a straight line to the safety of refuge? Will there be pedestrian walk buttons in the median? Provisions to allow pedestrians to cross at street-level to median stations could make Tysons Corner traffic problems worse.

Response: *The preliminary engineering design includes the same pedestrian connections at stations proposed for the Final EIS Wiehle Avenue Extension. In the event of an elevator outage at one entrance, "bus bridge" service would be provided to adjacent entrances. Any new pedestrian crossings (or modifications to existing pedestrian crossings) would be constructed to meet current VDOT design and safety standards unless a deviation from those standards is approved by VDOT and Fairfax County to improve the pedestrian environment.*

Parking

Public Comment: Parking should be provided at Tysons Corner stations. People will want to drive to stations, and if enough parking is not provided, then people will park illegally in neighborhoods and at local businesses.

Public Comment: There are tremendous opportunities to work with shared parking facilities. Perhaps the private sector could come in and share some of the parking at their developments.

Public Comment: There is no solution to the parking issue in Tysons. If you provide parking, you'll get more rail ridership, but you'll kill urban development.

Response: *Long-term park-and-ride facilities at the three other Tysons Corner stations were not pursued because these stations are being designed as urban stations oriented to pedestrian access. These designs reflect Fairfax County's plans to transform Tysons Corner into a more densely developed, pedestrian-oriented urban center.*

General Environmental

Public Comment: Construction of the project should follow the U.S. Green Building Council guidelines to help mitigate environmental issues.

2006 EA COMMENTS AND RESPONSES

Response: FTA does not require green building design.

Public Comment: The over the Beltway portion and lack of parking facilities will have "serious negative" environmental impacts, such as noise, light pollution, stream and green space deterioration, overflow parking on residential streets, degradation of neighborhood quality.

Response: The design refinements evaluated in the EA did not include changes to the Beltway crossing or the parking in Tysons Corner. Any adverse environmental effects from the alignment across the Capital Beltway and the lack of parking at the stations within Tysons Corner are documented in the Final EIS along with mitigation measures to reduce or eliminate the adverse effects of the Project.

Public Comment: Dulles rail should use cleaner sources of electric power. Consider purchasing power from low-emissions sources.

Response: The electricity used to power the Metrorail extension will be purchased from existing sources.

Purchase of Rail Cars

Public Comment: I am disappointed by plans to reduce the number of rail cars as a cost savings measure.

Public Comment: The rapid transit cars which are planned for the extension should be incorporated into an order for the entire Metro system. This would be more economical.

Public Comment: Only 41 cars should be purchased for Phase I of Dulles Rail. The other needed cars can come from the existing "trippers" on the Orange Line.

Response: The proposed design refinements for the PE Wiehle Avenue Extension do not include any changes in the planned rail car procurement. The initial phase of the Dulles Corridor Metrorail Project would include the purchase of 64 rail cars. These cars are needed to support the new service on the Wiehle Avenue Extension. The required number of cars was determined by Project planners, based on the operations plan for the Dulles Corridor line and the needs and resources of the existing Metrorail system.

Funding

Public Comment: So half the local funding for Metrorail to Reston will come from a temporary \$0.25 increase in the toll on the Dulles Toll Road and the other half will come from the State of Virginia. A temporary \$0.25 increase is equal to the entire contribution of a state. Is this the best the state can do? Why can't MWAA kick in some money?

Response: The Project benefits from MWAA agreeing to make available the medians of the Dulles International Airport Access Highway and Connector Road for right-of-way at no cost to the Project. The amount and percentage of funding by jurisdiction and/or entity are based on a capital cost allocation agreement among the non-federal funding partners.

ATTACHMENT C
NATIONAL HISTORIC PRESERVATION ACT
SECTION 106
MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

AMONG THE FEDERAL TRANSIT ADMINISTRATION,
VIRGINIA DEPARTMENT OF HISTORIC RESOURCES, AND
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION,

CONCERNING THE EFFECTS OF THE DULLES CORRIDOR METRORAIL PROJECT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

WHEREAS, the Virginia Department of Rail and Public Transportation (DRPT) proposes to construct, in phases, the Dulles Corridor Metrorail Project (Project) in Fairfax and Loudoun Counties, Virginia, a 23.1 mile extension of the existing regional Metrorail system as shown in Exhibit A. 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, DRPT has applied to the Federal Transit Administration (FTA) for financial assistance in designing and constructing the first phase of the Project (*Extension to Wiehle Avenue*), which will extend from the existing Metrorail Orange Line near the West Falls Church Station and terminate at Wiehle Avenue in Reston, and plans to apply for separate FTA funding for the subsequent extension west of Wiehle Avenue to Dulles International Airport and eastern Loudoun County (*Extension to Dulles Airport/Route 772*). FTA has determined that the Project will constitute a federal undertaking pursuant to 36 CFR 800.3(a) if FTA financial assistance is provided; 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).

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

WHEREAS, FTA has consulted on the Project with DRPT and the Virginia Department of Historic Resources, which is the State Historic Preservation Office (SHPO) for Virginia, pursuant to Section 106 and its implementing regulations at 36 CFR 800 (FTA, DRPT and the SHPO are the "required signatories"); and

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

WHEREAS, the FTA, in consultation with the SHPO, has determined that the *Extension to Wiehle Avenue* phase of the Project will not adversely affect historic properties; and

WHEREAS, the FTA, in consultation with the SHPO, has determined that the *Extension to Dulles Airport/Route 772* phase of the Project will have an adverse effect, as defined in 36 CFR 800.5(a), on the Washington Dulles International Airport historic district shown in Exhibit C, which is eligible for the National Register of Historic Places (National Register), by altering the remaining historic "peekaboo" views of the main terminal control tower for approaching travelers from the Dulles International Airport Access Highway (DIAAH); and

WHEREAS, the FTA, in consultation with the SHPO, has determined that the Project will not affect archaeological properties; and

WHEREAS, FTA and 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

WHEREAS, the FAA has been invited to concur in this Agreement; and

WHEREAS, MWAA has been 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 been invited to concur in this Agreement; and

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

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

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

WHEREAS, FTA's decision to fund each phase of the Project for design and construction will be made independently in accordance with its regulations on major capital investment projects (49 CFR 611) and any stipulations specific to a particular Project phase are not applicable until FTA financial assistance is provided; and

NOW, THEREFORE, the FTA and the SHPO agree that upon FTA'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

1. Unanticipated Discovery

A. Historic Properties

In the event that unanticipated effects on historic properties are found during the implementation of this Agreement, DRPT will stop any work that may adversely affect the historic property or that may foreclose opportunities to avoid such adverse effects. 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. 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 5 below.

B. Archaeological Resources

1. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities, DRPT will 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. An archaeologist meeting the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR 61) will immediately inspect the work site and determine the extent and the nature of the affected archaeological property. 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 of the site area.
2. Within two (2) working days of the discovery, DRPT shall notify FTA and the SHPO. The notification shall describe DRPT's assessment of the National Register eligibility of the property and proposed actions to resolve the adverse effect (if any). The SHPO shall respond within two (2) working days of notification and construction may resume when the SHPO agrees. DRPT shall take into account the SHPO's recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. DRPT shall provide SHPO with a report of these actions once they are complete.
3. If the resource is determined to meet the National Register Criteria (36 CFR Part 60.6), FTA shall ensure compliance with Section 800.13 of the Council's regulations.

C. Human Remains

DRPT 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 Washington Dulles International Airport and the Dulles International Airport Access Highway, shall be treated in a manner consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001).

2. Washington Dulles International Airport Historic District

- A. 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.
- B. The design of the Dulles Airport Metrorail station and terminal connections will consider, and incorporate where appropriate, established airport design themes and finishes within the context of the WMATA design criteria, approved system-wide facility requirements and operational practices in effect at the time of the design. The design of aerial structures and portals located within the historic district boundaries will consider, and incorporate where appropriate, concepts and materials that are mutually agreed to be compatible with the historic terminal and other contributing elements of the historic district. No later than the completion of Preliminary Engineering for the *Extension to Dulles Airport/Route 772* phase of the Project, DRPT shall submit the proposed designs to the SHPO for review and approval and to the other required and concurring signatories for review and comment.
- C. No later than the completion of Preliminary Engineering for the *Extension to Dulles Airport/Route 772* phase of the Project, DRPT will submit a treatment plan to the SHPO for review and approval and to the other required and concurring signatories for review and comment. This treatment plan will identify specific treatments that would provide users of the Metrorail station and airport travelers with an appreciation for the airport's unique historic characteristics. Several potential measures will be considered, including, but not limited to: interpretive exhibits or artwork within the station facilities, connecting walkways, or terminal buildings; photo or video documentation of the view sequence; and removal of non-historic vegetation on airport property to enhance the historic views. DRPT will ensure that all measures in the approved treatment plan are completed or installed prior to the beginning of revenue service for this phase of the Project.
- D. The SHPO shall, within 30 calendar days of receipt, review any treatment recommendations and designs submitted pursuant to this Agreement and either approve or provide comments. If no response is provided by the SHPO within 30 calendar days of receipt, DRPT may assume SHPO concurrence and approval. DRPT will review any comments and take them into account in the continued development of Project design. Should the SHPO object to any plans submitted pursuant to this Agreement, the provisions of Stipulation 4 will apply.

3. Annual Report

DRPT, in consultation with MWAA, 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 activities associated with the Project. The DRPT 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 DRPT. 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.

4. Dispute Resolution

- A. If any required or concurring signatory should object in writing regarding any action specified in the Agreement, then FTA shall consult with the objecting party to resolve this objection. If after such consultation, FTA determines that the objection cannot be resolved through consultation, then DRPT shall prepare documentation relevant to the objection in accordance with 36 CFR 800.11, and FTA shall forward such documentation to the Council, including FTA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the Council is expected to exercise one of the following options:
 - Provide FTA with a staff-level recommendation, which FTA shall take into account in reaching a final decision regarding its response to the objection; or
 - Notify FTA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. FTA shall take into account the Council'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 Council, FTA, DRPT, or the SHPO may terminate the Agreement in accordance with Stipulation 6.B below.

5. Amendments

Any required signatory 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.

6. Termination

- A. This Agreement shall terminate on January 15th of the year following completion of construction activities associated with the Project.
- B. Any required signatory to this Agreement may terminate it by providing a 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 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(l) of NHPA. Execution and submission of this Agreement, and implementation of its terms evidences that 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.

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

FEDERAL TRANSIT ADMINISTRATION

By: Herman Shipman Date: 10/5/04

Herman Shipman
Acting Regional Administrator

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: Karen J. Rae Date: 9/14/04

Karen J. Rae
Director

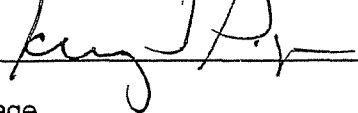
VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

By: Kathleen S. Kilpatrick Date: 9/15/04

Kathleen S. Kilpatrick
Director

CONCUR:

FEDERAL AVIATION ADMINISTRATION

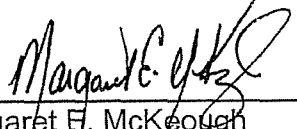
By:  Date: 10/25/04

Terry Page
Manager, Washington Airports District Office

CONCUR:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

By: _____


Margaret E. McKeough
Executive Vice President and
Chief Operating Officer

Date: _____

11/5/04

CONCUR:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

By: Richard A. White Date: 11/16/08

Richard A. White
General Manager and Chief Executive Officer

CONCUR:

FAIRFAX COUNTY

By:  Date: 11-03-04

Michael Kane
Director, Fairfax County Park Authority

CONCUR:

LOUDOUN COUNTY

By: _____ Date: _____

John Clark
Director, Office of Transportation Services

Loudoun County participated in the Section 106 consultation and was invited to concur in this agreement. (See page 2.) On October 29, 2004, John Clark, Director, Office of Transportation Services, Loudoun County, notified DRPT that: "Given that there are no affected [historic] resources in Loudoun County, we will not be a signatory to this agreement." Accordingly, the Loudoun County concurrence sheet is included in this agreement, but not signed.

2006 EA COMMENTS AND RESPONSES

Public Comment: It looks like with the Airports Authority proposal that the users of the Toll Road will be paying about 85 percent of the cost of this project.

Response: *Dulles Toll Road revenues are currently slated to fund a portion of the Commonwealth's share. The implications of the MWAA proposal on Project funding are not known at this time.*

Public Comment: I am willing to have my taxes raised to have this project done correctly.

Public Comment: I support massive funding for this and other rail projects—VRE, light rail, Amtrak, and high-speed interurban.

Public Comment: This project is so urgent that, should money run short, despite economies, Transit Revenue Bonds should be sold to complete the budget.

Response: *The funding sources proposed by the commenters are not expected to be necessary.*

General/Miscellaneous Issues

Public Comment: Has the date for the public hearings on the design and structure of new stations been set?

Response: *Fairfax County will hold one or more hearings during its development of a comprehensive plan that incorporates the stations. The dates of the hearings are not yet set.*

Public Comment: The result of continuing this project will be to make the Dulles Corridor and Tysons the most expensive place in Virginia in which to do business.

Response: *Metrorail has been built in other locations in northern Virginia without adversely affecting the business environment.*

Public Comment: The current design is not a realistic design for commuters. I call on elected officials to rethink this project and not put through a \$2 billion lemon.

Public Comment: It is clear, now, that matching the project to the transit needs of the people of Fairfax and Loudoun counties is not a motivating factor. We could have had better.

Response: *The Commonwealth Transportation Board and the WMATA Board of Directors selected a Metrorail extension as the locally preferred alternative after extensive study of alternatives, impacts, and benefits. Fairfax County, Loudoun County, the Metropolitan Washington Airports Authority, and the Town of Herndon endorsed this selection.*

US DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

EASTERN REGION

RECORD OF DECISION

FOR

DULLES CORRIDOR METRORAIL PROJECT

AT

WASHINGTON DULLES INTERNATIONAL AIRPORT

July 2005

The Federal Aviation Administration (FAA), a cooperating agency on the Dulles Corridor Metrorail Project (the project), is issuing this Record of Decision (ROD) based on its review and adoption of the Final Environmental Impact Statement (FEIS), dated December 2004. This ROD will supersede the previous FAA ROD issued for the project on April 13, 2005. The FAA ROD of April 13, 2005 is retracted with the issuance of this decision. The lead federal agency for the project was the Federal Transit Administration (FTA). On March 2, 2005, the FTA issued its ROD for the project. The FTA's ROD describes the project background, a basis for its decision, a brief description of alternatives that were considered, environmental impacts and measures to minimize those impacts, a summary of the agency's public outreach, and the agency's determinations/findings.

In accordance with 40 CFR 1506.3 and FAA Order 1050.1E, Chp 5, para 518h, the FAA has adopted the FTA's FEIS. The FEIS was prepared in accordance with the Council on Environmental Quality (CEQ) regulations, 40 CFR 1500, implementing the National Environmental Policy Act (NEPA) of 1969.

PROJECT DESCRIPTION

The project will provide mass transit service to passengers utilizing Dulles International Airport (IAD) by extending the Metrorail track from the current terminus at West Falls Church station west along the median of the airport access highway, which is dedicated airport property. The project will be constructed in two phases; Phase I will extend the Metrorail system to provide service out to Wiehle Avenue in Reston, Virginia, approximately ten miles east of IAD. Phase I will be located along the median of the access road from the point at which the track crosses Interstate 66 heading towards the northwest until the new end point at Wiehle Avenue and is scheduled for completion by 2009.

Phase II will continue the extension of the Metrorail system northwest along the median of the airport access highway from Wiehle Avenue until the access road enters the airport proper. At this point, the system line will turn south toward the existing terminal complex at IAD, then west, through the complex, and north once it completes the transition. The system line will continue north until intersecting the Dulles Greenway, at which point it will turn to the northwest along the median and continue to Virginia Route 772, just west of IAD. Phase II will also include the construction of station platforms and supporting infrastructure to provide direct access to the IAD terminal complex and include a new Metrorail Service & Inspection Yard within the airport buffer zone on land that would not otherwise be used for airport development. Phase II is currently scheduled to begin in 2009 with a completion date of 2015.

FEDERAL ACTION

There are three actions that FAA is required to take toward the implementation of this project subsequent to the issuance of this ROD:

1. A determination pursuant to the requirements of 14 CFR Part 158 of project eligibility for the Passenger Facility Charge Program;
2. Approval to use airport property for non-aeronautical uses for Phase I and II; and

3. Unconditional approval of the Airport Layout Plan (ALP) for Phase I to depict the location of the Metrorail stations and rail lines, and for Phase II to depict the location of the Metrorail stations, rail lines, and Service & Inspection Yard.

BASIS FOR DECISION

This decision was based in part on the FEIS, which was approved by the FAA on October 25, 2004 and made available to the public through the US Environmental Protection Agency's (EPA) Notice of Availability published on December 23, 2004 in the Federal Register. As a cooperating agency, the FAA has found that its action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of NEPA.

The FAA is attaching the FTA's ROD as Appendix 1. For the purposes of the FAA's ROD, Attachment 1 is referenced to present the potential environmental impacts and other relevant factors, including safety, economic and social impacts, considered by the FAA regarding whether to approve the Federal action needed for the proposed development of the Dulles Corridor Metrorail Project on Washington Dulles International Airport property.

The ROD prepared by the FTA establishes the phased approach for decision-making on this project by stating "[t]he Virginia Department of Rail and Public Transportation (DRPT), the Project sponsor, is seeking financial assistance from FTA for the first phase of the Project (the Extension to Wiehle Avenue)...and plans to apply for separate FTA funding for the subsequent extension west of Wiehle Avenue to Dulles International Airport and eastern Loudoun County (the Extension to Dulles Airport/Route 772)." The FAA is also establishing its Agency Findings based on a phased approach and the applicable decisions made for each phase are presented in the following section of this ROD.

AGENCY FINDINGS

The proposed project is reasonably consistent with existing plans of public agencies for the development of the area surrounding the airport (49 U.S.C. 47106).

The proposed project has been planned in compliance with the provisions of Executive Order 12898 on Federal actions to address Environmental Justice in minority and low-income populations.

The FAA actions involved in the implementation of the Dulles Corridor Metrorail Project are considered by each Phase of the project.

For Phase I of the project, which is located approximately 10 miles from IAD, the FAA has determined:

- A. Pursuant to the requirements of 14 CFR Part 158, Phase I is not eligible for the Passenger Facility Charge Program.

- B. Pursuant to 14 CFR Part 157 (49 U.S.C. 40113), there is no objection to the project from an airspace perspective, based upon aeronautical studies.
- C. Pursuant to 14 CFR Part 77, there are no potential obstructions to navigable airspace resulting from equipment being deployed during construction.
- D. Pursuant to 49 U.S.C. 40103, no aircraft operational and/or air traffic control procedures will be needed to accommodate the proposed project.
- E. Pursuant to 14 CFR Part 139 (49 U.S.C. 44702), no revision to the airport certification manual is required.
- F. Conditional environmental approval of the action is given. Unconditional environmental approval and a determination that the environmental documents satisfy the requirements of NEPA, the Airport and Airway Improvement Act, and FAA Orders 1050.E and 5050.4A will be made upon receipt and review of the request for land release for the portions of Phase I located on dedicated airport property. This request must be submitted by the airport sponsor, the Metropolitan Washington Airports Authority, to the FAA and will be reviewed for consistency with Section VII.G of FAA's *Policy and Procedures Concerning the Use of Airport Revenue* (64 FR 7696-7723). All appropriate determinations regarding the approval to use airport property for non-aeronautical uses and unconditional approval of the changes to the ALP for Phase I of the project also will be made subsequent to that review.

For Phase II of the project, which extends the Metrorail system along the median of the access road and through the IAD terminal complex:

- G. The FAA has determined that a written reevaluation of the continued adequacy, accuracy, and validity of the FEIS will be required prior to the commencement of Phase II actions, in accordance with Paragraph 514 b (2) of FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, because the project will be implemented in stages (phases) and Phase II will not commence until more than three years after the approval of this FEIS.
- H. The FAA has determined, pursuant to the requirements of 14 CFR Part 158 regarding the use of Passenger Facility Charge Program for this project, that the construction of the station and associated infrastructure located at the IAD terminal complex is eligible for funding under the Passenger Facility Charge Program. A determination of funding under the Passenger Facility Charge Program will be made upon receipt of the project application.
- I. The FAA must make a determination under 14 CFR Part 157 (49 U.S.C. 40113) as to whether or not it objects to the proposed project from an airspace perspective, based upon aeronautical studies, as the design of Phase II progresses.
- J. The FAA must make a determination under 14 CFR Part 77 regarding potential obstructions to navigable airspace resulting from equipment being deployed during construction as the design of Phase II progresses.

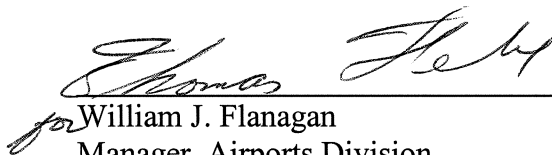
- K. The FAA must make a determination pursuant to 49 U.S.C. 40103 whether aircraft operational and/or air traffic control procedures will be needed to accommodate the proposed project as the design of Phase II progresses.
- L. Pursuant to 14 CFR Part 139 (49 U.S.C. 44702), no revision to the airport certification manual is required.
- M. The airport sponsor, the Metropolitan Washington Airports Authority, must submit a request for land release for the portions of Phase II located on dedicated airport property. The FAA will review the request for consistency with Section VII.G of FAA's *Policy and Procedures Concerning the Use of Airport Revenue* (64 FR 7696-7723). All appropriate determinations regarding the approval to use airport property for non-aeronautical uses and unconditional approval of the changes to the ALP for Phase II of the project will be made subsequent to that review.

DECISION

The FAA recognizes its responsibility under NEPA, CEQ regulations and its own directives. Recognizing these responsibilities, I have carefully considered the objectives of the proposed project in relation to aeronautical and environmental factors at Washington Dulles International Airport and utilized the environmental review process to make a more informed decision.


Having carefully considered aviation safety and operational objectives of the proposed project, as well as being advised as to the anticipated environmental impacts of the proposed action, under the authority delegated to me by the Administrator of the FAA, I find that the project is reasonably supported, holding to the conditions listed in Agency Findings F, G, I, J, K, and M above, and I therefore, direct that action be taken to carry out agency actions noted above.

Recommended:


William J. Flanagan
Manager, Airports Division
Federal Aviation Administration
Eastern Region

7/11/05
Date

Approved:


Arlene B. Feldman
Regional Administrator
Federal Aviation Administration
Eastern Region

7/12/05
Date

This Decision, including any subsequent actions necessary for certification of airspace determination, unconditional approval of the Airport Layout Plan, determination regarding the use of Passenger Facility Charge (PFC) funds and determination regarding the use of Airport Improvement Program funds to finance the project, are taken pursuant to 49 U.S.C. 40101 *et seq.*, and constitute orders of the Administrator, which are subject to review by courts of appeals of the United States in accordance with the provisions of 49 U.S.C. 46110(a).

Appendix D

Draft Section 106 Memorandum of Agreement

THIS PAGE INTENTIONALLY LEFT BLANK.

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL TRANSIT 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 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 Memorandum of Agreement was developed to supersede the original MOA dated October 2004; and

WHEREAS, the Airports Authority proposes to construct, in two phases, the Dulles Corridor Metrorail Project (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 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 (District); and

WHEREAS, 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, FTA and the Federal Aviation Administration (FAA), whose approval is required for any change in the use of land at Washington Dulles International 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, FTA has consulted on the Project with the SHPO, pursuant to Section 106 and its implementing regulations at 36 CFR 800; and

WHEREAS, 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. 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, for archaeology, the Refined LPA would have an Adverse Effect on archaeological resources at Site #1 (44LD1596) that are potentially eligible for listing on the National Register under Criterion D because these resources would potentially yield information important to prehistory; and

WHEREAS, 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

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

WHEREAS, the FTA has invited the Airports Authority, as the agency responsible for the administration of Dulles International 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, 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 FAA has participated in the Section 106 process and been 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 been invited to concur in this Agreement; and

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

WHEREAS, Fairfax and Loudoun counties, have participated in the Section 106 consultation and have been 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 have been invited to participate and comment in the Section 106 process for this Project and have either declined or provided no comments; and

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

NOW, THEREFORE, the FTA, 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 archaeological resources 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.

1. Unanticipated Discovery and Resource Treatment

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. 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. 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 5 below.

B. Archaeological Resources

1. 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. When FTA finds the draft plan acceptable, it will then submit that document to the SHPO and consulting parties for their review. The consulting parties have thirty (30) calendar days from receipt of the draft Archaeological

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

2. If FTA, with SHPO concurrence, determines data recovery to be appropriate treatment measure for effects to NRHP-eligible archaeological resources, the Airports Authority shall:
 - A. Describe and/or specify the following in the final treatment plan:
 1. The portions of the property where data recovery or other treatments will be carried out;
 2. The results of previous research relevant to the Project;
 3. Research problems or questions to be addressed with an explanation of their relevance and importance;
 4. 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;
 5. The methods to be used in artifact, data, and other records management;
 6. Explicit provisions for disseminating the research findings to professional peers in a timely manner; and
 7. 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.
 - B. Notify the FTA, SHPO 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 consulting parties find it appropriate.
2. The Airports Authority shall complete all treatment measures required by the final Archaeological Resources Treatment Plan before any construction or construction-related ground disturbing activities are carried out in the vicinity of NHRP-eligible archaeological resources. Upon completion, a report detailing the results of the treatment measures shall be prepared and provided to the FTA, SHPO, and other consulting parties.
3. 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 FTA and the SHPO and other consulting parties of the discovery within two (2) working days.
4. The Airports Authority and the SHPO or an archaeologist meeting the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR 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 SHPO.
5. Within five (5) working days of the original notification of the discovery, the Airports Authority and FTA, in consultation with the SHPO and other 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).

6. If the resource is determined eligible for the NRHP, the Airports Authority and 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 commented on by the other consulting parties prior to implementation.
7. 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 NRHP.
8. The Airports Authority shall take into account the SHPO's recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The Airports Authority shall provide SHPO 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.
9. If the resource is determined to meet the National Register Criteria (36 CFR Part 60.6), FTA shall ensure compliance with Section 800.13 of the Council's regulations.

C. Human Remains

1. 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 Washington Dulles International Airport and the Dulles International Airport Access Highway, shall be treated in a manner consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001).
2. If the remains are determined not to be of Native American origin, the Airports Authority shall notify the Criminal Investigation Department (CID), and consult with the SHPO and other consulting parties, as appropriate. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO and other appropriate consulting parties for consultation:
 - i. 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.
 - ii. 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.

- iii. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
 - iv. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
 - v. An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
 - vi. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
 - vii. If a disposition other than reburial is proposed, a statement of justification.
3. 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).

2. Washington Dulles International 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% Preliminary Engineering 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 and other consulting parties will be provided an opportunity to review and comment on the Preliminary Engineering 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 and consulting parties. When FTA finds the draft plan acceptable, it will then submit that document to the SHPO and consulting parties for their review. The consulting parties have thirty (30) calendar days from receipt of the draft Historic Resources Treatment Plan to provide their comments to the FTA. FTA shall ensure that all timely comments on the draft plan are considered in preparation of the final treatment plan. If a consulting party fails to respond within thirty (30) days of receipt of a request for review, FTA may assume that the non-responding party has no comment and proceed with the development of the final Historic Resources Treatment Plan.
4. Following approval of the final Historic Resources Treatment Plan by FTA, the Airports Authority shall complete all required measures in accordance with the agreed implementation schedule. The SHPO and other consulting parties shall be provided the opportunity to review and comment on the design proposed for the interpretative displays and landscaping at specific milestones identified in the approved treatment plan.
5. The SHPO and other consulting parties shall have thirty (30) calendar days from receipt of any materials submitted by FTA to provide their comments. FTA shall ensure that all comments that are made during the comment period are considered. If the SHPO or a consulting party fails to respond within thirty (30) days of receipt of a request for review, FTA may assume that the non-responding party has no comment.

3. 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.

4. Dispute Resolution

- A. If any party to this Agreement should object in writing regarding any action specified in the Agreement, then FTA shall consult with the objecting party to resolve this objection. If after such consultation, 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 FTA shall forward such documentation to the ACHP, including 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 FTA with a staff-level recommendation, which FTA shall take into account in reaching a final decision regarding its response to the objection; or
 2. Notify FTA that the objection will be referred for formal comment pursuant to 36 C.F.R. Section 800.7(c), and proceed to refer the objection and comment. FTA shall take into account the Council'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 Council, FTA, the Airports Authority, or the SHPO may terminate the Agreement in accordance with Stipulation 6.B 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 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.

5. 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.

6. 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 and archaeological resources will cease until 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 FTA has afforded the Council an opportunity to

comment on the Project and its effects on historic properties and archaeological resources and has taken into account the effects of the Project on historic properties and archaeological resources.

7. Duration

- A. Execution of this Agreement by the FTA, the Airports Authority, 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 National Historic Preservation Act (16 U.S.C. 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:** _____

Brigid Hynes-Cherin
Regional Administrator

SIGNATORY

STATE HISTORIC PRESERVATION OFFICER

By: _____ **Date:** _____

Kathleen S. Kilpatrick, Director
Department of Historic Resources

SIGNATORY

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

By: _____ **Date:** _____

John Potter
President and Chief Executive Officer

CONCURING PARTIES

FEDERAL AVIATION ADMINISTRATION

By: _____ **Date:** _____

Terry Page
Manager, Washington Airports District Office

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____ **Date:** _____

Thelma Drake
Director

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

By: _____ **Date:** _____

Richard Sarles
General Manager and Chief Executive Officer

FAIRFAX COUNTY

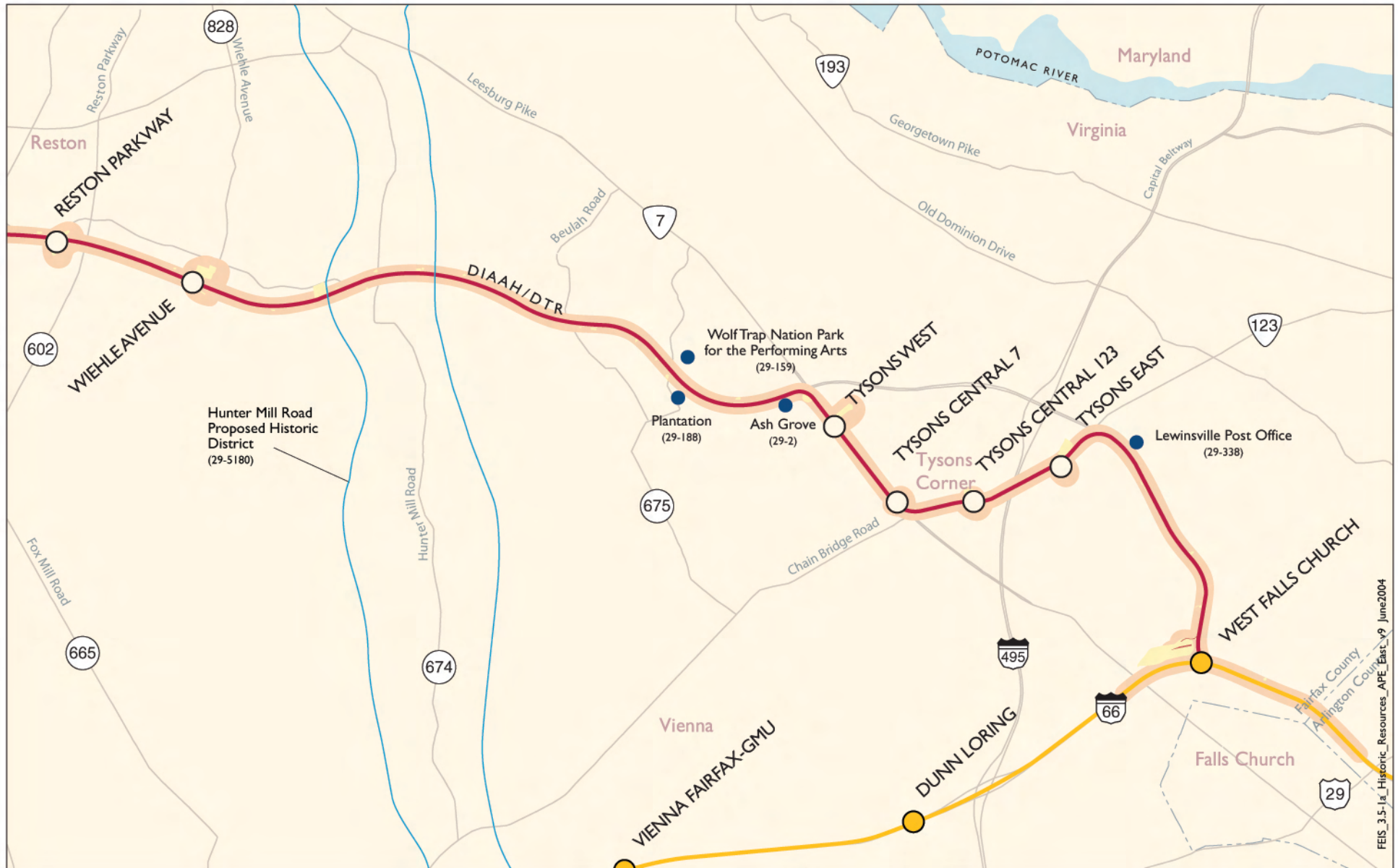
By: _____ **Date:** _____

Michael Kane
Director, Fairfax County Park Authority

LOUDOUN COUNTY

By: _____ **Date:** _____

Andrew Beacher
Director, Office of Transportation Services



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

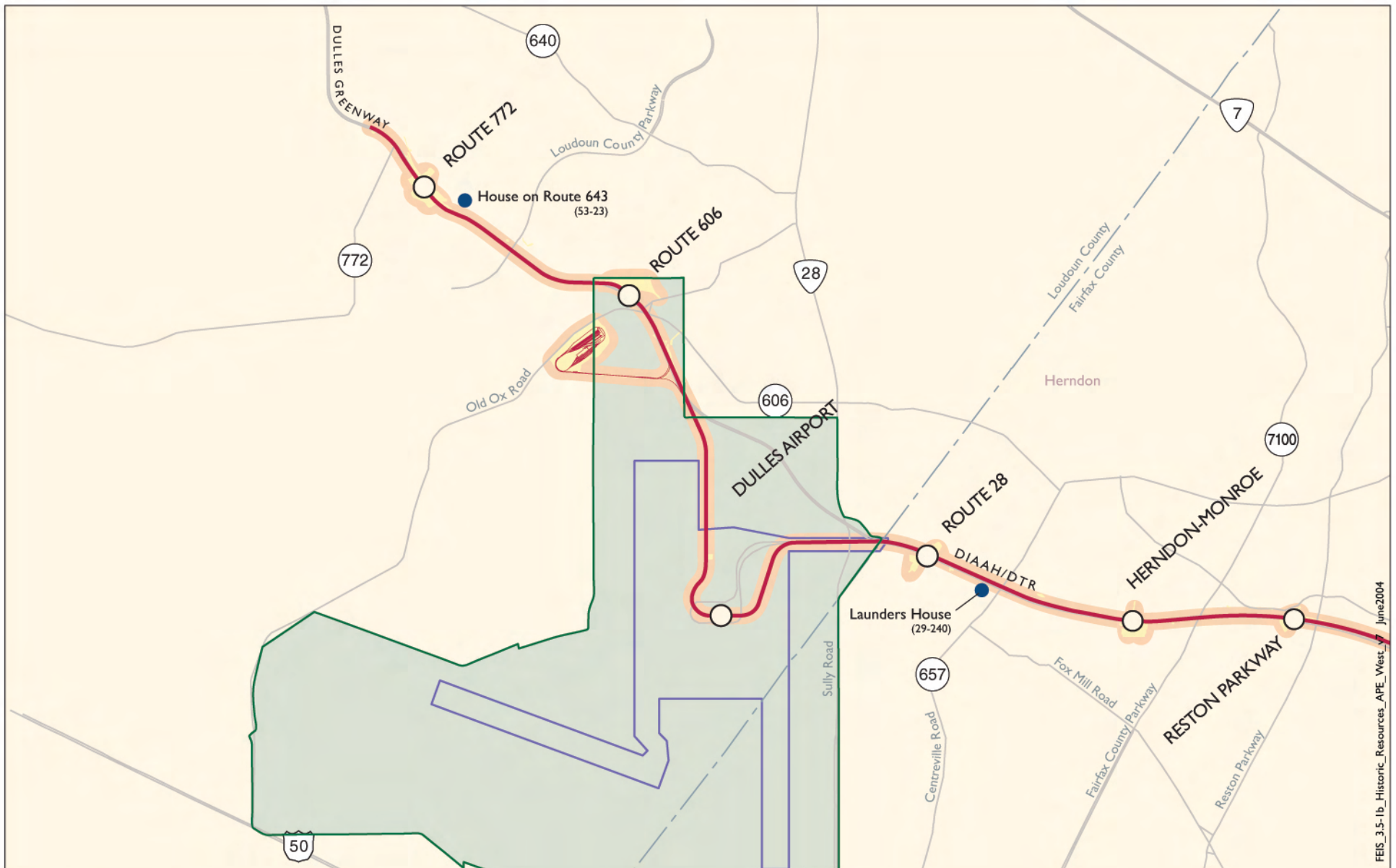


0 3000 6000 FEET

Exhibit B (1 of 2)

Area of Potential Effect and Known Historic Resources





FEIS_3.5-1b_Historic_Resources_APE_West_07 June 2004

LEGEND

- Area of Potential Effect, Archaeology
- Area of Potential Effect, Architecture
- Historic Architectural Resources
- DIAAH/DTR is the Dulles International Airport Access Highway/Dulles Toll Road

- Dulles Property Boundary
- Boundary of NRHP-Eligible Dulles Airport Historic District (2004)
- Proposed Metrorail Alignment
- County Boundary

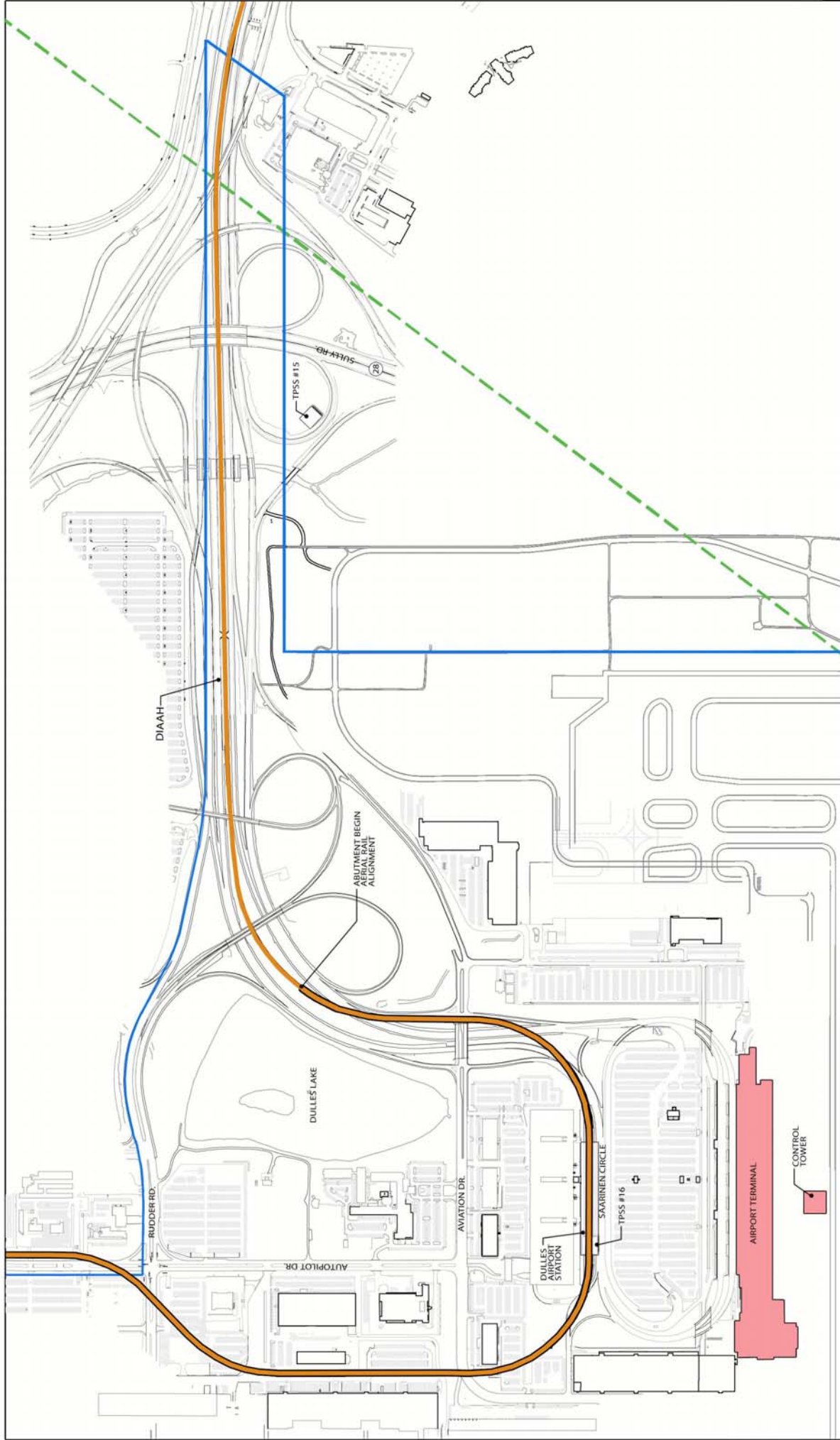


0 3000 6000 FEET

Exhibit B (2 of 2)

Area of Potential Effect and Known Historic Resources





LEGEND

RAIL ALIGNMENT AT GRADE

AERIAL RAIL ALIGNMENT

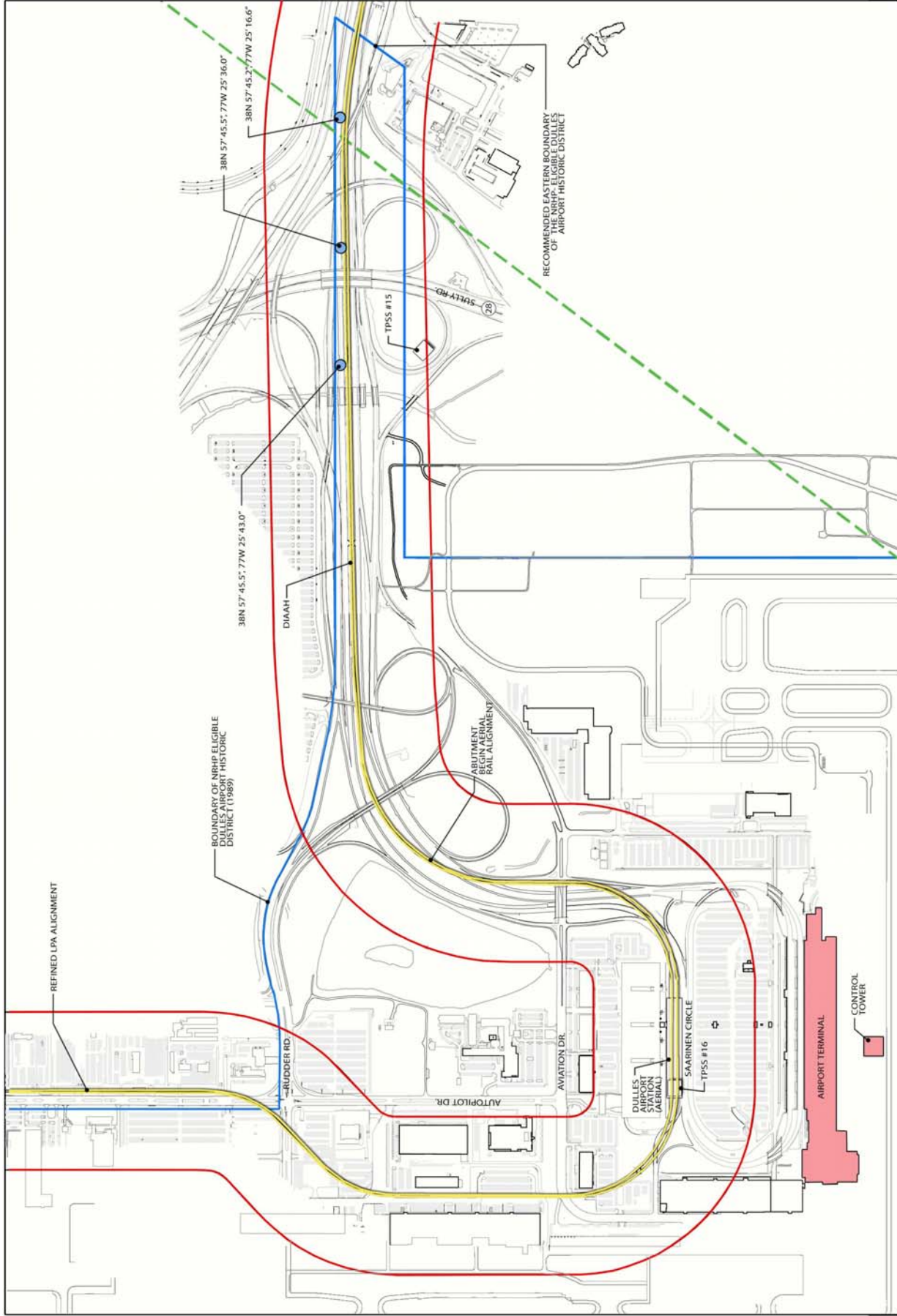
DULLES AIRPORT HISTORIC DISTRICT

COUNTY BOUNDARY



EXHIBIT C
REFINED LPA ALIGNMENT WITHIN
DULLES AIRPORT HISTORIC DISTRICT





LEGEND

- RAIL ALIGNMENT
- AREA OF POTENTIAL EFFECT
- DULLES AIRPORT HISTORIC DISTRICT
- - - COUNTY BOUNDARY

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

SCALE IN FEET
0 350 700 1400

N

PEEKABOO VIEW

DULLES CORRIDOR
METRO RAIL PROJECT