

**FEDERAL TRANSIT ADMINISTRATION  
REGION 3**

**Finding of No Significant Impact**

**Project:** Expansion of the 14<sup>th</sup> Street Bus Facility

**Applicant:** Erie Metropolitan Transit Authority

**Project Location:** 14<sup>th</sup> Street, Erie, Pennsylvania

**FTA Grant No:**

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**Proposed Project**

The EMTA proposes to construct an expansion of the Bus maintenance and storage facility at 127 East 14<sup>th</sup> Street, Erie, Pennsylvania. The 9 acre proposed project site is bounded by Parade and French Streets to the east and west respectively and by 14<sup>th</sup> Street and the Conrail rail Right-of-Way to the north and south respectively.

This site will include space for relocating EMTA's existing LIFT facility which is currently located on a 2 acre site, several blocks away at 825 West 18<sup>th</sup> Street. The site will also contain parking, administrative offices, and bus maintenance, storage, and bus wash/fuel facilities.

Specific elements of the proposed action include the following:

- Construction of a 61,256 sq ft. maintenance facility
- Construction of a 146,880 sq. ft, 80 bus storage facility
- Construction of a 13,000 sq ft bus wash facility
- Construction 18,200 sq ft of office space
- Demolition and removal of approximately 9 vacant and/or under-utilized buildings as well as underground storage tanks and contaminated soils in accordance with the Phase II ESA summarized in this Environmental Assessment
- Acquisition of 28 Parcels, many of which are vacant
- Closure of one block of Division Street from Conrail Railroad to East 14th Street
- Closure of East 15th Street from East 14th Street to Parade Street
- Demolition of Existing Bus Garage Facility at East 14th Street

### **Public Opportunity to Comment**

- November 19, 2008 – EMTA gave Presentation / Introduction of the Project to the Erie Metropolitan Planning Organization and received project support from the Erie MPO.
- November 19, 2008 – EMTA offered Presentation / Introduction of the Project to the Erie City Council and received project support from the Erie City Council.
- March 16, 2009 - – EMTA gave Presentation / Introduction of community groups and the Erie DECD to receive their thoughts regarding the project. Participants included representatives from HANDS (House and Neighborhood Development Services), City of Erie DECD, Erie Downtown, EMTA, and KCI. At this meeting the project received support from the community groups and the Erie DECD.
- Telephone Calls – March 12, 2009 – EMTA reached out to representatives of SNOOPs Neighborhood Watch and Weed and Seed. These groups were not available for the March 16, 2009 meeting.
- Public Meeting – October 28, 2009. Advertisements for the public meeting appeared in the October 21, 2009 and November 2, 2009 issues of the Erie Times-News. Letters of invitation to the public meeting were mailed to the public officials and the aforementioned neighborhood groups. Copies of the ads and letters are contained in the project technical files.

### **Comments on the EA**

Comments were solicited from the public and public officials via a comment form. The public officials also had the opportunity to provide feedback via a question and answer session that followed the presentation given by the Project Team. As of November 21, 2009 (end of the 30-day comment period); no written comments were received. During the briefing and meeting no opposition was voiced regarding the conclusions in the Environmental Assessment. However, with the closing of Division Street, it was suggested at the meeting that the EMTA find an amicable solution for the pedestrians walking from the residential area at 16th Street to the Pfeiffer Burleigh Elementary School on 12th Street.

### **Mitigation Measures to Minimize Harm**

The EMTA has committed to the specific measures and actions intended to mitigate the effects of the project. These measures describe the mitigation that is required of Erie

Metropolitan Transit Authority as conditions of this FONSI (attachment B). Those mitigation commitments are based on the potential mitigation measures identified in the EA. The Federal Transit Administration (FTA) finds that with the implementation of these mitigation measures, Erie Metropolitan Transit Authority will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the proposed action.

### **Determinations and Findings**

#### **National Environmental Policy Act (NEPA) Finding**

FTA served as lead agency under NEPA for the project. Erie Metropolitan Transit Authority prepared an Environmental Assessment (EA) in compliance with NEPA, 42 U.S.C. Section 4321 et seq., and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the project's potential significant impacts.

Erie Metropolitan Transit Authority conducted a site evaluation study in 2009. FTA reviewed preliminary versions of the EA. The EA was issued in December 2009. The EA found that the project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. This would apply to all applicable environmental elements including Air Quality; Land Use and Zoning, Environmental Justice, Social Impacts, Transportation, Noise, Geology and Soils, Hazardous Materials, Water Resources, Biological Resources, Visual Quality, Cultural Resources, Recreation and Section 4(F) Resources, Safety and Security, and Public Services and Utilities.

After carefully considering the EA, its supporting documents, and the public comments and responses, **FTA finds under 23 CFR 771.121 that the proposed project, with the mitigation to which Erie Metropolitan Transit Authority has committed, will have no significant adverse impacts on the environment.** The record provides sufficient evidence and analysis for determining that an EIS is not required.

#### **Environmental Justice Findings**

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

Erie Metropolitan Transit Authority performed an environmental justice analysis as part of the EA. The analysis did identify pedestrian impacts based on the closure of area streets (see Transportation and Traffic section below). Based on that analysis, and the mitigation measures described in the Transportation and Traffic Findings section and attachment B, **FTA finds that the construction and operation of the 14<sup>th</sup> Street Bus Facility Expansion Project would not have disproportionately high and adverse effects on low-income or minority populations.**

#### Transportation and Traffic Findings

A traffic impact analysis was conducted for the surrounding area. Vehicle counts were taken by Urban Engineers on 14th, 16th, Division, French and Parade Streets in November 2008 to obtain daily network volumes and identify peak analysis hours. Turning movement counts were taken on Wednesday, January 21, 2009 by PennDOT and Urban Engineers at the intersections of 14th at Parade, 14th at French, 16th at Parade and 16th at French for both the AM and PM peak periods to capture base background data. Level of Service, emergency services, truck traffic, parking, and pedestrian traffic were all analyzed.

The analysis anticipates that minor delay will be added to the local street network and emergency response times and parking demand will not be increased. Truck traffic will not be impacted. There will, however, be impacts on pedestrians resulting from the closure of Division Street. In response, EMTA agrees to the following measures:

- EMTA access drives will be altered, and site construction and utility work will likely degrade the existing street condition. Resurfacing and other street improvements on 14th Street from Parade to French Streets should be accomplished as part of a later project phase.
- An EMTA partnership with the City of Erie and local neighborhood representatives will be established to further evaluate the loss of direct access and added walking distance resulting from closing the Division Street underpass. Development of a Division Street “closure plan” would address future 16th Street use south of the EMTA property line, any measures to offset pedestrian impacts, and the signs and barricades needed to affect the street closure. If necessary, the EMTA has agreed to add a school bus stop in the vicinity of the East 16th Street intersection with Division Street.
- The project scope will include an evaluation of radius improvements to better accommodate EMTA buses and the need for a left-turn lane at the eastbound approach.

**With the traffic mitigations/improvements described above and in attachment B, FTA finds that the local roadway system is adequate to support the anticipated bus and automobile traffic generated by the proposed EMTA bus facility.**

### Noise Findings

Potential noise impacts from the project were assessed using FTA noise assessment criteria following FTA's Transit Noise and Vibration Impact Assessment (1995). Noise modeling demonstrated that noise generated by operation of the bus facility would not reach "impact" or "severe impact" levels. The project, therefore, does not result in a significant noise impact and no mitigation is proposed.

**Because noise modeling results showed no impact, FTA concludes that the project does not result in significant noise impacts.**

### Air Quality Conformity

The Clean Air Act (CAA) requires states to take actions to reduce air pollution in nonattainment areas and to provide control measures in maintenance areas. The framework for meeting these goals is the State Implementation Plan (SIP). The project is located in an attainment area for particulate matter. The project will not result in a significant congregation of vehicles to support the need for a CO hotspot analysis. Additionally, intersections will not be impacted enough to cause CO hotspot impacts.

The EMTA bus facility project is listed in the TIP and 2030 transportation plan. These have been found to conform with the Pennsylvania SIP. As such, the project is determined to conform to the SIP and meets all air quality conformity requirements of the Clean Air Act. **Therefore, FTA finds that at both the regional and "project" level, the project conforms with the SIP and meets all requirements of the state and federal clean air acts.**

### Floodplain Findings

Pursuant to Executive Order 1198 (Floodplain Management), EMTA assessed floodplains within the 100-year floodplains and floodways defined by the Federal Emergency Agency (FEMA) and locations with reported flooding problems or within locally managed floodplains. They found that the project is not located within a 100-year floodplain. **FTA finds that no adverse impacts to any 100-year floodplains or floodways would occur as a result of the proposed project.**

### Wetlands Findings

The United States Department of Transportation seeks to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects (DOT Order 5660.1A; Executive Order 11990).

Because there are not wetlands in or around the project area, the proposed action will not result in any direct impacts to wetlands, including clearing or filling of wetland areas.

**Therefore, FTA finds that the project meets the federal wetlands requirements.**

### Endangered Species Act Findings

The Endangered Species Act of 1973, as amended (ESA), intends to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal agency to ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any listed species or result in direct mortality or destruction or adverse modification of critical habitat of listed species.

EMTA conducted a review of the Pennsylvania Natural Diversity Inventory (PNDI) Project Environmental Review on March 2, 2009, through the Pennsylvania Natural Heritage Program. The PNDI Project Review conducts a search of the U.S. Fish and Wildlife Service (USFWS), Pennsylvania Department of Conservation and Natural Resources (PADCNR) and Pennsylvania Fish and Boat Commission (PFBC) databases. No known ecologically sensitive areas that are under the jurisdiction of the above-mentioned agencies were identified by the search. **The FTA concludes that the proposed bus facility expansion project will not have an effect on endangered species and the ecosystems.**

### Section 106 Compliance

Section 106 of the National Historic Preservation Act of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

EMTA sent letters to the SHPO dated February 4, 2009 and April 27, 2009 and received concurrence from the SHPO that the project would have no affect on historic properties. Based on the cultural resources analysis and coordination with the SHPO, **FTA finds that the project will have no effect on any historic resources, and that the Section 106 coordination and consultation requirements for this project have been fulfilled.**

#### Section 4(f) Findings

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

There are no parks, trails, bicycle paths or other cultural resources in the vicinity of the project. **FTA finds that the proposed project will not use or significantly impact any park or recreational resources protected by Section 4(f) of the DOT Act of 1966.**

#### Hazardous Materials

EMTA conducted a Phase II ESA to investigate the findings listed in Urban's March 2009 Phase I ESA prepared for the subject property. Results from the Phase II ESA soil borings and additional analysis showed 6 locations that indicated varying degrees of impact. Underground Storage Tanks were found throughout several of these sites. Prior to construction EMTA, as part of the mitigation for these areas, will remove the USTs in accordance with PADEP storage tank regulations and evaluate soil impacts and remediate as necessary (see attachment B regarding mitigation commitments). **FTA concludes that the proposed project, with the mitigation to which EMTA has committed, will not have a significant impact on the environment.**

**Environmental Finding**

The following documents are attached and/or incorporated by reference as part of this FONSI:

- Attachment A: Environmental Assessment (December, 2009)
- Attachment B: List of Project Mitigation Commitments

**Based on the Environmental Assessment and its associated supporting documents, the Federal Transit Administration finds pursuant to 23 CFR 771.121 that there are no significant impacts on the environment associated with the development and operation of the proposed Erie Metropolitan Transit Authority Bus Facility Expansion project.**



Keith Lynch  
Community Planner  
Federal Transit Administration

2-12-10  
Date

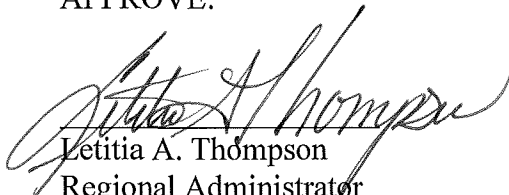
CONCUR:



Michele Destra, Director  
Office of Planning and Program Development  
Federal Transit Administration

02-12-2010  
Date

APPROVE:



Letitia A. Thompson  
Regional Administrator  
Federal Transit Administration

02-17-10  
Date



## Attachment B

### List of Mitigation Commitments

- EMTA access drives will be altered, and site construction and utility work will likely degrade the existing street condition. Resurfacing and other street improvements on 14th Street from Parade to French Streets should be accomplished as part of a later project phase.
- An EMTA partnership with the City of Erie and local neighborhood representatives will be established to further evaluate the loss of direct access and added walking distance resulting from closing the Division Street underpass. Development of a Division Street “closure plan” would address future 16th Street use south of the EMTA property line, any measures to offset pedestrian impacts, and the signs and barricades needed to affect the street closure. If necessary, the EMTA has agreed to add a bus stop in the Division Street vicinity to reduce impacts of the closure on pedestrian travel.
- The project scope will include an evaluation of radius improvements to better accommodate EMTA buses and the need for a left-turn lane at the eastbound approach.
- For all 6 of the impacted locations identified in the Phase II ESA (below), EMTA commits to removing the USTs and remediating necessary soil contamination as discovered during construction. All removal and closure of the USTs will be conducted in accordance with PADEP Storage Tank Regulations by a Pennsylvania Licensed Tank Handler.
  1. Miller Brothers Garden Center
  2. 1500 German Street
  3. South of East 15th Street between German and Parade Streets
  4. Dry Cleaner area
  5. Moyak Property, 1403 German Street
  6. Vacant residential area
- EMTA will develop a site specific Health and Safety Plan prior to any construction or demolition at the study site. Additionally, a Waste Management Plan will be prepared prior to development to address handling, transportation, and disposal of potentially contaminated soil and groundwater encountered during construction and demolition. These documents should be incorporated into the demolition and construction specifications, as necessary. Parcel owners should be notified of the adverse environmental condition and/or release, if applicable, pertaining to the individual properties.