

**RECORD OF DECISION**  
**on the**  
**TEX Rail Corridor Project**  
**in**  
**Tarrant County, Texas**  
**by the**  
**Federal Transit Administration**

**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 determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related federal environmental statutes, regulations, and executive orders have been satisfied for the TEX Rail corridor project in Tarrant County, Texas.

This Record of Decision (ROD) applies to the Preferred Alternative, which is described in detail in the *Final Environmental Impact Statement for the TEX Rail Corridor/Section 4(f) Evaluation (FEIS)* published on May 19, 2014. This ROD describes the TEX Rail project (herein also referred to as the project or the Preferred Alternative); provides background on the project's development; describes the alternatives considered and the public's opportunity to comment; includes the public comments to the FEIS and responses to the comments; explains the basis for FTA's decision; documents compliance with applicable federal environmental laws, regulations, and executive orders; and sets forth the mitigation measures required as part of the decision. This ROD, the *Draft Environmental Impact Statement for the Southwest-to-Northeast Rail Corridor* (October 2008), the *Environmental Assessment for the TEX Rail Corridor* (January 2013 and amended in September 2013), the *Final Environmental Impact Statement for the TEX Rail Corridor* (May 2014), and additional information in FTA's files, constitute the FTA environmental record for the project and are incorporated herein by reference. The brief descriptions included in this ROD provide a summary of the basis for the decision which is based in full on the environmental record. Neither the FEIS nor this ROD constitutes an FTA commitment to provide financial assistance for construction of the project.

The project sponsor, Fort Worth Transportation Authority (The T), intends to seek financial assistance from the FTA for the project. If FTA provides financial assistance for the final design and construction of the project, FTA will require the project sponsor to design and build it as presented in the FEIS and ROD. Any proposed change to the project must be evaluated in accordance with 23 C.F.R. §771.130 and must be approved by FTA before the project sponsor can proceed. Such changes would include the implementation of two stations, North Richland Hills-Iron Horse and North Richland Hills-Smithfield, which FTA and The T have deferred until a future date. In addition, Section 1319(b) of the Moving Ahead for Progress in the 21st Century Act, P.L. 112-141, requires a federal lead agency to combine the FEIS and ROD into a single document unless there are substantial changes or significant new circumstances concerning a proposed action. FTA finds there is new information relevant to environmental concerns that bear on the proposed action since the publication of the DEIS. Therefore FTA issues this ROD separately.

The Federal Aviation Administration (FAA) also 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. FAA will issue a separate NEPA ROD on the proposed action relating to activities under its jurisdiction.

## **Background**

The project will include 27.2 miles of commuter rail transit operating in an exclusive right-of-way (ROW) with at-grade and aerial sections between downtown Fort Worth west of the Texas and Pacific (T&P) Station and the Dallas/Fort Worth International Airport (DFW Airport) at the Terminal A/B Station, 8 stations (two stations are existing and will be shared with the Trinity Railway Express (TRE) service in downtown Fort Worth), 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.

## **Project Development**

Rapid transit in the TEX Rail corridor was initially defined in The T Strategic Plan: Planning for the Future Today (2005) and the North Central Texas Council of Governments (NCTCOG) Regional Rail Corridor Study (2005). Both planning documents and their associated planning processes helped to shape the conversation about commuter rail service in Tarrant County. The T's plan to implement commuter rail service was evaluated in the Alternatives Analysis (AA) titled *Southwest-to-Northeast Transportation Corridor Study* (2007). Subsequently, the *Draft Environmental Impact Statement for the Southwest-to-Northeast Rail Corridor* (DEIS) was completed in October 2008 to further define and evaluate the project alternatives and to describe the impacts associated with the implementation of the proposed alternatives. In 2011, The T re-branded the project from the Southwest-to-Northeast Rail Corridor to TEX Rail. In January 2013 the *Environmental Assessment for the TEX Rail Corridor* was completed to address project and environmental changes since the DEIS. The EA was later amended to include an evaluation (originally developed separately) of the segment of the project located on DFW Airport property (now included in the FEIS as Appendix G: DFW Airport Re-Evaluation). The *Final Environmental Impact Statement/Section 4(f) Evaluation for the TEX Rail Corridor* was published on May 19, 2014, and the FEIS public review and comment period ran from May 19, 2014 to June 20, 2014.

**Alternatives Analysis:** The AA documented the development, refinement, and evaluation of a broad range of transportation modal and alignment alternatives to connect southwest Fort Worth, downtown Fort Worth, and DFW Airport and was the precursor to the DEIS. Based on the analysis in the AA, commuter rail in what is now known as the TEX Rail corridor was selected as the Preliminary Locally Preferred Alternative in November 2006.

**Draft Environmental Impact Statement:** The DEIS process thoroughly evaluated a No-Build Alternative, a Baseline Alternative, a Commuter Rail Alternative, and two commuter rail design options (the Western Bypass and Choctaw Design Options). The DEIS was issued on October 15, 2008. The

DEIS was circulated for the required 45-day public and agency comment period between October 27 and December 15, 2008. Based on negotiations subsequent to the DEIS, both the Western Bypass and Choctaw Design Options were eliminated from further evaluation due to railroad concerns.

**DEIS Re-Evaluation:** FTA conducted a DEIS Re-Evaluation that resulted in a Supplemental Environmental Assessment (EA) to address project and environment changes since more than three years had passed since the completion of the DEIS. The EA documented the evaluation of the No-Build, Baseline, and Commuter Rail Alternatives and was completed in January 2013 with copies being distributed for public comment to numerous public venues along the TEX Rail corridor as well as to all participating and cooperating agencies. The public comment period for the EA ran from January 28, 2013 to March 1, 2013. The project team initially developed a separate document specifically for FAA and DFW Airport that re-evaluated the Commuter Rail Alternative and updated the corridor's existing conditions as they related to DFW Airport property. As noted above, that document was combined with the EA and added as Appendix G. Based on the EA, FTA determined that a supplemental DEIS was not necessary.

**Comparison of the Commuter Rail Alternative to the Commuter Rail Minimum Operable Segment (MOS) Alternative:** As the project advanced into the FEIS, FTA also requested a comparison of the Commuter Rail Alternative to the Commuter Rail MOS Alternative to describe the physical differences and the subsequent environmental and transportation impacts and benefits between alternatives. The Commuter Rail MOS Alternative is the construction of 27.2 miles of the full Commuter Rail Alternative with the primary differences being a shorter segment, fewer stations, and the configuration of the terminus station at the T&P Station in downtown Fort Worth.

**Final Environmental Impact Statement:** The FEIS evaluated the No-Build, Commuter Rail, and Commuter Rail MOS Alternatives based on the purpose and need to improve safety and address congestion in the TEX Rail corridor. Comments received during the public comment period of the DEIS and EA, and responses, were included in the FEIS. The 37.6-mile Commuter Rail Alternative was selected as the Preliminary Locally Preferred Alternative at the conclusion of the AA (November 2006), and on April 15, 2013, The T's Board named the Commuter Rail Alternative as the Preferred Alternative. However, on August 12, 2013, The T Board redefined the project due to cost and other considerations and renamed the Commuter Rail MOS Alternative with DMU technology as the Locally Preferred Alternative. Throughout the FEIS, the Commuter Rail MOS Alternative is considered the Preferred Alternative. The FEIS addressed the impacts of the Preferred Alternative to human and natural resources, including project benefits and mitigation activities. This alternative is consistent with the goals and objectives developed for the project and it best meets the identified Purpose and Need statement. The FEIS was published in May 19, 2014. The public comment period for the FEIS ran from May 19, to June 20, 2014.

## Alternatives Considered

This ROD describes the Commuter Rail MOS Alternative with DMU technology, minus two future stations in North Richland Hills, as the Preferred Alternative. The sections below describe the alternatives evaluated and some of the decisions made during the project leading to the selection of the Preferred Alternative.

**No Build:** The No-Build Alternative was developed to assess the impacts and the benefits if nothing more is done beyond what was provided or programmed in the NCTCOG Mobility 2035. The No-Build Alternative would include existing and committed roadway and transit projects in the study area and is a way to compare the travel benefits for the Build Alternatives. The No-Build Alternative would not include transit service to Haltom City, North Richland Hills, or Grapevine, nor would it include a transit connection at the northern entrance to DFW Airport. Both of these issues were determined to be project needs.

In July 2008, The T purchased the land required to construct in advance a bus Park & Ride at Summer Creek. Between November 2009 and February 2010, The T purchased much of the required land for a bus Park and Ride at I-20/Granbury and for a bus Transfer Center at TCU/Berry. These three initial bus facilities are also included in the No-Build Alternative. The T plans to operate express bus service from the Summer Creek and I-20/Granbury Park & Rides to downtown Fort Worth, as part of the No-Build.

**Express Bus:** Express Bus was evaluated during the Alternatives Analysis, but was set aside as a full alternative as it did not alone address the purpose and need of the project and was used as part of the build alternative bus network.

**Bus Rapid Transit:** At the inception of the project development, Bus Rapid Transit (BRT) was an emerging technology and many of the freeways in Tarrant County were planned for expansion (several of which are now under construction), so freeway running, including arterial based, BRT lines were evaluated. While BRT was determined to have lower capital costs, it would have higher operating costs to move similar numbers of passengers. BRT was set aside at the conclusion of the AA.

**Light Rail:** Light Rail was evaluated during the AA, due to its long standing in the region, as Dallas Area Rapid Transit (DART) has constructed several successful lines. It was determined that Light Rail did not meet the purpose and need of the project as well as commuter rail. Light Rail service would be prohibitively expensive given the longer distance of the corridor, it did not attract additional ridership based only on the technology (as a smaller commuter rail vehicle became the desire in the corridor), and the longer station spacing did not interfere with commuter rail performance characteristics as much as it would with shorter station spacing given commuter rail's slower acceleration and deceleration speeds.

**Commuter Rail:** Throughout project development, several commuter rail alternatives were evaluated before the Commuter Rail MOS Alternative using DMU technology was selected as the Preferred Alternative by The T's Board of Directors on August 12, 2013.

**Commuter Rail Alternative (Full Build):** The Commuter Rail Alternative would be a 37.6-mile commuter rail system planned to operate between southwest Fort Worth through downtown Fort Worth and northeast Tarrant County to DFW Airport, consisting of 14 stations (two of which are existing and would be shared with the TRE service in downtown Fort Worth).

The TEX Rail Commuter Rail Alternative would operate on the Fort Worth and Western Railroad (FWWR) that generally parallels Granbury Road from southwest Fort Worth at Sycamore School Road to the Union Pacific Railroad (UP) Dallas Subdivision near I-30, where it shares the TRE alignment serving the existing T&P Station and Intermodal Transportation Center (ITC). North of the ITC, the proposed alignment continues on the TRE tracks to Purina Junction where it would continue north adjacent to the UP Duncan Subdivision on new track owned and operated by The T, to Tower 60. At Tower 60, the Commuter Rail Alternative (Full Build) alignment would transition onto the DART-owned Cotton Belt Railroad line through Haltom City, Hurst, North Richland Hills, Colleyville, and Grapevine and continue to DFW Airport property. New track would be constructed over State Highway (SH) 121/SH 114 and then parallel International Parkway, terminating at the DFW Airport-Terminal A/B Station. The project, from Summer Creek to the Medical District Station, would be constructed using a double track alignment in most locations to accommodate mixed freight and passenger rail operations. From the Medical District Station to DFW Airport, the project would be constructed using a single-track alignment, with passing sidings where necessary to accommodate operations of 30-minute peak and 60-minute off-peak headways.

**Commuter Rail Western Bypass Design Option:** The Western Bypass Design Option followed much the same alignment as the Commuter Rail Alternative with the exception of the alignment from the FWWR at I-30 to Tower 60, where the alignment would serve the west side of downtown Fort Worth using the FWWR alignment. This alternative was eliminated after the DEIS comment period.

**Commuter Rail Choctaw Design Option:** The Choctaw Design Option followed much the same alignment as the Commuter Rail Alternative with the exception of using the UP Choctaw Subdivision north of downtown Fort Worth to just east of the Beach Street Station. This alternative was eliminated after the DEIS comment period after discussions with UP showed that the Duncan Subdivision (used as part of the Commuter Rail Alternative) was favored for operational reasons for both passenger and freight operations.

**Commuter Rail MOS Alternative (Preferred Alternative):** The TEX Rail Commuter Rail MOS Alternative will be a 27.2-mile commuter rail system planned to operate between downtown Fort Worth, Texas and northeast Tarrant County to DFW Airport. This commuter rail line will consist of 8 stations (two of which are existing and will be shared with the TRE service in downtown Fort Worth). In addition to the two common stations in downtown Fort Worth, the TEX Rail line will share the DFW Airport-North Station with the future planned DART Cotton Belt East Line in north Dallas. The DFW Airport-Terminal A/B Station will be served by the DART Orange line light rail service, and the Grapevine-Main Street Station will also serve the Grapevine Vintage Railroad excursion train operating from Grapevine to the Fort Worth Stockyards. Note that stations proposed in North Richland Hills (North Richland Hills-Iron Horse and North Richland Hills-Smithfield) were addressed in the FEIS as future stations. Implementation of these stations will be deferred to a future date. This ROD does not cover these two stations, and, at a time when FTA funding for the stations becomes reasonably foreseeable, would need to be amended based on appropriate environmental evaluation to include the stations.

## **Description of the Project**

The Preferred Alternative will operate on exclusive tracks along the UP Dallas Subdivision from 1,000 feet east of where the UP crosses over Henderson Street to the T&P Station. From the T&P Station to the ITC, the Preferred Alternative will share operations with the TRE. North of the ITC, the proposed alignment continues on the exclusive tracks to Purina Junction where it will continue north adjacent to the UP Duncan Subdivision on new exclusive track owned and operated by the Fort Worth Transportation Authority, to Tower 60. At Tower 60, the Preferred Alternative alignment will transition onto the DART-owned Cotton Belt railroad ROW and advance through the cities of Haltom City, North Richland Hills, Colleyville, and Grapevine and continue to DFW Airport property. New track will be constructed over State Highway (SH) 121/SH 114 and then parallel International Parkway, terminating at the DFW Airport-Terminal A/B Station. The project will be constructed using a single-track alignment, with passing sidings where necessary to accommodate operations of 30-minute peak headways and 90-minute off-peak headways on opening day. Commuter rail service will be provided with seven DMU vehicles.

The following stations will be served by the proposed TEX Rail line:

- T&P Station – Existing TRE Station (350 existing transit parking spaces)
- ITC – Existing TRE Station (no transit parking)
- North Side (125 transit parking spaces)
- Beach Street (312 transit parking spaces)
- Haltom City-US 377 (218 transit parking spaces)
- Grapevine-Main Street (149 transit parking spaces)
- DFW Airport-North (208 transit parking spaces)
- DFW Airport-Terminal A/B (no transit parking)

All stations will provide parking for transit patrons with the exception of the existing ITC and the DFW Airport-Terminal A/B Station. It is assumed that heavy maintenance of rolling stock will occur at the existing TRE Irving Yard facility. Existing facilities within Irving Yard will be expanded to maintain and dispatch the TEX Rail fleet. A layover facility will be constructed in rail ROW near the DFW Airport North Station. Tail tracks will be provided west of the T&P Station to facilitate TEX Rail and TRE operations.

In addition, the project will require 34 partial and 28 whole property acquisitions totaling 13.57 acres for the alignment and five partial and no whole property acquisitions totaling 23.79 acres for the stations. A total of 48.62 acres from 18 permanent easements will also be required for the project. The acquisition process for the properties and easements will be conducted in accordance with the policies and procedures in 49 C.F.R. Part 24.

## **Basis for Decision**

FTA has determined the project meets the purpose and need for the proposed action as discussed below.

The purpose, as determined through consultation with the public, local stakeholders, and government agencies, for transportation improvements in the TEX Rail corridor is to improve mobility between and among activity centers in the corridor; provide multimodal solutions for mobility in the corridor that help mitigate congestion and improve air quality; and provide a transportation solution that interacts seamlessly and efficiently with other transportation systems in the region.

The need for the Project is based on challenges within the TEX Rail corridor, including congestion, growth, air quality, and transit access. Specifically, sustained residential growth has resulted in increasing travel demands along major roadways; existing and committed roadway improvements have not kept pace with traffic volume increases on the major roadways, resulting in steadily increasing congestion; continued employment growth is attracting increasing levels of intra-corridor journey-to-work trips; the corridor lies within a non-attainment area; and access to DFW Airport and major activity centers beyond The T's service area is limited due to lack of transit service.

## **Mitigation Measures to Minimize Harm**

The project's effects on the existing social, environmental, economic, and transportation conditions in the TEX Rail corridor were assessed in the FEIS in coordination with the interested agencies. All reasonable means to avoid and minimize the adverse effects of the project have been adopted. Because most of the Preferred Alternative will be built along existing railroad corridors, the anticipated environmental and community impacts are limited, even given the length and complexity of the project. The mitigation measures and other project features that avoid or reduce adverse impacts, to which FTA and the project sponsor committed in the FEIS, are now incorporated into the Preferred Alternative and are summarized in Attachment A, "Summary of Mitigation Measures", to this ROD. The FEIS provided a complete description of these mitigation measures and design features. FTA will ensure that the project sponsor designs and builds the Preferred Alternative in accordance with the mitigation measures contained in the FEIS.

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.

## **Public and Agency Involvement and Outreach**

Numerous public meetings and open houses were held throughout the project beginning in the AA, and continuing through the DEIS, EA, and FEIS. Community outreach was conducted using a variety of techniques in order to ensure that the public remained informed of project developments and to provide

opportunities to comment throughout the project planning phase. Major activities included a telephone hotline to ask questions or leave comments, an email list to provide project updates and meeting notices/reminders, project update newsletters, comment forms at public meetings, and a project website. Other outreach techniques included representation at community events, and presentations to neighborhood associations. Community outreach will continue through construction via the website, newsletters, and at local events throughout the project study area.

The project sponsor served as a co-lead agency with FTA in conducting the environmental review process. Agency coordination began during the AA and continued throughout the project. The project team held numerous meetings with federal agencies; state agencies (Texas Department of Transportation, Texas Historical Commission); regional agencies (North Central Texas Council of Governments, DFW Airport, DART, Denton County Transit Authority); local agencies (City of Fort Worth, City of Grapevine, Haltom City, City of North Richland Hills, City of Hurst, City of Southlake, City of Colleyville); and other stakeholders (Union Pacific Railway, BNSF Railway, Fort Worth and Western Railroad, Chesapeake Energy, Trinity River Vision, Fort Worth Inc.). These on-going meetings will continue throughout construction. Additionally, the project team also coordinated with the following nine federal cooperating agencies through the NEPA process: U.S. Environmental Protection Agency; Federal Aviation Administration; U.S. Army Corps of Engineers; U.S. Department of the Interior, Bureau of Indian Affairs; Federal Emergency Management Administration (FEMA), Federal Highway Administration (FHWA), Federal Railroad Administration, U.S. Department of Housing and Urban Development, and U.S. Fish and Wildlife Service.

## **Determination and Findings Under Other Environmental Laws**

The following describes FTA's findings and determinations, or findings and determinations related to the project made by other agencies, regarding other environmental laws that pertain to the Preferred Alternative.

**Clean Air Act:** The Clean Air Act (CAA) Amendments of 1990, 42 USC §§ 7401-7671, et seq., establish federal policy to protect and enhance the quality of the nation's air resources to protect human health and the environment. The CAA and the U.S. Environmental Protection Agency's (EPA) Transportation Conformity Rule (40 C.F.R. §93.104) require that proposed transportation projects must be found to conform to the State Implementation Plan (SIP) before they are adopted, approved, or funded by FTA or the FHWA. The SIP is a state's comprehensive plan to clean the air and meet the federal National Ambient Air Quality Standards (NAAQS). Transportation conformity under the CAA requires mass transit projects to conform to the applicable SIP, and transportation activities cannot cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. The project is consistent with the DFW metropolitan area's financially constrained and conforming Metropolitan Transportation Plan and the SIP. The DMU vehicles that will be operated in the project will also comply with EPA's air quality standards for nonroad diesel engines as set forth in 49 C.F.R. Part 89.

**Section 106:** Section 106 of the National Historic Preservation Act (NHPA) of 1966, Pub. L. 89-665, requires federal agencies to take into account the effects of their undertakings on historic properties and afford the public, consulting parties, the State Historic Preservation Officer (SHPO) at the Texas



Historical Commission (THC), and the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The steps in the Section 106 process consists of initiating the process by determining a federal undertaking and identifying potential consulting parties; identifying the area of potential effects (APE) for the project and historic properties within the APE; assessing the effects of a federal undertaking on historic resources; and consultation and commitment to mitigation to resolve any adverse effects. These consultation steps occurred for both historic and archaeological resources.

The Section 106 APE for historic resources on the project was agreed upon by the parties as 175 feet on either side of the proposed rail ROW and the APE for station locations included the station footprint and all immediately abutting parcels. The Section 106 APE for archaeology on the project was established as the existing freight rail ROW, any newly acquired ROW, and potential staging areas for construction equipment.

All historic-age resources within the APE that are at least 45 years of age from the date of 2016 or which have a construction date of 1971 or older have been recorded and each individual historic-age residence within the project APE in a residential development has been recorded. Railroad resources have been identified as contributing or non-contributing to the historic significance of the associated rail line. The historic-age survey of the project APE resulting from the change in project alignment and station locations documented a total of 429 historic-age architectural and engineering resources, which includes three individual resources, one complex, and two districts that are currently listed in the National Register of Historic Places (NRHP). In addition, seven individual historic-age resources are recommended eligible for inclusion in the NRHP, and fourteen individual resources associated with two historic railroad line thematic corridors are recommended eligible for inclusion in the NRHP as contributing resources to their specific railroad thematic corridor. The historic-age reconnaissance survey report that identifies the protected historic resources was submitted to the THC on April 11, 2013. The THC has reviewed the Historic Resources Reconnaissance Survey of The Fort Worth Transportation Authority TEX Rail Corridor, Tarrant County, Texas report and provided concurrence on May 30, 2013.

In accordance with Section 106, and as presented in FEIS Chapter 5.4.2, the FTA has determined that the Preferred Alternative will have the following effects on historic properties:

- No Effect or No Adverse Effect on 28 historic properties; and
- Adverse Effect on three historic properties:

In a letter dated August 14, 2013, the SHPO concurred with FTA's Section 106 findings. For the resources where an adverse effect to historic-age resources is expected, consultation with the THC and consulting parties is ongoing to identify additional measures to minimize and mitigate the effects. For resources that are not able to be avoided, The T will follow the procedures outlined by the THC for documenting the resource. A Memorandum of Agreement (MOA) identifying steps to minimize harm to historic and archeological resources has been prepared between the THC and the FTA to document these measures. The MOA also details the actions to be taken by The T if an unanticipated discovery of archeological resources is made during construction. The MOA is attached as Appendix C.

No adverse effects are anticipated for archaeological resources within the proposed project area. If the proposed undertaking should uncover archaeological resources, a Memorandum of Agreement (MOA)

identifying steps to minimize harm to archaeological resources, including historic resources, will be prepared between the THC and the FTA to document these measures.

**Section 4(f):** Section 4(f) of the Department of Transportation (DOT) Act of 1966 (codified at 23 CFR 138 and 49 U.S.C 303) and its implementing regulations codified at 23 CFR Part 774 requires that use of land from a significant publicly owned park, recreation area, wildlife and waterfowl refuge, or historic site, be approved and constructed only if there is no feasible and prudent alternative to such use and the project includes all possible planning to minimize harm to the resource resulting for such use; or a finding can be made that the project as a whole has a *de minimis* or minimal impact on the Section 4(f) resource.

This provision as a whole allows avoidance, minimization, mitigation, and enhancement measures to be considered in making a *de minimis* determination, which is defined in 23 CFR 774.17 as: for parks, recreations areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f); for historic sites, *de minimis* impact means that the FTA has determined, in accordance with 36 CFR 800 that no historic property is affected by the project or the project will have “no adverse effect” on the property in question.

The following trails and pathways are located near the project ROW and were determined to have a Section 4(f) use: Pleasant Run Pathway; Bransford Park Path; and Calloway Branch Trail. Supported by concurrences from the officials with jurisdiction over the trails and pathways, FTA finds that the project will have a *de minimis* impact on these trails and pathways.

The project will also result in a temporary occupancy of the Cotton Belt Trail and will result in a Section 4(f) use, but FTA finds that there will only be a temporary occupancy of the trail; there will be minimal changes to the trail; there are no anticipated permanent adverse physical impacts to the trail; the resource will be fully restored; and the official with jurisdiction over this resource agrees with these conditions.

As set forth in the FEIS there are 31 historic resources located near the project ROW and FTA finds that there will be a *de minimis* impact on 28 of these historic resources, with two of the 28 resources (the 1931 UP Underpass at Jennings Avenue and the 1931 T&P Underpass at Vickery Boulevard) remaining as *de minimis* impacts under the condition that all repair work be coordinated with SHPO.

The project will result in a direct use of the following three historic resources: Mitchell Cemetery; 1933 Cotton Belt Underpass; and Ira E. Woods Pony Trestle Bridge, which is a contributing resource to the Cotton Belt Railroad Industrial Historic District. FTA finds that there is no feasible or prudent alternatives to such use and that the project includes all possible planning to minimize harm to the resources resulting from such use. As required by 23 C.F.R. §774.5, FTA afforded the U.S. Department of the Interior (USDOI) the opportunity to comment on this proposed direct use; the USDOI did not object to the proposed use. The finalized MOA among the FTA, SHPO, and The T addresses that consultation regarding Mitchell Cemetery is ongoing.

**Endangered Species Act:** The Endangered Species Act of 1973, 16 U.S.C. §§1531 – 1544, requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and the U.S. National Oceanic and Atmospheric Administration, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed plant or animal species or result in the destruction or

adverse modification of designated critical habitat of such species. Additional federal laws applicable to this project include the Migratory Bird Treaty Act of 1918, and Magnuson-Stevens Fishery Conservation and Management Act of 1976.

The vegetation to be impacted by the project is not considered rare or essential for wildlife resources. Wildlife species may be temporarily or permanently displaced as a result of the construction activities. All wildlife species present within the project area are subject to an existing urban environment that is regularly disturbed. Due to their mobile nature, it is anticipated that animals would relocate in the event of their habitat disturbance. Construction activities would temporarily disturb these species' habitat and cause some permanent loss of habitat. However, re-vegetation throughout the corridor will provide mitigation for some long-term impacts. No federally-listed threatened or endangered species are expected to occur within the project area, or be impacted by the proposed project; therefore, no mitigation for impacts to federally-listed species will be required.

There are currently no sensitive species or habitat located directly within the project area. Due to lack of suitable habitat, none of the species listed by the applicable database or resource are anticipated to occur in the study area. Through coordination with the U.S. Fish and Wildlife Service, no significant impact to species or habitat as a result of the proposed project has been identified. Since adverse impacts to federally endangered, threatened, and candidate species or designated critical habitat are not anticipated, formal consultation with the U.S. Fish and Wildlife service will not be required.

**Executive Order 11988:** Executive Order 11988, "FloodPlain Management and Protection", and U.S. Department of Transportation Order 5620.2 state that a federal agency may not approve an alternative involving a significant floodplain encroachment unless a federal agency can make a finding that the proposed encroachment is the only practicable alternative.

At Cottonwood Branch, the hydraulic modeling performed as part of the Preferred Alternative indicates approximately 880 feet of the alignment crosses an area inundated by the 100-year storm. To minimize impacts to this area, the alignment is proposed to be constructed on a bridge structure located above the flood elevation for most of this length; however, this is not the case for the northern end of the bridge just south of the future Dallas Road. In order to cross the future Dallas Road at grade and in order to construct an at-grade rail platform for the Preferred Alternative, the northern end of the SH 114 Bridge must be lowered and some fill and retaining walls would be constructed inside approximately 430 feet of the flooded area. Additionally, twelve of the bridge piers south of the end of the bridge would also be located in the flooded zone. The surface area of the flooded zone affected by the piers, the end of the bridge, the retaining walls and associated fill would equal approximately 0.75 acres. According to the hydraulic modeling effort, the proposed DFW Airport-North Station would not encroach into the flooded area. It is anticipated the SH 114 bridge piers, end of bridge, retaining walls and fill would have minor effects on the 100-year water surface elevation for a certain distance upstream and downstream of the FAA Proposed Action crossing. These effects will need to be quantified, analyzed and mitigated during final design of the project.

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 follow all requirements and remain in contact with FEMA's Local Floodplain Administrator and further explore design measures to reduce floodplain encroachments. No adverse effects under Executive Order 11988 would occur.

**Executive Order 11990:** Executive Order 11990, "Protection of Wetlands", establishes standards for evaluating actions by federal agencies within protected wetland areas. The U.S. Army Corps of Engineers (USACE) is authorized by Section 404 of the Clean Water Act to regulate all activities associated with impacting waters of the U.S. including wetlands. Executive Order 11990 is implemented by U.S. Department of Transportation (USDOT) Order 5660.1A which requires USDOT agencies to avoid undertaking or providing assistance for new construction located in wetlands unless the agency finds: (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result.

The project will impact two wetlands. The proposed single track will impact Wetland 3 and the Haltom City-US 377 Station will impact Wetland 4. Wetland 3 is a small isolated wetland located near the intersection of Beach Street and Old Denton Road and is connected to a tributary of Little Fossil Creek. This wetland is surrounded by urban development (light industrial land use) and confined by roadways, which provides for low quality wetland functions. Wetland 4 is a small depression area within an overhead transmission ROW adjacent to a shopping strip mall parking lot. The primary water source for this wetland is stormwater runoff from the adjacent parking lot. In combination with urban development and lack of floodplain water also provides for low quality wetland functions. The Haltom City-US 377 Station could also be modified during final design to avoid or minimize impacts associated with Wetland 4.

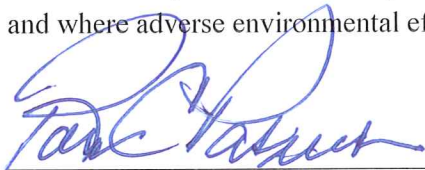
All project facilities located within wetlands will be designed to comply with USACE Section 404 regulations and the project sponsor will comply with all applicable regulations governing construction in wetlands. FTA finds that the project's impact to wetlands has been avoided and minimized to the extent practicable and that the remaining impacts represent the only practicable alternative. During final design and construction, the project sponsor will continue to further explore design measures to reduce wetland impacts.

**Executive Order 12898:** 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 and low-income populations and that FTA conduct its programs, policies, and activities in a manner that ensures they will not have the effect of subjecting such persons to discrimination.

On the basis of the evaluation in the Final EIS and 2013 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.

## Environmental Finding Under NEPA

The FTA has determined that the environmental record prepared for the Preferred Alternative satisfies the statutory and regulatory requirements of the National Environmental Policy Act of 1969 and related federal environmental statutes, laws, and executive orders; that the environmental record fully evaluates the potential environmental impacts of the project; and that the project sponsor, Fort Worth Transportation Authority, is committed to additional coordination with regulatory agencies as the project design and construction advances. FTA finds that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project. FTA has reviewed the public and agency comments on the FEIS and finds that the preservation and enhancement of the environment and the interest of the community in which the project is located were considered. Attachment B to this ROD reflects the public and agency comments on the FEIS and responses to the comments. In addition, FTA finds that, with the execution of the mitigation program summarized in Attachment A, all reasonable steps are taken to minimize the adverse environmental effects of the project, and where adverse environmental effects remain, no feasible and prudent alternative to such effects exists.



Robert C. Patrick  
Regional Administrator  
Federal Transit Administration, Region VI



Date

### Attachments:

Attachment A: Summary of Mitigation Measures

Attachment B: Comments on the FEIS and Responses

Attachment C: Section 106 Memorandum of Agreement