

# **AMENDED RECORD OF DECISION**

## **FOR CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY'S (SOUND TRANSIT) INITIAL SEGMENT OF THE CENTRAL LINK LIGHT RAIL TRANSIT PROJECT KING COUNTY, WASHINGTON**

The Federal Transit Administration (FTA), pursuant to 23 Code of Federal Regulations (CFR) Section 771.127 and by an environmental Record of Decision (ROD) dated January 5, 2000, found that the requirements of the National Environmental Policy Act (NEPA) had been satisfied for the construction of a light rail system known as the Central Link Light Rail Transit Project (Central Link) by the Central Puget Sound Transit Authority (Sound Transit). The locally preferred alternative (LPA) for this 23.4-mile light rail line project connected the Northgate Urban Center, the University District, Capitol Hill, downtown Seattle, southeast Seattle, and the cities of Tukwila and SeaTac in the Puget Sound region of Washington state. Pursuant to request by Sound Transit, a Notice of Intent (NOI) was published in the Federal Register on October 22, 2001 that provided notice of Sound Transit's evaluation of alternative alignments for that section of Central Link from downtown Seattle proceeding north. Further, by action taken on November 29, 2001, Sound Transit Board preliminarily incorporated changes to the LPA for that portion of the LPA from downtown Seattle to S. 154<sup>th</sup> Street in the City of Sea Tac. These changes included, but are not limited to, the selection of new north and south termini, joint bus-rail operations in the Downtown Seattle Bus Tunnel, extending the construction period approximately two years, the Beacon Hill station build-out, certain design refinements, and the Tukwila Freeway Route. These changes effectively altered the LPA, for Federal record of decision-making purposes under NEPA, to a project and alignment what is now referred to as the "Initial Segment" (hereinafter sometimes referred to as "Amended LPA"). This Initial Segment or Amended LPA constitutes the Federal project for which this Amended Record of Decision (Amended ROD) applies. To evaluate the potential environmental impacts of the Amended LPA, an Environmental Assessment (EA) (and the necessary NEPA required procedures incumbent with the issuance of an EA) was performed and issued in February 2002 addressing the changes to the LPA from downtown Seattle to the S. 154<sup>th</sup> Station in the City of Tukwila, and a Supplemental Final Environmental Impact Statement (and the necessary NEPA required procedures incumbent with the issuance of a supplemental environmental impact statement) on the portion of the LPA running from the Boeing Access Road station through the City of Tukwila to S. 154<sup>th</sup> Station (Tukwila Freeway Supplemental EIS) was performed and issued in November 2001, both conducted and intended to supplement the Central Link Final EIS of November 1999. (FTA recognizes that Sound Transit considers its overall Central Link project alignment to continue to consist of that alignment from

Northgate to S. 200th Street in the City of SeaTac and may seek additional Federal funds for the completion of Central Link to Northgate and to S. 200<sup>th</sup> Street.) This Amended LPA, and to which this Amended ROD applies, is the 14-mile light rail line connecting downtown Seattle, southeast Seattle and the City of Tukwila.

FTA, pursuant to 23 CFR Section 771.127, hereby issues this Amended ROD finding that the requirements of NEPA have been satisfied for the construction and operation of the Amended LPA alignment by Sound Transit. This Amended ROD supercedes the ROD of January 5, 2000, which, by the issuance of this Amended ROD, is NULL AND VOID. This Amended ROD is based on the close monitoring of the process followed by Sound Transit in setting forth and considering the effects of the project and the available alternatives. This process included the preparation of a draft and final Environmental Impact Statement (EIS) in 1998 and 1999, respectively, the draft and final Tukwila Freeway Route Supplemental EIS dated October 2000 and November 2001, respectively, and the Initial Segment Environmental Assessment (EA) dated February 2002 and the determinations made herein. (Within this Amended ROD, FTA specifically concludes and incorporates a finding of no significant impact for the Initial Segment EA, as discussed below.)

This Amended ROD provides a summary description of the project or amended LPA, background of the project's development, alternatives considered, the public opportunity to comment, the public comments and responses to comments, the basis for the decision and mitigation measures required. However, this summary does not supercede or negate any of the information, descriptions, or evaluations provided in the Central Link Final EIS, Initial Segment EA, the Tukwila Freeway Route Final Supplemental EIS, and the Section 106 Programmatic Agreement (December 1999) and the Amendment to the Programmatic Agreement (February 2002). These documents, together with their associated published Drafts, constitute the FTA environmental record for the project and are incorporated herein by reference. The summary descriptions are provided in this Amended ROD to provide a summary of the basis of the record of decision.

### **AMENDED LOCALLY PREFERRED ALTERNATIVE**

Electric light rail technology was chosen for the Initial Segment of the Central Link Light Rail Project because of its versatility to operate at-grade (on surface) with mixed traffic, on elevated tracks, or in tunnels. Because of the varied geographic conditions along the proposed corridor, the project combines all three profiles. At grade operation is preferred, although each profile type has benefits and disadvantages. (See Section S.4 of the Final EIS for the discussion of the suitability of the three operational configurations.) (See also the Amended ROD Attachment A for general route profile characteristics.)

Standard features of the stations include boarding platforms that would be approximately 400 feet long to accommodate four-car trains. Platforms may be

on either side of the track or in the center with tracks on both sides. Where stations are elevated or in tunnels, escalators, elevators and stairs would be provided as appropriate. Bus transfer facilities would be provided at most light rail stations and existing on-street transfer locations would continue in downtown Seattle. Transfers to Sounder commuter rail service are proposed at the International District Station. Transfers to Amtrak could occur at the International District Station. Park-and-ride facilities would be provided at the S. 154<sup>th</sup> Station.

The project or Amended LPA (and to which this Amended ROD applies) is more particularly described in: (1) Section S.3 of the Final EIS as that part of Segment B from the Convention Place Station (CPS) and proceeding south, Segment C, Segment D, Segment E, and that part of Segment F up to and including S.154th Street; and (2) Section S.4.2 of the Tukwila Freeway Route Final Supplemental EIS; and S.1 of the Initial Segment EA. (See Attachment B for a map of the Amended LPA.) This project or Amended LPA consists of a light rail line that begins at the north end of the existing downtown Seattle transit tunnel (DSTT). The DSTT will be converted from bus to joint use by buses and trains. The rail track in the DSTT will start under Pine Street near the current location of CPS. (Segment B in the FEIS, CPS and south.) Light rail passenger stations in the DSTT will be located at Westlake (the northern light rail passenger terminus although buses and bus passengers would still access the tunnel via Convention Place Station), University Street, Pioneer Square and the International District. Light rail trains and buses will jointly operate in the DSTT until train headways decrease to the level where joint operation is no longer desirable or feasible.

After leaving the DSTT, the route will be at-grade along the east side of the E3 Busway (also known as the Metro busway) with bus and rail operations separated. A station at Royal Brougham Way (full build-out of this station is currently deferred) will serve the new sports stadiums and a station at South Lander Street will serve the industrial employment centers in south downtown Seattle. The line then turns east, crosses Airport Way S. elevated, and tunnels under I-5 and Beacon Hill, with a mined Beacon Hill station. It would transition to an elevated profile approaching the McClellan Station. (Segment C in the FEIS, Westlake to McClellan.)

The route turns south traveling at-grade on Martin Luther King (MLK) Jr. Way South in the Rainier Valley with stations at McClellan, Edmunds-Graham (currently deferred), Othello and Henderson streets. New signalized intersections and nine pedestrian-only signalized crossings will be added to MLK Jr. Way S. (Segment D in the FEIS, South McClellan Street to Boeing Access Road.)

From Rainier Valley the route travels elevated at Boeing Access Road, crossing over Interstate-5 (I-5), then turns south along the west side of East Marginal Way, State Route (SR) 599, and I-5, turning westward onto the north side of SR 518 to S. 154th Street in Tukwila, across SR 99 (International Boulevard) turning south. A station and park-and-ride at Boeing Access Road is currently deferred. An elevated station and park-and-ride will be located at S. 154<sup>th</sup> Street and International Boulevard. (Segment E in the FEIS and in the Tukwila SEIS.) A new signalized intersection will be added at the driveway to the

S. 154<sup>th</sup> Street Station park-and-ride. A new westbound right turn lane will be provided at S. 154<sup>th</sup> Street/Tukwila International Boulevard to further improve traffic operations. A continuous sidewalk along the south side of S. 154<sup>th</sup> Street between Tukwila International Blvd. and 40<sup>th</sup> Avenue S. will be provided to improve pedestrian access to and from the proposed station. Scheduled shuttle buses will take passengers from this park-and-ride to the SeaTac Airport.

A maintenance and operations base shall be constructed at the former site of the Rainier Brewery (known as the Rainier Brewery/Roadway Express site) between South Forest Street, Airport Way South, south of South Hinds Street and Seventh Avenue South.

## **BACKGROUND**

The Central Link Light Rail Project is a major element of the ten-year Regional Transit System Plan called *Sound Move* completed in 1993. This ten-year plan was the product of decades of mass transit planning in the Puget Sound region. In 1996, the voters in the Central Puget Sound area which includes King, Pierce and Snohomish Counties, approved local financing for Sound Move including increases of 0.4 percent sales tax and 0.3 percent motor vehicle excise tax. In May, 1997, the Major Investment Study for the *Sound Move* plan was completed and was approved by the metropolitan planning organization, Puget Sound Regional Council.

## **ALTERNATIVES CONSIDERED**

### **Route and Maintenance Base Alternatives**

Light rail alternative routes and station plans are provided in Appendix H of the Final EIS (excluding, for the purposes of this Amended ROD, those sections north of the DSTT and south of S. 154<sup>th</sup> St.), Appendix K of the Tukwila Freeway Route Final Supplemental EIS, and in the Initial Segment EA which are all incorporated herein by reference. The alternatives were planned and evaluated in five geographic segments. The segments are:

- Segment B: Only that section from Pine Street to Westlake Station
- Segment C: Westlake Station to South McClellan Street
- Segment D: S. McClellan Street to Boeing Access Road
- Segment E: Tukwila
- Segment F: Only up to the S. 154<sup>th</sup> St. Park-and-Ride and Station in Tukwila

Segment alternatives were evaluated first to ensure that route and station locations proposed would fit within the whole system and any future expansions and second to compare advantages and disadvantages of route alternatives. These criteria included community compatibility, cost, environmental impacts, political and community acceptance, ridership, and transportation impacts. On

May 14, 1998, the Sound Transit Board approved the route and station location alternatives for study in the Draft EIS.

In response to public and agency comments and new information, several new or modified alternatives or options were added in the Final EIS. Many new or modified alternatives were developed specifically to reduce potential impacts, such as Alternatives D1.1e and D1.1f. Public and agency comments just prior to and after the release of the Draft EIS led to the development of an all tunnel option for the entire length of Rainier Valley. This option study is contained in the Rainier Valley Tunnel Environmental Technical Report issued February 1, 1999 for public and agency review. The report is also included in the Final EIS in Appendix Q. Evaluation of the Rainier Valley Tunnel alternative indicates that it is not a reasonable alternative.

After issuance of the Draft EIS and consideration of extensive public and agency comment, the Sound Transit Board identified a preliminary locally preferred alternative on February 25, 1999 in Segments B through F. This preliminary LPA was evaluated in the Final EIS. The Final EIS also evaluated four to eight route alternatives and numerous station options within each segment. Seven maintenance base site alternatives were also considered. In response to public and agency comments on the Draft EIS, additional maintenance base and station sites were evaluated in an Environmental Assessment of August 1999, which was circulated for public review and comment. That analysis and responses to comments were included in the Final EIS. Some of the maintenance base sites are possible only with specific route and length alternatives while others could be matched with multiple route and length alternatives. A maintenance base would provide for running repairs, heavy maintenance and storage of light rail vehicles. The site should be industrial zoned, from 21 to 30 acres in size, adequate to accommodate storage of a fleet of at least 100 vehicles and located centrally within the light rail corridor. (See Attachment D for a more detailed description of the maintenance base site criteria.)

An alternative route through Tukwila (Tukwila Freeway Route - Alternative E4) was proposed by the City of Tukwila and the Sound Transit Board directed preparation of a Supplemental EIS. The Draft Supplemental EIS was issued October 20, 2000. On February 8, 2001 the Sound Transit Board identified the Tukwila Freeway Route as its preliminary LPA for that segment of the Central Link. Responses to comments on the Draft Supplemental EIS and analysis of the Tukwila Freeway Route were included in the Final Supplemental EIS, which was issued November 16, 2001. The November 29, 2001 Sound Transit Board action to adopt the Initial Segment also selected the Tukwila Freeway Route as part of the preferred alternative.

Other changes and refinements to the LPA and MOS related to the Initial Segment were evaluated in the Environmental Assessment (EA), issued February 5, 2002.

Attachment C to this Amended ROD provides: (1) a summary of track length, segment travel time and the number of proposed stations for each route alternative; (2) a depiction of routes and station locations by segment (each route alternative is defined according to its horizontal route and vertical profile – that is, whether the tracks are at the street level, elevated, or in a tunnel); and (3) a summary of the alternatives (other than the Locally Preferred Alternative).

### **No-Build and System Length Alternatives**

The Final EIS, Tukwila Freeway Route Final Supplemental EIS, and Initial Segment EA also evaluated the No-build Alternative and different system length alternatives for the proposed light rail line.

- **No-build Alternative.** The No-build Alternative represents the current transportation system plus projects in the region's 20-year Metropolitan Transportation Plan, including Sound Transit Sounder commuter rail and regional express bus service.

#### **The length alternatives evaluated were:**

- **Northgate to SeaTac.** The Northgate to SeaTac (full-length) light rail alternatives extend approximately 24 to 29 miles (covering Segments A through F) from 103rd Avenue Northeast in Northgate to South 200th Street in SeaTac and include all the potential route alternatives and station options in the segments.
- **University District to SeaTac.** The 45th St. to SeaTac alternatives are 3.4 miles shorter, extending from Northeast 45th Street to South 200th Street and include all the route alternatives and station options in Segments B through F, including the original locally preferred alternative.
- **Minimum Operating Segments (MOS).** Four minimum operable segments are also evaluated in the Final EIS and Initial Segment EA: MOS A, from Northeast 45<sup>th</sup> Street to S. McClellan Street (Segments B and C); MOS B from Capitol Hill to S. Henderson Street (part of Segments B and D, and all of Segment C); and MOS C from N.E. 45<sup>th</sup> Street to S. Lander Street (Segment B and part of Segment C). The Initial Segment MOS extends from the DSTT to the S. 154<sup>th</sup> Station and includes joint bus-rail operation in the DSTT and the Tukwila Freeway Route.

Each of the length alternatives evaluated involved different selections of one or both terminus stations, although all stations would have been designed to allow future extensions. The potential terminus stations were at Northgate, Northeast 45<sup>th</sup> Street, Capitol Hill, Westlake, South Lander Street, South McClellan Street, South Henderson Street, South 154<sup>th</sup> Street, or South 200th Street. Park-and-rides or significantly increased bus activity would not occur with any of the terminus stations except Northgate, South 154<sup>th</sup> Street and South 200th Street.

## **PUBLIC OPPORTUNITY TO COMMENT**

Public participation in the development and implementation of *Sound Move* and Link started with the Forward Thrust Plan in the 1960s. This public participation included the use of an advisory panel of civic leaders to provide overall guidance; review and input from subregional groups of elected officials; subarea forums; community and business meetings; and roundtable sessions to gather local input and help develop the plan.

### **EIS Scoping Process**

From November 1997 to February 1998, Sound Transit distributed a Scoping Information Report to approximately 4,500 households along the proposed corridor, held seven public meetings, and collected over 400 written comments on the environmental analysis and alternatives proposed. In March 1998, comments were described in a Scoping Summary Report.

Between February and June 1998, Sound Transit solicited input from citizens, organizations, and agencies to help define the route alternatives to be included in the Draft EIS. Sound Transit distributed material describing the route options to approximately 8,000 households along the corridor. To allow community leaders to experience rapid transit systems, Sound Transit sponsored ten field trips to Portland, Oregon and Vancouver, British Columbia, Canada. Eleven community workshops and several walking tours of the proposed routes were sponsored by Sound Transit to engage citizens in exploring the route options and evaluation criteria. The City of SeaTac, Port of Seattle, City of Tukwila, City of Seattle, and King County Metro were involved through special briefing sessions, council presentations, and ongoing coordination meetings. Two formal public hearings served as the final events in the process.

The Draft EIS was circulated to affected local jurisdictions; regional, state, and federal agencies; community organizations; environmental and other interest groups; and interested individuals. The Draft EIS was publicly available on December 4, 1998 and notification of its issuance was published in the Federal Register on December 11, 1998. Over 1,500 Draft EISs were distributed. A 60-day comment period was provided to the public, agencies, and jurisdictions to allow the opportunity to comment on the Draft EIS to Sound Transit and the FTA. Five public hearings were held during the comment period at various locations along the project corridor to take oral testimony. Sound Transit received more than 900 comment letters or public hearing testimonies. These comments, and responses, are included in the Final EIS, Volumes 3, 4, and 5. Other outreach efforts during the EIS process are described in the Final EIS.

The Tukwila Freeway Route Supplemental EIS process provided additional opportunities for public comment and involvement in the development process. An open house on the project was held on March 22, 2000 and an agency scoping meeting was held August 10, 2000. The Tukwila Freeway Route Draft Supplemental EIS was issued on October 20, 2000. A 45-day comment period was provided, with a public hearing held on November 15, 2000. A total of 31 comment letters and oral testimonies were received during the comment period.

The comments and responses are included in the Tukwila Freeway Route Final Supplemental EIS. Other outreach efforts during the Supplemental EIS process are described in the Final Supplemental EIS.

The Initial Segment EA process also included extensive public outreach and participation throughout 2001 leading up to the Sound Transit Board decision in November 2001 and the EA publication on February 5, 2002. A 30-day comment period was provided after issuance of the Initial Segment EA. A public hearing was held on February 21, 2002. A total of approximately 139 comment letters and oral testimonies were received on the EA and a response to comments package has been prepared to summarize and address comments. The summary of comments and response to comments are attached hereto as Attachment F. (Copies of the full text of the comments will be available for review at the Sound Transit offices and public libraries.) Other outreach efforts related to the Initial Segment MOS are described in the EA.

## **BASIS FOR DECISION**

### **PURPOSE AND NEED**

The Federal Transit Administration in consultation with Sound Transit (the Central Puget Sound Regional Transit Authority) has determined that the Amended LPA as put forth in the Final EIS, Tukwila Freeway Route Final Supplemental EIS and the Initial Segment EA and as described herein meets the purpose and need for the project and the goals established for the project as described and evaluated in each of these documents. The segment alternatives selected for the Amended LPA are preferred for the following summarized reasons:

- **Downtown Transit Tunnel.** Sound Transit will jointly use the downtown transit tunnel in conjunction with King County Metro. The tunnel will initially be converted for joint bus and rail operation, as studies have determined that until the system is expanded joint operations will allow the most efficient use of the DSTT and minimize congestion on downtown surface streets. Light rail trains and buses will jointly operate in the DSTT until train headways decrease to the level where joint operation is no longer desirable or feasible. The existing Convention Place station cannot be used for light rail service. Direct bus access to and from the I-5 express lanes at this location will be maintained.
- **South Forest Street Beacon Hill Tunnel.** The Beacon Hill tunnel route will avoid major business displacements and traffic impacts at the junction of Rainier Avenue S., Boren Avenue, Jackson Street and Dearborn Avenue, avoid impacts to Eastside bus riders and carpool users, and serve a North Duwamish light rail vehicle maintenance base. It creates the opportunity to serve the south downtown Seattle industrial area and to provide stations for the two stadiums and Beacon Hill.



- **MLK Jr. Way South At-Grade Route.** The preferred at-grade alignment has been reduced from an initial design of 104' right-of-way between stations to 93' in order to minimize property acquisition impacts. Other alternatives would have similar or greater impacts as the preferred alternative. Signalized intersections and pedestrian crossings added to the preferred alternative will improve access and circulation compared to other build alternatives. The at-grade alignment on MLK Jr. Way South supports the City of Seattle's Comprehensive Plan and associated Neighborhood Plans. In cooperation with the city and others, it is expected to provide economic and community development opportunities.
- **Tukwila Freeway Route.** The Tukwila Freeway Route is entirely in exclusive right-of-way with approximately 75 percent of the alignment elevated and the remainder located in retained cut-fill. The effects on the built environment are less, in part because the Tukwila Freeway Route is in less densely developed areas. There would be fewer property acquisitions, and there are fewer traffic congestion impacts than the Pac Highway-Highway 99 alternative selected in the original LPA. The route would serve Boeing workers at plants near Boeing Field with the Boeing Access Road Station, although this station has been deferred in the Initial Segment. The S. 154<sup>th</sup> St. Station would serve the residents and businesses along International Boulevard in SeaTac and Tukwila, as well as Burien to the west and Tukwila and Renton to the east. Conceptual engineering analysis indicates the route would accommodate future extensions east to Southcenter and beyond. Serving Southcenter in the initial segment would have substantially greater costs and increase travel time between 1.4 to 5.0 minutes. The increased travel time would reduce ridership to SeaTac and offset most of the ridership gains within the City of Tukwila. The Tukwila Freeway Route would avoid many of the City's land use and planning concerns about the Highway 99 route and the City of Tukwila supports the Tukwila Freeway Route. Public comments also indicate many in the local community support the Tukwila Freeway Route.
- **Rainier Brewery/Roadway Express Maintenance Base Site (M1-D).** This location serves the Initial Segment MOS, impacts the least number of businesses and has the second lowest job impacts of all sites studied.

The evaluation of the alternatives including the maintenance base alternatives and the light rail system as a whole are evaluated in Section 6 of the Final EIS.

### **Initial Segment Environmental Assessment**

Following the Sound Transit Board's decision in November 2001 to select the Initial Segment for initial construction and operation, the Initial Segment EA was approved and published on February 5, 2002. Specifically, the Initial Segment EA described and evaluated the potential environmental impacts of changes and design refinements to the Central Link Project (as described in the FEIS and ROD) in the selection of the Initial Segment. It was not the intent nor the

requirement that the Initial Segment EA redo the FEIS for the Central Link Project or redo the FEIS for that segment of the Central Link Project that is made up of the Initial Segment. Rather, the Initial Segment EA evaluates whether the changes made to the Central Link Project by Initial Segment and the design refinements would result in substantial adverse impacts not evaluated in existing environmental documents (FEIS and Tukwila Freeway Route Final Supplemental EIS).

The changes and design refinements evaluated include the following (see Section 2, Initial Segment EA):

- A revised systems operations plan, including a different initial year of operation;
- A revised construction period;
- A northern terminus for rail near CPS;
- A northern terminus for rail passengers at the Westlake Station;
- A southern terminus at the S. 154<sup>th</sup> St. Station with shuttle bus service to Sea-Tac Airport;
- Joint bus/rail operations in the DSTT;
- The Tukwila Freeway Route, evaluated in the Tukwila Freeway Route Supplemental EIS;
- Light rail station build out at Beacon Hill and deferral of Boeing Access Road Station; and
- Minor changes in design of stations and facilities between Beacon Hill Station and Henderson Station. (See Initial Segment EA, Section 2 for full description of changes including system-wide changes and changes specific to different areas of the corridor.)

#### Alternatives Considered for the Initial Segment.

Prior to identifying the Initial Segment, the Sound Transit Board reviewed a range of other potential length alternatives and interim terminus options.

- University Link. The original MOS and part of the original LPA extending from N.E. 45<sup>th</sup> Street to the maintenance base. Due to the higher estimated costs for this segment and a desire to review other route alternatives to Capitol Hill, it was removed from consideration for the Initial Segment.
- Convention Place Station to Henderson Station. A route similar to the Initial Segment, but not extending through Tukwila to the City of SeaTac.

It was removed from consideration because it had lower ridership than the Initial Segment.

- Convention Place Station to S. 200<sup>th</sup> Street. Longer, but largely the same as the Initial Segment, this route extends beyond the SeaTac Airport to S. 200<sup>th</sup> Street. It was removed from consideration to allow reconsideration of a wider range of options in the airport area to accommodate newly changing airport development plans by the Port of Seattle.
- Capitol Hill Station to Henderson Station. Part of the original LPA from Capitol Hill Station to the Henderson Station. As with the University Link, this alternative was removed from consideration to allow reconsideration of a wider range of alternatives to extend Link north to the University District and Northgate.
- Royal Brougham Station to S. 154<sup>th</sup> Street. This alternative would not provide rail through downtown and would instead provide a rail/bus transfer terminal at Royal Brougham station with shuttle buses running through the DSTT. This alternative was removed from consideration due to low ridership.

(For the DSTT operations alternatives considered, see Initial Segment EA, Section 2.6.2. and Attachment C.)

#### Finding.

FTA has considered the Initial Segment EA and the public and agency comments on it generated during the 30-day comment period and public hearing (see Comment Section below). FTA finds that the Initial Segment EA, incorporated herein by reference, identified similar or less adverse environmental impacts and no new significant adverse environmental effects that result from the changes to the project's construction or operation as identified in the Initial Segment EA and that were not already evaluated in the FEIS and Tukwila Freeway Route Final Supplemental EIS. The potential impacts include those as might be found in the following areas: Transportation; Land Use and Economics, Environmental Justice, Neighborhoods and Populations; Noise and Vibration; Visual Resources and Aesthetics; Air Quality; Ecosystems; Water Resources; Energy; Geology and Soils; Hazardous Materials; Electromagnetic Fields; Public Services; Utilities; Cultural Resources and Historic Properties; Parklands; Construction; Cumulative Effects; and System-wide Impacts. After carefully considering the Initial Segment EA, its supporting documents, and the public comments and responses, and the mitigation measures, FTA finds, under 23 CFR 771.121 and 771.130, that the proposed changes to the project, with the mitigation to which Sound Transit has committed, will have no new significant adverse impacts on the environment beyond those previously evaluated in the FEIS and the Tukwila Freeway Route Final Supplemental EIS. The record provides sufficient evidence and analysis for determining that another supplemental EIS is not necessary.

## **COMMENTS TO THE FINAL EIS, TUKWILA FREEWAY ROUTE FINAL SUPPLEMENTAL EIS, AND INITIAL SEGMENT EA, AND RESPONSES**

The FTA and Sound Transit received a comment letter from the U.S. Environmental Protection Agency (EPA) on the Final EIS. In that letter, the EPA mentions that the Final EIS "demonstrates that, without appropriate mitigation measures, impacts to [the minority and low income] community would be considerably greater than the impacts to any other individual segment of the project" and that the EIS should make that clear to the decision makers and the public. The EPA, however, goes on to find that it is a fair discussion for the EIS to argue that the mitigation measures and project benefits offered offset the impacts. They conclude by recommending that the mitigation measures referenced in the Final EIS be incorporated within the ROD as required commitments.

The FTA has read the Final EIS to clearly state that the impacts of the project may be greater on the minority and low-income community without the mitigation measures included. (See, for example, pages S-51-52.) The changes to the project as discussed in the Initial Segment EA do not change that conclusion. (See Initial Segment EA, Appendix F.) The FTA also notes that Department of Transportation Order 5680.1 on Environmental Justice, Section 8, requires that in making a determination whether there are disproportionately high and adverse impacts on the minority and low-income populations, mitigation and enhancement measures and all offsetting benefits to the affected minority and low-income populations may be taken into account. Under this mandate, the FTA considered the mitigation measures and design changes offered in the Final EIS, Tukwila Freeway Route Final Supplemental EIS and Initial Segment EA and the benefits to the affected communities in order to determine whether there existed disproportionately high and adverse impacts on those communities. In concluding that disproportionately high and adverse impacts do not exist, the FTA has included all mitigation measures referenced in the Final EIS, Tukwila Freeway Route Final Supplemental EIS and Initial Segment EA in this Amended ROD as material conditions to be implemented by Sound Transit.

Sound Transit received comment letters from three other parties on the Final EIS. One letter alleged certain inaccuracies and omissions in the Final EIS. One expressed opposition to the expense of tunneling and argued that the use of a monorail system was not adequately evaluated. One letter expressed concern that the safety issue was not adequately addressed in Segment E. Sound Transit provided adequate individual written responses to each comment submitter and those responses are on file with Sound Transit.

Sound Transit has not received any comments on the Tukwila Freeway Route Final Supplemental EIS (although several comments received on the EA pertained to the Tukwila Freeway Route).

Sound Transit received approximately 116 comment letters on the Initial Segment EA. In addition, 23 people spoke at the public hearing on the EA. A report containing all the comment letters and hearing testimony is available at

Sound Transit. Responses to the comments and issues raised are attached to this Amended ROD as Attachment F.

## **MITIGATION MEASURES TO MINIMIZE HARM**

Attachment E, which is incorporated herein by reference, establishes the mitigation measures that are required of Sound Transit under this Amended ROD. These mitigation commitments identified are based on the mitigation measures identified in the Final EIS, Tukwila Freeway Route Final Supplemental EIS, and Initial Segment EA. Implementation of these mitigation measures including those summarized in Attachment E are material conditions of this Amended ROD and will be incorporated in any grant agreement that the FTA may award Sound Transit for the construction of Central Link.

The Federal Transit Administration finds that with the accomplishment of these mitigation commitments Sound Transit will have taken all reasonable, prudent and feasible means to avoid or minimize impacts from the preferred alternative.

In addition, Sound Transit shall establish a mitigation-monitoring program, which will be approved by FTA, which will track, monitor and report the status of the environmental mitigation actions identified in this Amended ROD (see the Link Light Rail Project Management Plan). The mitigation-monitoring program may, upon approval of FTA, be revised as necessary during the permitting process in order to facilitate implementation of those measures during final design and construction. Under this program, Sound Transit's Link Environmental Manager will conduct regular audits and reviews for compliance with environmental mitigation commitment with corrective actions as may be required.

On a quarterly basis, Sound Transit will submit a Link Environmental Mitigation Program Status Report describing the status of the mitigation-monitoring program to the FTA. Implementation of identified mitigation measures during final design and construction will be the responsibility of Link's Environmental Manager.

## **DETERMINATIONS AND FINDINGS**

### **Environmental Findings**

The environmental record for the Initial Segment of the Central Link Light Rail Project includes the previously referenced Draft and Final Environmental Impact Statements (December, 1998 and November, 1999, respectively), Tukwila Freeway Route Draft and Final Supplemental EISs (October 2000 and November 2001, respectively), and Initial Segment EA (February 2002). These documents, all incorporated herein by reference, represent the detailed statements required by NEPA and by 49 U.S.C. Section 5324(b) on:

The environmental impacts of the proposed project;

The adverse environmental effects which cannot be avoided should the proposed project be implemented;

Alternatives to the proposed project; and

Irreversible and irretrievable impacts on the environment which may be involved in the project should it be implemented.

Having carefully considered the environmental record noted above, the mitigation measures as required herein and the written and oral comments offered by other agencies and the public on this record, the FTA has determined that adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located; and all reasonable steps have been taken to minimize adverse environmental effects off the proposed project and, where adverse environmental effects remain, there exists no feasible and prudent alternative to avoid or further mitigate such effects.

#### **Endangered Species Act (ESA) Consultation with Resource Agencies**

The ESA of 1973, as amended, provides a means to conserve the ecosystems that threatened and endangered species depend on and to provide a program to conserve such species. The ESA requires a federal agency to ensure that any action authorized, funded or carried out by them 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. This requirement is fulfilled by consultation and review of the proposed actions and mitigation with the appropriate agency responsible for the conservation of the affected species.

The ESA consultation requirements were implemented for the Link light rail project by the FTA in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). NMFS indicated that the project's effects on Chinook salmon (*Oncorhynchus tshawytscha*), a threatened species, should be evaluated in a Biological Assessment (BA). Also present in the project area is coho salmon (*Oncorhynchus kisutch*), a candidate species which does not require analysis. However, Sound Transit and the FTA chose to evaluate impacts to coho in case this species becomes listed in the future. NMFS identified three species of listed marine mammals potentially occurring in Puget Sound: the endangered humpback whale (*Magaptera novaeangliae*), leatherback sea turtle (*Dermochelys coriacea*), and the threatened Stellar sea lion (*Eumetopias jubatus*). While these three listed marine mammals are not expected to use or occur in the light rail project area, they are discussed in the BA that was prepared for Chinook and coho salmon.

USFWS identified the bald eagle as a listed threatened species, the peregrine falcon as listed endangered species, and the bull trout as proposed threatened species. Bull trout were subsequently listed as threatened species and peregrine falcons were delisted. A BA for these three species was also prepared.

During the preparation of the BAs, regular informal consultations occurred between NMFS, USFWS, FTA, Sound Transit, and biologists working on the BAs, including briefing sessions, telephone updates, and periodic review drafts. The BA's were submitted by the FTA to the NMFS and to the USFWS on December 2, 1999. Additionally, BA's for the Tukwila Freeway Route were submitted by the FTA to the NMFS and to USFWS in November 2001.

FTA received letters of concurrence for the Central Link project from both the USFWS dated April 24, 2000 and the NMFS dated May 24, 2000. Letters of concurrence for the Tukwila Freeway Route were received December 10, 2001 from NMFS and January 25, 2002 from USFWS. On April 3, 2002, FTA forwarded to NMFS and USFWS documentation that was intended to supplement the BA's showing that the changes as reflected in the Initial Segment EA had no effect on the concurrence letters issued by those resource agencies for the Central Link project. That documentation provides reasonable assurances that all requirements of ESA can be met. Therefore, this Amended ROD is subject to compliance by Sound Transit with any reasonable and prudent measures, alternatives or mitigation actions as might be included in any concurrence letters or other ESA compliance documentation that NMFS and/or USFWS may provide on the Initial Segment project.

### **Section 106 Compliance**

Section 106 of the National Historic Preservation Act of 1966, as amended, requires that federal agencies identify and assess the effects of federally assisted undertakings on historic resources, archaeological sites, and traditional cultural properties, and to consult with interested parties to find acceptable ways to avoid or mitigate adverse effects.

The preferred alternative would place an elevated route across Cheasty Boulevard, an area eligible for nomination to the National Register of Historic Places, and pass along the base of a hill south of Boeing Access Road that is a property of potential cultural interest for the Muckleshoot and Duwamish Tribes. The preferred alternative would also cross the Ray-Carrossino Farmstead, which is eligible for the National Register of Historic Places.

To comply with Section 106 regulations, the FTA has consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) to determine the project's adverse effects and agreed to appropriate mitigation measures. Consultations were also conducted with interested parties, including the Suquamish, Muckleshoot, and Duwamish Tribes, Friends of Seattle's Olmsted Parks, the City of Seattle Historic Preservation Program (Department of Neighborhoods), and the City of Tukwila. FTA, SHPO

and ACHP have entered into a Programmatic Agreement (PA) and an amendment to the PA, copies of which are attached hereto, that stipulate design standards, a specific review process, and procedures to address project changes. A draft Archaeological Resources Treatment and Monitoring Plan is attached to the PA, stipulating that if potentially significant archaeological resources are discovered during construction, additional work would be required to evaluate their significance and to determine if mitigation measures would be required. The draft of the PA was circulated in the Final EIS and EA and a draft amendment to the PA was circulated in the Tukwila Freeway Route Draft and Final Supplemental EIS to allow the public to comment to the consulting parties.

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

Section 4(f) of the Department of Transportation (DOT) Act of 1966, 49 U.S.C. 303(c) 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: 1) There is no feasible and prudent alternative to the use of the land; and 2) The project includes all possible planning to minimize harm to the site. A 4(f) evaluation must be prepared that describes the affected resources, discusses the direct impacts and the proximity impacts that would substantially impair the use of these resources, and identifies and evaluates alternatives that avoid such impacts and measures to minimize or mitigate for unavoidable adverse effects. FTA included 4(f) evaluations in Appendix E of the Final EIS and Appendix S of the Tukwila Freeway Route Final Supplemental EIS. These evaluations have been provided to the Department of the Interior which has found that appropriate consultation with state and local agencies has occurred and that it has no objection to the approval of the project under Section 4(f).

FTA finds that there are no feasible or prudent alternatives to the use of Cheasty Boulevard, which is both a park facility and historic 4(f) resource that would be affected by the locally preferred light rail project. FTA finds that all possible measures to minimize harm to this resource are included in the project, or will be addressed through the previously described PA. Regarding the Ray-Carrosino Farmstead, FTA finds that the use of the 4(f) resource provides benefits to and protection of the resource and that other alternatives would allow continued deterioration and possibly the loss of the resource and eventual redevelopment to industrial or commercial use.

### **Environmental Justice**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations" (February 11, 1994), 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 Order (No. 5680.1) to Address Environmental Justice in Minority Populations and Low-



Income Populations requires agencies to 1) 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; and 2) implement procedures to provide “meaningful opportunities for public involvement” by members of these populations during project planning and development. Specifically, the DOT Order states, in part:

8.b. In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design and comparative impacts and the relevant number of similar existing system elements in non-minority and non-low-income areas.

8.c. The Operating Administrators and other responsible DOT officials will ensure that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

FTA’s analysis finds that the project or Amended LPA would not have disproportionately high and adverse effects on the minority or low-income populations of the Sound Transit District, as provided under the DOT Order on Environmental Justice, particularly in light of the offsetting benefits to minority and low-income populations and the mitigation measures that will be employed. Further, the preferred alternative or Amended LPA would provide improved access to transit, reduced travel time, improved accessibility to employment, health care, recreation, shopping, and other amenities, as well as community improvements and potential economic development. Appendix G of the Final EIS, Appendix I of the Tukwila Freeway Route Final Supplemental EIS, and Appendix F of the Initial Segment EA discuss these determinations. The mitigation measures that address this and other environmental effects required under this ROD are discussed in Appendix E. Additionally, it should be noted that many potential impacts associated with the locally preferred alternative would be eliminated or minimized under revisions to the design of the alignment. For example, realignment of the preferred route in Segment D reduces the number of properties that will have to be taken. (While this is included in the design aspect of the alignment, it could also be termed a “mitigation” measure in response to minimizing adverse impacts.)

As part of the public project planning process through completion of the Final EIS, Tukwila Freeway Route Final Supplemental EIS, and Initial Segment EA, Sound Transit implemented meaningful outreach to minority and low-income communities to assure their active participation. In addition to outreach described above under “Public Opportunity to Comment”, outreach efforts included establishing hotlines in six languages, translation of project information materials, distribution of translated materials and presentations at community events and

meetings, and establishing a field office in the Rainier Valley, an area with relatively high numbers of minority and low-income residents.

### **Conformity with Air Quality Plans**

The Central Link light rail project, in general, and the Initial Segment, in particular, is subject to conformity requirements imposed by the federal Clean Air Act (CAA). The federal CAA (42 U.S.C. 7506(c)) requires that transportation projects conform with the State Implementation Plan (SIP). Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). Conformity also means that the LPA and amended LPA must be included in a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP).

Analyses discussed in the Final EIS, Tukwila Freeway Route Final Supplemental EIS, and Initial Segment EA and the determination of RTP and TIP conformity by the Puget Sound Regional Council demonstrate that the project meets these conformity requirements. For carbon monoxide, concentrations analyses at eight specific intersections show that the project would not create a new violation of the NAAQS and would not worsen an existing violation. For the project, these intersections still represent "worst case" conditions, and no violations of air standards are predicted. For particulate matter, a qualitative analysis concluded that industrial sources, not vehicle-related emissions, were the main cause of elevated particulate levels in the small particulate matter maintenance area south of downtown Seattle. For volatile organic compounds, an emission burden analysis indicated that all of the alternatives would result in slight reductions in daily emissions as compared to the No-build Alternative.

The proposed project is included in the Puget Sound Regional Council's (PSRC) most recent Metropolitan Transportation Plan for the Central Puget Sound Region, "Destination 2030", which PSRC approved in May 2001 and TIP amendment (RTA-3B 02-01) adopted by PSRC in January 2002. Based on analyses done, PSRC has found both to meet conformity tests as identified by Federal regulations. In particular, the project has been found to not affect the positive conformity determination of particulate matter, carbon monoxide and ozone described in the Final EIS, would not change the conditions described in the Washington SIP and to conform to the Washington SIP for carbon monoxide, particulate matter and ozone.

### **Floodplains**

Pursuant to Executive Order 11988 Floodplain Management issued May 24, 1977 floodplains were assessed within the 100-year floodplains and floodways defined by the Federal Emergency Management Agency (FEMA) as well as for locations with reported flooding problems or within locally managed floodplains. The preferred alternative includes all practicable measures to avoid and minimize encroachment on floodplains and would result in very low (24 cubic yards)

amounts of fill in local floodplains. New impervious surface (approximately 1, 500,000 square feet) would be created for station areas, park-and-ride lots, and a new maintenance base facility. FTA is requiring, as part of the mitigation measures under this Amended ROD, to incorporate appropriate compensatory storage in the project during the final design process and other mitigation measures during construction. (See Attachment E.)

## **Wetlands**

Three major federal laws apply to wetland resources: the National Environmental Policy Act (NEPA), the Clean Water Act, and the Rivers and Harbors Act. NEPA establishes the process for evaluating the environmental impacts of projects such as the Central Link. This Amended ROD concludes the NEPA process, which included the publication of Draft and Final EISs by FTA. The Clean Water Act, administered by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA), includes two sections applicable to the Link light rail project: Section 404 regulates placement of dredge or fill material into the waters of the U.S. including wetlands. Section 401 ensures that federally permitted projects are consistent with state water quality standards, certification for which is administered by the Washington Department of Ecology. The Rivers and Harbors Act's Section 10 applies to activities in, over, and affecting navigable waters to preserve the navigability of U.S. waters. The Corps of Engineers administers the permit process.

FTA prepared a wetland report for the Central Link light rail project consistent with U.S. Army Corps of Engineers guidance for conducting wetland determinations and delineations, as described in the Corps of Engineers Wetlands Delineation Manual, referred to as the 1987 manual (Environmental Laboratory 1987). Seven wetlands are potentially impacted by the preferred alternative, by filling wetlands and buffer areas, removing trees and other vegetation, shading of wetland vegetation by elevated structures, and/or temporary construction impacts. The total acreage that could be subject to fill by the preferred alternative is 2.33 acres of wetlands and 5.10 acres of buffer area. Most of the affected wetland area is located near Boeing Access Road. A total of 7.43 acres of wetland and buffer area may be required as replacement. The Boeing Access Road Station and park-and-ride construction has been deferred, which could delay the filling 2.0 acres of wetland and 1.8 acres of wetland buffer. FTA shall require Sound Transit to mitigate impacts to these wetlands and wildlife habitat on a project-wide basis in accordance with applicable federal, state and local regulations. The final mitigation package will be developed during final design and through the appropriate permitting processes in compliance with the requirements of and in coordination with the U.S. Army Corps of Engineers, U.S. EPA, Washington Department of Ecology, and local jurisdictions as may be required.

## **Coastal Zone Management Act**

Coastal Zone Management (CZM) certification is required for all federally licensed development including Army Corps of Engineers, Section 10 and

Section 404 permits, and U.S. Coast Guard Bridge permits. In Washington State, the project proponents prepare the Coast Zone Certification and submit it to the Washington State Department of Ecology (WDOE) to review. WDOE reviews the information based on state environmental and shoreline requirements. Before WDOE issues CZM certification, they require approved water quality certification (which is done by WDOE) and shoreline permits from the local jurisdictions. Consistency with CZM will be demonstrated no later than ninety days before the start of the proposed project. Sound Transit is required to comply with all CZM requirements.

Bla M. Ulbr

Acting  
Regional Administrator  
Region X  
Federal Transit Administration

Date May 8, 2002