



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

Region II  
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New Jersey

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February 17, 2016

Mr. Steven H. Santoro, Director, NJ Transit Capital Planning and Projects  
New Jersey Transit  
One Penn Plaza  
Newark, NJ 07105-2246

SUBJECT: FONSI for the NJ TRANSIT Delco Lead Safe Haven Storage and Re-Inspection Facility Project


Dear Mr. Santoro:

The Federal Transit Administration (FTA) has completed its review of the Environmental Assessment for the NJ TRANSIT Delco Lead Safe Haven Storage and Re-Inspection Facility Project dated December 2015 (the "EA"), which includes the Section 106 analysis in accordance with 23 CFR Part 771.121, and the Section 4(f) evaluation in accordance with 49 U.S.C 303. Based on our review of the EA, FTA has issued a finding of No Significant Impact (FONSI) for the Delco Lead Safe Haven Storage and Re-Inspection Facility Project, subject to the mitigation requirements specified in the FONSI and EA.

NJ TRANSIT must send a notice of availability of the FONSI to the affected units of State and local governments, and NJ TRANSIT must make the FONSI available upon request to the public (per 23 CFR 771.121(b)).

The Project must be implemented in accordance with the activities, mitigation and permitting activities summarized in the EA and FONSI. If there are significant changes to the Delco Lead Safe Haven and Re-Inspection Facility project, the FTA must be notified in writing and must review the changes to determine the need for possible additional environmental review before NJ TRANSIT initiates or resumes construction of altered aspects of the Project. Should you have any questions, please contact Daniel Moser of the FTA Regional Office at (212) 668-2326 or by email at [daniel.moser@dot.gov](mailto:daniel.moser@dot.gov).

Thank you,

  
Marilyn G. Shazor  
Regional Administrator

Attachments (1)  
cc: Linda di Giovanni, NJ Transit

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION (FTA)  
Region II**

**FINDING OF NO SIGNIFICANT IMPACT**

<b><u>Project:</u></b>	<b>Delco Lead Train Safe Haven Service and Inspection Facility</b>
<b><u>Applicant:</u></b>	<b>New Jersey Transit Corporation (NJ TRANSIT)</b>
<b><u>Project Location:</u></b>	<b>North Brunswick Township and City of New Brunswick, Middlesex County, New Jersey</b>

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## **1.0 INTRODUCTION**

New Jersey Transit Corporation (NJ TRANSIT) proposes to construct the *Delco Lead Train Safe Haven Service and Inspection Facility* project (the Project) consisting of a rail vehicle Service and Inspection (S&I) Facility and outdoor storage rail track for up to 444 rail vehicles. The proposed Project will require acquiring and utilizing a total of 42.6 acres of land primarily consisting of existing private railroad property adjacent to the northwest edge of the Northeast Corridor in the City of New Brunswick and North Brunswick Township, Middlesex County, NJ. NJ TRANSIT developed and submitted the Project to FTA as a Section 5324 Emergency Relief Resilience Project in Response to Hurricane Sandy and FTA selected the project for funding following a competitive evaluation process on November 5, 2014.

The Federal Transit Administration (FTA) and NJ TRANSIT prepared the *Delco Lead Train Safe Haven Service and Inspection Facility Environmental Assessment* dated December 2015 (the EA) in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.) and FTA's NEPA implementing regulations (23 CFR Part 771). The EA includes an analysis prepared in accordance with Section 106 of the National Historic Preservation Act (Section 106). The analysis indicates the Project will potentially have significant adverse effects on the Pennsylvania Rail Road Historic District and several of its contributing resources located within the Project area. Pursuant to Section 106, FTA, NJ TRANSIT and the New Jersey State Historic Preservation Office (NJ SHPO) signed a Programmatic Agreement on September 16, 2015, to mitigate the adverse effects to these historic resources. Due to the Project's potential "use" of the historic properties, FTA and NJ TRANSIT prepared a draft evaluation pursuant to Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. 303. The Section 4(f) evaluation is included in the EA and concluded that there is no feasible and prudent use of the historic property, and that Project with mitigation measures specified in the Section 106 Programmatic Agreement fulfilled FTA and NJ Transit's obligation to include all possible planning to minimize harm to the historic property. NJ TRANSIT conducted a public information meeting about the Project on April 15, 2015, at the City of New Brunswick City Hall, NJ. Four public comments were received, each of which contained no objections to the proposed Project. A public comment period on the EA and 4(f) analysis was provided between December 16, 2015 and January 29, 2016. One nonsubstantive written comment was received. FTA finds, in accordance with 23 CFR Part 771.121, that the proposed Project with mitigation measures described in the EA will result in a Finding of No Significant Impact (FONSI) on the environment.

## **Project Purpose and Need**

The purpose of the proposed *Delco Lead Train Safe Haven Service and Inspection Facility* Project is to provide NJ TRANSIT with an S&I Facility and emergency rail car storage at an inland location that is not susceptible to flooding or tree fall, at an elevation 1.5 feet or more above the Federal Emergency Management Agency (FEMA) Baseline Flood Elevation in order to minimize flood hazard risk. The S&I Facility will permit the rapid return to service of train sets after a storm by allowing Federal Railroad Administration (FRA) mandated inspections to occur in the same location as the emergency train storage and at a location near NJ TRANSIT's highest volume commuter rail routes.

## **Project Description**

The EA evaluated a No Build and Build Alternative. The Build Alternative consists of the following elements:

- Acquisition of eight properties with a combined area of 42.6 acres. The majority of the site consists of two existing private rail properties known as County Yard and the Delco Lead. The 12.4-acre County Yard rail property is located in the City of New Brunswick along the northwest edge of the Northeast Rail Corridor. The 27-acre Delco Lead rail property is adjacent to - and extends approximately 3.5 miles south of - the County Yard property into North Brunswick Township.
- Site clearance, including removal of the existing freight rail siding track on the Delco Lead property, historic stone retaining walls and the historic County Interlocking tower structure on the County Yard property, and a total of 12 acres of wooded area from all properties.
- Relocation of existing utilities as needed to accommodate Project improvements.
- Construction of three new stone retaining walls on the County Yard property to accommodate new fill.
- Addition of approximately 268,000 cubic yards of fill (80,000 on the Delco Lead property and 188,000 on the County Yard property) necessary to expand and raise the yard to an elevation 1.5 feet above the FEMA baseline flood elevation.
- Construction of a bridging structure over Mile Run Creek, a tributary of the Raritan River, and modification and extension of the historic Mile Run Culvert.
- Construction of the S&I Facility and storage tracks for up to 156 rail vehicles on the existing 12.4-acre County Yard rail property and an additional 2.7 acres from four parcels of adjacent property in the City of New Brunswick. The S&I facility will consist of a 1,250 foot long by 50 foot wide main service structure with 50 foot tall control tower, an attached crew facility, and 200 employee parking spaces. Storage track will include catenary lines, security lighting and other associated accessory utility structures.
- Construction of two new storage tracks for up to 288 rail vehicles on the Delco Lead rail property and an additional .5 acres of property from two other properties, which were acquired for vehicle and utility access to the site. Storage track will include catenary lines and other associated accessory utility structures.
- Upgrade of existing track and utilities connecting the Project site to the Northeast Corridor.
- Construction of new access roads, utility lines, and security fencing.



## 2.0 PUBLIC OPPORTUNITY TO COMMENT AND AGENCY COORDINATION

NJ TRANSIT conducted a public information meeting about the project on April 15, 2015, at the City of New Brunswick City Hall, NJ. The meeting was advertised to the general public and included targeted outreach to Environmental Justice populations in accordance with USDOT and FTA policies, as summarized in Section 5.2 of the EA. The meeting also fulfilled the requirement to hold a public forum to present details on the level of tree removal resulting from the Project, pursuant to State of New Jersey Reforestation Act. Four public comments were received; none were substantive to the impacts of the project. A summary of public outreach and comments from the April 15, 2015 public meeting are included in Appendix E of the EA. In addition to the general public, NJ Transit sought and received comments prior to preparation of the EA from several public agencies. Each agreed with the EA conclusion of no impact per the comments included in Appendix D of the EA.

NJ TRANSIT published a Notice of Availability for the EA in the Home News Tribune on December 16, 2015 and the Spanish language El Especialito Weekly Newsletter for December 18-24, 2015. NJ TRANSIT made the EA available on line at <http://njtransitresilienceprogram.com/documents> and solicited comments on the EA between December 16, 2015 and January 29, 2016. NJ Transit received one nonsubstantive comment from the general public and responded directly. General Public and agency comments on the EA are attached to this FONSI.

## 3.0 SUMMARY OF ANALYSIS OF NEPA IMPACT AREAS, MITIGATION MEASURES, AND PERMITS

The EA was prepared in compliance with NEPA and with FTA's Environmental Impact and Related Procedures) and FTA guidelines for preparing EAs. The following sections summarize Project impacts, required mitigation, and necessary permits.

**Property Acquisitions:** The Project will require acquisition of eight public and private properties summarized in Section 3.14.1 of the EA, and require relocation of some existing utilities. The Project will not result in any business or residential displacements, and properties to be acquired for the Project outside of the existing rail road properties are for the most part vacant, with improvements limited to fencing, sheds and paved area. NJ TRANSIT must adhere to the procedures of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for all properties acquired for the Project.

FTA concludes there will be no significant impact on property relocations.

**Historic and Archaeological Resources and Section 106 Compliance:** FTA, in consultation with the New Jersey State Historic Preservation Office (NJ SHPO), determined that the Project will potentially have a significant adverse effects on several contributing historic resources to the Pennsylvania Rail Road Historic District located within the Project area: Mile Run Yard (currently known as County Yard), the County Interlocking Tower, the Delco Lead, Mile Run culvert, and a stone retaining wall. An area near the historic Mile Run Yard was also deemed to have "high sensitivity" or potential for discovery of unidentified archaeological resources in or near the Mile Run Yard.

Section 3.3 of the EA includes an analysis prepared in accordance with Section 106 of the National Historic Preservation Act (Section 106). Pursuant to Section 106, FTA, NJ TRANSIT and NJ SHPO executed a Programmatic Agreement on September 16, 2015, to address the adverse effects to these historic resources. The Programmatic Agreement commits NJ TRANSIT, in coordination with FTA, to carry out measures to mitigate the adverse effects on historic properties including:

- Documentation of Mile Run Yard and its constituent elements to the standards of the Historic American Building Survey (HABS)/Historic American Engineering Record (HAER).
- Installation of interpretive signs related to the history and significance of rail roads associated with the Project site and/or development of the Mile Run Yard and Delco Lead properties.
- Design of all new structures within the Mile Run Yard area in accordance with the US Department of Interior's "Standards for the Treatment of Historic Properties"
- Consultation with the NJ SHPO during the final design of the Project.
- Protocols for investigation and, in the event construction activities result in unanticipated discovery of human skeletal and/or archaeological discoveries, consultation with NJ SHPO, FTA, and Native American Tribes as applicable in accordance with the New Jersey Cemetery Act, the Native American Graves Protection and Repatriation Act, and C.F.R. 800.11 and 800.13.

FTA concludes that with the mitigation committed to in the Programmatic Agreement; the Project will have no significant impacts on historic, archaeological and cultural resources.

**Watercourses/Flood Hazard Areas/Riparian Zones:** The Project will result in fill and new impervious surfaces, including approximately 2.0 acres within the 100-year floodplain (0.7 acres of the County Yard and 0.2 acres of the Delco Lead property). NJ TRANSIT conducted an analysis of Project impacts pursuant Federal Executive Order 11988 "Floodplain Management," as amended; US DOT Order 5650.2 "Floodplain Management and Protection;" and FEMA procedures specified in 44 CFR Part 9 "Floodplain Management and Protection of Wetlands"(administered by the State of New Jersey under New Jersey Administrative Code N.J.A.C. N.J.A.C 7:13). The Project design includes an extension of the existing Mile Run culvert and construction of retaining wall in County Yard to maintain the existing streambed and minimize impacts to stream banks. The culvert design will be accommodate the additional volume of run-off and control the velocity of runoff to prevent upstream and downstream impacts. The Project design will adhere to NJDEP Flood Area Control Act and Freshwater Wetland Rules; Uniform Construction Code Standards; NJ TRANSIT Flood Elevation Design Criteria for inland facilities; Soil Erosion Sediment Control requirements (addressing construction impacts) and New Jersey's Stormwater Management Rules as required under N.J.A.C. 7:8 addressing the increase in the amount of impervious surface and resulting impacts on volume and water quality.

To construct the project NJT must secure several permits, including:

- A NJDEP Flood Hazard Area Individual Permit for excavation and filling (to include new structures) in the regulated floodplain and riparian zone
- A NJDEP General Permit for Stormwater Discharges/NJDPEs, limiting the mass and concentration of pollutants discharged from the site
- NJ DEP Soil Erosion and Sediment Control Certification (addressing construction impacts)
- Jurisdictional determination/approval from the Delaware and Raritan Canal Review Commission (Zone B). The Commission administers a land use regulatory program within the area where new development could have drainage, visual or other impacts on Canal Park.

FTA concludes that with the Project design elements and the permit requirements, the Project will have no significant impacts on waterways, flood hazard areas, and riparian zones.

**Wetlands:** The Project will result in approximately 2.0 acres of wetlands impacts, primarily consisting of fill altered or man-made stormwater ditches which provide minimal functional wildlife habitat. The Project design will comply with requirement of the NJDEP Flood Hazard Area Control Act and Freshwater Wetland Rules. The New Jersey Department of Environmental Protection (NJDEP) Freshwater Wetlands General Permit Program requires mitigation for any permanent wetlands impacts of one-quarter acre or greater. NJ TRANSIT must obtain:

- NJDEP Freshwater Wetlands Individual Permit, and per N.J.A.C 7:7A-15, will address mitigation of wetland impacts through the purchase of mitigation credits or a monetary contribution to the Wetland Mitigation Fund to support ecological/wetland restoration efforts in the same watershed as the Project.

FTA concludes that with these measures, the Project will have no significant impacts on wetlands.

**Forested Areas:** The Project will result in the removal of approximately 12 acres of wooded area. In accordance with the State of New Jersey Reforestation Act, NJ TRANSIT must develop and implement:

- A Compensatory Reforestation Plan for specimen trees (as defined by the Reforestation Act) approved by the New Jersey Department of Environmental Protection Division of Parks and Forestry

NJ TRANSIT proposes meeting the requirements of the Reforestation Act through a combination of replanting on the Project site, replanting in the municipalities of North Brunswick Township and City of New Brunswick, and a cash payment to the New Jersey Forest Service in lieu of planting to be used for replanting on State lands as opportunities become available.

FTA concludes that with the measures included in the pending NJDEP-approved Compensatory Reforestation Plan, the Project will not result in significant impacts on forested areas.

**Water Quality:** The Project will result in substantial fill and new impervious surfaces. The Project design will comply with New Jersey's Stormwater Management Rules as required under N.J.A.C. 7:8 addressing the increase in the amount of impervious surface and resulting impacts on volume and water quality.

FTA concludes that with these measures, the Project will not result in significant impacts on water quality.

**Construction Impacts:** Potential environmental impacts associated with construction include dust, noise, increased erosion and deterioration of water quality due to stormwater runoff during construction; disturbance of existing contaminants on the site; and potential addition of contaminated fill to the project site. To minimize the effects of construction, NJ TRANSIT will implement:

- An EPA Self-Implementing Cleanup Plan for PCBs
- A Materials Management Plan as required by NJ DEP's Linear Construction Technical Guidance dated January 2012
- A site-specific Health and Safety Plan
- Testing of excavated soil prior to disposal at an NJTRANSIT approved facility
- A Soil Erosion and Sedimentation Control Plan



- A Stormwater Management Plan
- All conditions attached to NJDEP and Delaware and Raritan Canal Commission permits

FTA concludes that with these measures, the Project will not result in significant construction impacts.

**Environmental Justice:** The communities adjacent to the Project site include minority and low-income populations. The Section 3.11 of the EA includes an Environmental Justice analysis. Section 5.2 of the EA includes a summary of NJ TRANSIT outreach to EJ communities potentially affected by the Project.

FTA finds that the Project will not result in disproportionate adverse effects on EJ populations.

#### 4.0 FTA NATIONAL ENVIRONMENTAL POLICY ACT FINDING

FTA has reviewed the EA for the *Delco Lead Train Safe Haven Service and Inspection Facility* project dated December 2015, and finds pursuant to 23 CFR 771.121 that the proposed Project with the mitigation measures committed to by NJ TRANSIT and specified in the EA and summarized in this FONSI will have no significant impact on the environment.

Marilyn G. Shazor      2/19/2016

Marilyn G. Shazor  
Regional Administrator, Region II  
Federal Transit Administration

Date

#### 5.0 FTA SECTION 4(F) OF THE DOT ACT OF 1966 EVALUATION AND FINDING

The Project uses Section 4(f) properties, specifically alteration or removal of properties that are contributing elements to the Pennsylvania Rail Road Historic District: grading of the area associated with the historic Mile Run rail yard, removal of County Interlocking Tower, a stone retaining wall and a Mile Run Culvert outfall. In accordance with 23 CFR 774.3, FTA approves the use of the Section 4(f) properties since there is no feasible and prudent alternative and, as documented in the Section 106 Programmatic Agreement executed on September 15, 2015, the action includes all possible planning to minimize harm. FTA provided a copy of the EA, which includes the Section 4(f) evaluation as Chapter 4 and Appendix A of the EA, to the US Department of Interior on December 10, 2015. In a letter dated January 26, 2015, the US Department of the Interior concurred with FTA's 4(f) determination.

Marilyn G. Shazor      2/19/2016

Marilyn G. Shazor  
Regional Administrator, Region II  
Federal Transit Administration

Date

## Summary of Public Comment on EA

During the Public Comment Period on the EA, NJ TRANSIT received one written comment.

**Comment:** “In recent decades, several stops have been added along the NEC, increasing trip times. Jersey Avenue is quite close to New Brunswick, providing little marginal service coverage. In contrast, the North Brunswick station proposed for the former Johnson and Johnson site would open up a catchment that is not well served by the current NEC stations. With the development of the North Brunswick station in conjunction with the mid-line loop, I would hope that NJT considers shuttering Jersey Avenue, which is an abortive station that would need significant upgrades of its own should its operation continue.”

**FTA Response:** The comment does not pertain to either the purpose and need or the environmental impacts of the proposed project. New Jersey Transit responded to the comment’s concerns over station location and service coverage directly.