

**FEDERAL TRANSIT ADMINISTRATION
REGION 4**

Finding of No Significant Impact

Project: Albany Multimodal Transit Center

Applicant: City of Albany and Georgia Department of Transportation

Project Location: Between Flint Avenue and Roosevelt Avenue, City of Albany,
Dougherty County, Georgia

FTA Grant No: GA-04-0017, GA-86-X001, GA-96-X001

Proposed Project

The proposed action involves the site preparation and construction of a multimodal transportation center in the City of Albany, Dougherty County, Georgia. The proposed project would relocate the existing Albany Transit System (ATS) bus transfer operations from the existing interim transfer facility at the Greyhound Terminal approximately 1,500 feet to the northeast to the proposed multimodal transportation center located between Flint Avenue and Roosevelt Avenue. In addition to its functionality as the central transfer station for ATS buses, the facility would also house and support dispatch facilities and would accommodate other potential uses, such as intercity bus, rural transit, future intercity rail support services, taxis, private auto services, and typical transit oriented and transit-related commercial uses. The facility will include a space for community events in addition to its support facilities for transit services and private transit-oriented and transit-supportive ventures. The transportation center will include two buildings: a two story approximately 5,000 square foot structure and a one story approximately 2,500 square foot structure. The first floor of the 5,000 square foot building will provide support facilities for the transit services, and the second floor will be reserved for public venues and offices. The smaller building will serve the day to day ATS operational needs, including ticketing and waiting areas where the main bus transfer operations will occur. More specific square footages allotted for each area will be determined during the building plan development process.

The proposed site will be developed to promote safe and efficient modal operations and circulation with a goal of minimizing the opportunities for conflicts between non-motorized and motorized modes of transportation. In addition to the provisions for transit circulation and customer loading and unloading operations, the site will also include facilities for employee, customer and general public parking, which is expected to include approximately 250 parking spaces.

The site layout and features and the exterior of the proposed building will be architecturally sensitive to the adjacent historic areas to ensure compatibility with the surrounding character. The building and site will be designed to minimize maintenance requirements as a further means of reducing system operational costs:

In order to develop a facility that minimizes impact upon the environment, the building and site are anticipated to utilize Leadership in Energy and Environmental Design (LEED) guidelines throughout the project development process. Please also see Section 3.0 of the EA for graphics and additional details of the site concept layout.

Agency Coordination and Public Opportunity to Comment

Agency Coordination:

- 2008 Coordination:
 - Early coordination letters were submitted to a number of agencies, including local state and federal governments and local planning agencies, requesting their comments on the proposed action. See the early coordination letters and early coordination list in Attachment B. Responses were received from the National Park Service, the USDA Natural Resource Conservation Service, and the Georgia SHPO (see Attachment B).
- 2009-2011 Coordination
 - As part of the updated EA, the Georgia Department of Transportation (GDOT) initiated the Section 106 process by sending out an early coordination request to

the potential consulting parties (see Attachment B). Extensive tribal coordination was also completed including a tribal coordination meeting held on May 17, 2010 (see Attachment B). Coordination with the Advisory Council for Historic Preservation has occurred as part of the Section 106 process (see Attachment B).

Public Opportunity to Comment:

- Planning Process:
 - Public meetings were held in August and October 2001 to receive public input for the study to identify potential sites for a new multimodal facility conducted by Day Wilburn Associates (DWA). The planning efforts and initial site screening processes were documented in the Albany Multimodal Transportation Center Study prepared by DWA in October 2001, and the Strategic Plan for the Albany Multimodal Transportation Center was completed by DWA in February 2002.
 - The Southwest Georgia Regional Development Commission was commissioned by the City of Albany in 2005 to amend the Albany Multimodal Transit Facility Study to reconsider the temporary location of the transportation center on West Oglethorpe Avenue. Although this study recommended converting the interim bus facility into the permanent location, the City of Albany never acted on this recommendation.
 - In April 2006, the Albany City Commission adopted a resolution designating the government parking lot between Flint Avenue and Roosevelt Avenue as the site for the new Albany Multimodal Transportation Center.
- Public Meetings During Initial Environmental Assessment
 - Two public information meetings were held for the initial Environmental Assessment effort on Thursday, July 17, 2008 (10:30 AM and 5:00 PM) to provide the public with project information and to afford the public an opportunity to express their comments regarding the proposed project. Public comments were accepted through July 24, 2008 for inclusion in the EA.
 - Following completion of the draft EA, the document was advertised and made

available for public comment from September 5 - October 4, 2008 and January 13 - February 14, 2009. Documents were available for review and comment at Albany Transit System, on the City website and at the Dougherty County Library.

- Public Meetings During Updated Environmental Assessment
 - Additional public outreach meetings were held on February 25, 2010 (1:30 PM and 5:30 PM) to provide the public with updated project information and to afford the public an opportunity to express their comments regarding new project data. The meeting included a presentation, which focused on cultural resources as the initial EA had been deficient in its evaluation of cultural resources.
 - Two public hearing open houses were held on March 17, 2011 (1:30 pm and 5:00 pm) to present the findings of the updated EA to the public.
 - Following completion of the updated EA, the document was advertised and made available for public comment from February 18, 2011 to April 1, 2011 on the City of Albany website, at the City of Albany Planning Department, and at the Dougherty County Library.

Comments on the EA

A number of comments have been received on the EA. Public comments were largely focused on the following issues:

- Concern for the project impacts on historic and archaeological resources and concern that a Section 4(f) evaluation should have been completed for the project.
- Concern regarding environmental justice communities at the temporary transfer station and the project site.
- Concern regarding the inclusion of public comments in the NEPA process.
- Concern that the proposed project would adversely affect downtown special events and access to tourist attractions.
- Concern about general environmental impacts including noise, water quality, and potential impacts to the 100-year floodplain.

- Concern about contamination at the site from previously removed underground storage tanks.
- Concern about the integrity and capacity of the combined sewer system located at the proposed project site.
- Disagreement with the site selection process.
- Concern that the traffic from the facility would interfere with the operations of the adjacent fire station.

Attachment C includes copies of the comments received from the public and the responses to the comments.

Mitigation Measures to Minimize Harm

Attachment D describes the mitigation measures that are required of GDOT and the City of Albany as conditions of this FONSI. Those mitigation commitments are based on the potential mitigation measures identified in the EA and through the Section 106 process. **The Federal Transit Administration (FTA) finds that with the implementation of these mitigation measures, GDOT and the City of Albany will have taken all reasonable, prudent, and feasible means to avoid or minimize impacts from the proposed action.**

Determinations and Findings

National Environmental Policy Act (NEPA) Finding

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

The City of Albany and GDOT initiated the required NEPA evaluation for this project in the spring of 2008 and completed an EA for the project by October of 2008. On May 28, 2009 FTA issued a Finding of No Significant Impact (FONSI) for the project.

On September 15, 2009, attorneys representing a property owner adjacent to the site of the proposed multimodal transportation center as identified on the FONSI issued a letter to US Department of Transportation (USDOT) identifying flaws in the NEPA process previously completed for the project. Specifically, they indicated that the project did not follow the procedures of Section 106 of the National Historic Preservation Act (NHPA) and that input from the public was not considered as part of the NEPA process. In addition, a letter from a local citizen was provided to FTA on September 29, 2009 that reiterated the concern that public comments had not been considered as part of the NEPA process (see Attachment C). As a result of the procedural concerns and additional public comments that were identified specific to the issuance of the previously approved EA/FONSI, FTA issued a retraction of the May 28, 2009 FONSI in a letter to GDOT dated October 21, 2009 (see Attachment B). The FTA letter noted that GDOT would be required to reevaluate the project and prepare a revised EA. FTA noted that the revised EA must address the public comments on the original EA and that the Section 106 process must be completed in accordance with 36 CFR Part 800. In addition, a public hearing on the revised EA was required prior to FTA making a final decision on the project. The updated EA was prepared to redress these deficiencies in the initial EA and to ensure that public concerns and comments were taken into account.

FTA reviewed preliminary versions of the EA, and the EA was issued for public comment on February 18, 2011. The EA found that the project's construction and operation when considering the proposed mitigation would not cause significant adverse environmental effects. This would apply to all applicable environmental elements including Air Quality, Land Use and Zoning, Environmental Justice, Social Impacts, Transportation, Noise, Geology and Soils, Hazardous Materials, Water Resources, Biological Resources, Visual Quality, Cultural Resources, Recreation and Section 4(f) Resources, Safety and Security, and Public Services and Utilities.

After carefully considering the EA, its supporting documents, and the public comments and responses, **FTA finds under 23 CFR 771.121 that the proposed project, with the mitigation to which GDOT and the City of Albany have committed, will have no significant adverse**

impacts on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required.

Air Quality Conformity

The Clean Air Act (CAA) requires states to take actions to reduce air pollution in nonattainment areas and to provide control measures in maintenance areas. The framework for meeting these goals is the State Implementation Plan (SIP). The project is not located in a nonattainment area. The project would not exceed state and federal air quality standards, and it is consistent with the SIP for the attainment of clean air quality in the state. **The FTA finds that the project conforms with the SIP and meets all requirements of the Clean Air Act.**

Environmental Justice Findings

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

An environmental justice analysis was performed as part of the EA. The existing temporary transfer station is located within a minority community. Although minority-owned businesses are located in the area surrounding the existing transfer station, these businesses are largely patronized by automobile traffic and the surrounding community, rather than the patrons of the transfer station. The minority-owned businesses that surround the existing transit center site operate independent of the transit center and are not significantly connected to the site’s current use as a transit center. Therefore, relocation and construction of the proposed project to the preferred alternative site would not result in a disproportionate impact for minority or low-

income populations who patronize the existing businesses adjacent to the existing transit center site, nor would minority-owned businesses that currently surround the existing transit center site suffer a disproportionate impact as a result of the proposed relocation.

In addition, one of the concerns expressed by stakeholders through the public participation process is that government facilities, such as the Dougherty County Courthouse, would lose valuable parking space as a result of construction of the proposed project at the Preferred Alternative site and the impact would be disproportionately felt by minority and low-income groups. Although the project would result in the loss of parking, the City of Albany operates several free-of-charge parking facilities within close proximity of the existing parking facility at the project site. These other free-of-charge facilities have the capacity to absorb the parking demand that occurs at the existing parking facility on days when parking demand reaches approximately 100% of the available spaces at the existing parking facility. **Therefore, FTA finds that construction of the project would not result in a disproportionate impact for minority or low-income groups.**

Transportation and Traffic Findings

Traffic impact analyses were conducted for the four intersections surrounding the proposed project site. The traffic study concluded that the existing roadway network is operating in a satisfactory manner. The existing street network and intersections have adequate capacity to accommodate the shifts in traffic patterns and projected growth in traffic which would result from the project.

The project would relocate the transfer station approximately 1,550 feet north of its current location. To accommodate the relocation to the proposed facility, Albany Transit would have to make minor adjustments to their bus schedules and routes. The new location would not change the City of Albany's transit market, and the City of Albany would integrate the proposed multimodal transportation facility into the operational logistics plan with minimal changes in bus timing, routing and mileage.

As a result of project construction, approximately 150 parking spaces would be lost. However, the City of Albany operates two nearby free parking decks in Central Square that have a combined availability of approximately 500 spaces. Based on current occupancy of the parking decks, adequate free and accessible parking exists to offset the parking places displaced by the project.

Therefore, FTA finds that the project would not result in an adverse effect to the existing roadway system, transit system, or parking availability in the City of Albany.

Noise Findings

Potential noise impacts from the project were assessed using FTA's Noise Impact Criteria for Transit Projects. The existing noise levels in the vicinity of the project range from 50-60 dBA Leq. The Build Alternative noise levels in the project area would range from 54-62 dBA Leq. The greatest increase at any one receptor is 4 decibels. A 4 decibel increase in noise level would be perceptible to the human ear but not substantial. The build noise levels will not approach or exceed FTA's Noise Impact Criteria for Transit Projects. **Therefore, the FTA finds that the project will not result in significant noise impacts.**

Floodplain Findings

Pursuant to Executive Order 11988 (Floodplain Management), the proposed project was surveyed for floodplain involvement. The proposed project site is located outside of the 100-year floodplain. Construction of the proposed project would not alter the existing topographic features of the proposed project area, nor would the proposed project result in additional impervious surface area that would inhibit, redirect, or intensify the flow of stormwater within the proposed project area. **FTA finds that no adverse impacts to any 100-year floodplains or floodways would occur as a result of the proposed project.**

Wetlands Findings

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

The proposed project was surveyed for wetland and stream involvement. No jurisdictional wetlands and no jurisdictional streams were identified within the project's area of potential effect (APE). A U.S. Army Corps of Engineers Section 404 permit would not be required for this project. **Therefore, FTA finds that no wetlands and no streams would be impacted by the proposed project.**

Water Quality Findings

No surface water resources were identified within the immediate construction area for the proposed project. Similarly, no environmentally engineered stormwater features, such as basins or swales that provide a connection from the proposed project site to any naturally occurring water features, were located within the project site. The proposed project site is almost entirely covered with impervious pavement, and stormwater drains to existing storm drains at the site, which is piped to the Flint River.

The design for the multimodal transportation facility would include stormwater management measures such as bioswales to treat any additional stormwater runoff prior to discharge into the existing municipal stormwater management system. As a result of proposed stormwater mitigation measures, it is anticipated that any adverse impact to water quality would be negligible. See Attachment D for more details on the proposed water quality mitigation strategies to be implemented as part of this project. **Therefore, FTA finds that no significant impact to water quality would occur from the proposed project.**

Endangered Species Act Findings

The Endangered Species Act of 1973, as amended (ESA), intends to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal

agency to ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any listed species or result in direct mortality or destruction or adverse modification of critical habitat of listed species. This requirement is fulfilled under section 7 of the ESA by review of the proposed actions and consultation with the appropriate agency responsible for the conservation of the affected species. If necessary, mitigation will be required to avoid jeopardizing listed species or their habitat.

A survey of the proposed project site was conducted to determine the presence of any threatened or endangered species on and within the vicinity of the proposed project site (report on file at GDOT). The list of protected species known to exist within the project area was compiled by review of the current United States Fish and Wildlife Service (USFWS) county database (2004), *Protected Plants of Georgia* (Patrick *et al.*, 1995), *Protected Animals of Georgia* (Georgia Department of Natural Resources, 1999), *Georgia's Protected Wildlife*, (Odum *et al.*, 1977), and various county/state lists developed for Dougherty County and the surrounding area. In addition to these efforts, an internal review of online data from the Georgia Department of Natural Resources Protected Species website was conducted to identify potential species and habitats occurring within Dougherty County.

Ten federally-listed species were identified for the Dougherty County area, and field surveys specific to these species were conducted on November 12, 2009. As a result of these field surveys and desktop review, it was determined that no habitats for these species exist within the survey area, and no individuals of these species were identified during field surveys. In addition, the proposed project would not result in "take," as defined by the Bald and Golden Eagle Protection Act. **Therefore, FTA finds that the project would have "no effect" to listed species.**

Section 106 Compliance

Section 106 of the National Historic Preservation Act of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in or eligible for inclusion in the National Register of Historic Places. Federal agencies must

coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

In addition to the Georgia SHPO, other potential consulting parties were identified based on the nature of the undertaking and the guidance in the *GDOT Cultural Resources Survey Guidelines*. The other potential consulting parties invited to participate in the Section 106 process were the Southwest Georgia Regional Development Center, the Albany Dougherty Historic Preservation Commission, the Albany Civil Rights Movement Museum Albany Civil Rights Institute, Albany Museum of Art, Dougherty County Public Library, Flint Riverquarium, Historic Albany, Southwest Georgia Genealogical Society and the Thronateeska Heritage Center. For a list of the Tribal governments invited to become consulting parties see Attachment A. Responses were received from the Georgia SHPO and the Flint Riverquarium. In addition, Sherman Timberlands requested to become a consulting party for the project. The Muscogee Creek Nation actively participated in the consultation process, and the ACHP agreed to participate in the Section 106 process.

The Department of Natural Resource's 1997 Dougherty County survey for historic resources and GDOT project surveys previously completed in the vicinity of the project were consulted in preliminary identification of historic resources. This review also included National Register listed properties, proposed National Register nominations, National Historic Landmarks, and the updated Georgia Historic Bridge Survey (GHBS). Topographic maps and aerial photography were also reviewed to identify areas with the potential for historic resources within the APE. A field survey for potentially eligible historic resources was also conducted in the project area.

As a result of these efforts, eight National Register listed or eligible historic properties were identified within the project's Area of Potential Effects (APE). These resources are identified as the Albany Downtown Historic District, Albany District Pecan Growers' Exchange, Albany Railroad Depot Historic District, St. Nicholas Hotel, Northside Historic District, Parrish Service

Station, Albany Freedom Historic District, and the Historic Railroads of Albany. The Georgia SHPO concurred that these properties are eligible for listing in the National Register (see Attachment B).

In addition, one National Register eligible archaeological site was identified within the project's APE. This site is Site 9DU192, and the Georgia SHPO concurred that this site is eligible for listing in the National Register (see Attachment B).

Based on the conditions imposed on the proposed project through stipulations included in the Assessment of Effects (AOE) and the Memorandum of Agreement (MOA), the project was determined to have No Adverse Effect to the Albany Downtown Historic District, Albany District Pecan Growers' Exchange, Albany Railroad Depot Historic District, St. Nicholas Hotel, Northside Historic District, Parrish Service Station, Albany Freedom Historic District, and the Historic Railroads of Albany. The Georgia SHPO concurred with this finding on August 16, 2010 (see Attachment B). The Albany District Pecan Growers' Exchange has been partially demolished by the private property owner since the finding of No Adverse Effect. However, the property remains listed on the National Register, and the alterations to the property do not change the effects of the project on the resource. The stipulations included in the MOA ensure that the project will be designed in accordance with the *Secretary of the Interior's Standards* to be compatible with the historic resources and surrounding historic districts (see Attachment D). The Georgia SHPO and other consulting parties will review and comment on design plans to ensure that the project design does not adversely affect the setting or visual character of the historic resources.

However, the project will have an Adverse Effect of Site 9DU192, and the MOA includes measures to mitigate this Adverse Effect (see Attachment B and Attachment D). A study shall be conducted by qualified geophysical archaeologists using ground-penetrating radar (GPR) to determine the extents of Site 9DU192. Design plans will be prepared with this information to attempt to avoid and to minimize ground disturbance within the limits of Site 9DU192. The project plans will be designed to preserve archaeological resources in place as much as possible

while still meeting the need and purpose of the project. A data recovery plan will be created and implemented for any areas of Site 9DU192 that cannot be preserved in place. A qualified archaeologist will supervise all subsurface disturbance during construction.

FTA finds that the project will have No Adverse Effect on the Albany Downtown Historic District, Albany District Pecan Growers' Exchange, Albany Railroad Depot Historic District, St. Nicholas Hotel, Northside Historic District, Parrish Service Station, Albany Freedom Historic District, and the Historic Railroads of Albany based upon stipulations included in the MOA. FTA finds that the project will have an Adverse Effect on Site 9DU192, and the stipulations included in the MOA will mitigate the overall Adverse Effect of the project. FTA has consulted with the Georgia SHPO, the Southwest Georgia Regional Development Center, Flint Riverquarium, Sherman Timberlands, federally-recognized tribes, and the ACHP. Section 106 coordination and consultation requirements for this project have been fulfilled.

Section 4(f) Findings

Section 4(f) refers to the temporary and/or permanent use and constructive use of publically owned land, specifically significant recreational land, parkland and wildlife/waterfowl refuges, and significant historic sites. Investigation of the project corridor has identified nine potential Section 4(f) resources in the project area. Eight of these resources are historic resources and include the Albany Downtown Historic District, Albany District Pecan Growers' Exchange, Albany Railroad Depot Historic District, St. Nicholas Hotel, Northside Historic District, Parrish Service Station, Albany Freedom Historic District, and the Historic Railroads of Albany. The archeological resource, Site 9DU192, is significant under Criterion D for its research potential. The site does not include any features that indicate that the property possesses significance under any other of the National Register Criteria; therefore, the property has minimal value for preservation in place. This determination has been coordinated with FTA and the SHPO and no objection to the finding was indicated (see Attachment B). Therefore, with respect to Section 4(f) requirements, the site is an exception to the requirements of Section 4(f) pursuant to 23 CFR

774.13 because it is significant for its data content but has minimal value for preservation in place.

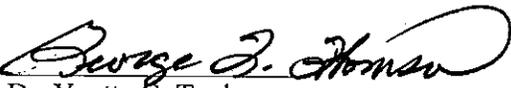
In addition, the project would not require property from any of the NRHP eligible historic resources or of any contributing resources of NRHP eligible historic districts. Although the southern portion of the project site is located within the Albany Downtown Historic District and the entire project site is within Albany Freedom Historic District, there are no contributing buildings or features of either district that are located within the limits of the proposed project. The project would not have a temporary and/or permanent use or constructive use of land from any of the contributing historic resources within the APE. **FTA finds that the proposed project will not use or significantly impact any resources protected by Section 4(f) of the DOT Act of 1966.**

Environmental Finding

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

- Attachment A: Environmental Assessment (January, 2011)
- Attachment B: Agency Correspondence
- Attachment C: Public Comments and Response Letter
- Attachment D: List of Project Mitigation Commitments

Based on the Environmental Assessment and its associated supporting documents, the Federal Transit Administration finds pursuant to 23 CFR 771.121 that there are no significant impacts on the environment associated with the construction of the proposed Albany Multimodal Transit Center.

FOR 
Dr. Yvette G. Taylor
Regional Administrator
Federal Transit Administration

9/21/11
Date