

**FEDERAL TRANSIT ADMINISTRATION
REGION 8**

**Finding of No Significant Impact (FONSI) for the
Central Bus Operations and Maintenance Facility**

Applicant: Utah Transit Authority

Project Location: Salt Lake City, Salt Lake County, Utah

Proposed Project

The purpose of this project is to construct a facility that will allow UTA to meet the existing and future maintenance and storage needs of an expanded bus fleet needed to adequately serve the transit demand in the Salt Lake Business Unit through year 2030. UTA's Salt Lake Business Unit is comprised of the Central Bus Operations and Maintenance Facility and the Meadowbrook Bus Operations and Maintenance Facility. The Central Bus Operations and Maintenance Facility provides local bus service to Downtown Salt Lake City, the neighborhoods in and around Salt Lake City, and commuter bus services that bring people into and out of Salt Lake City. The Federal Transit Administration (FTA) served as lead agency under the National Environmental Policy Act (NEPA) process for this project. UTA prepared an Environmental Assessment (EA) in compliance with NEPA, 42 United States Code (USC) Section 4321, and subsequent sections, and with FTA's regulations at 23 Code of Federal Regulations (CFR) Part 771.

The Proposed Action consists of constructing a new bus facility to replace the existing Central Bus Operations and Maintenance Facility. The new facility would be relocated from the current location at 616 West 200 South in Salt Lake City, Utah, to 750 West 300 South, approximately one block south and one block west of the existing facility. The new facility would occupy up to 18.69 acres. The current facility occupies 7.3 acres and maintains a fleet of 110 vehicles, consisting of 30-foot to 40-foot buses. Future programming needs of UTA's Central Bus Operations and Maintenance Facility must be capable of accommodating a fleet of 250 buses, which includes a new compressed natural gas fleet of up to 101 buses. The Utah Transit Authority (UTA) will utilize Federal FY 2010 State of Good Repair funds in the amount of \$4.448 million for design and site preparation work for a new Central Bus Operations and Maintenance Facility. UTA is seeking additional federal funding for construction of the project.

Proposed bus operation and maintenance facilities at the new site will include bus storage for up to 250 vehicles, a new bus maintenance and operations building, fuel/wash operations, a tank farm, compressed natural gas fueling facilities, detail bays, chassis wash bays, and a permanent location for support vehicles and equipment. The facility will maintain and store the buses for 30 bus routes.

Agency Coordination and Public Opportunity to Comment

UTA and FTA have coordinated with the following agencies and Native American tribes in the development of the Central Bus Operations and Maintenance Facility Environmental Assessment:

- Advisory Council on Historic Preservation
- Confederated Tribes of the Goshute Reservation
- Northwestern Band of Shoshone Nation
- Salt Lake City Community and Economic Development Department
- Salt Lake City Historic Landmarks Commission
- Salt Lake City Redevelopment Agency
- Shoshone-Bannock Tribes
- Skull Valley Band of Goshute Indians
- U.S. Department of the Interior
- Utah Department of Natural Resources
- Utah Heritage Foundation
- Utah Professional Archaeological Council
- Utah State Historic Preservation Office (SHPO)
- Ute Indian Tribe

UTA will continue to work with many of these agencies through project design and construction.

The EA for the Central Bus Operations and Maintenance Facility project was made available for public review on May 13, 2012, for a 30-day comment period that ended on June 11, 2012. The legal advertisement for the EA ran in *The Salt Lake Tribune* and the *Deseret News* on May 13, 2012, and a display advertisement ran in *El Observador*, a Spanish publication, on May 16, 2012. Notice was also posted on the UTA website and the State of Utah, Resource Development Coordinating Committee, Project Management System. Mailers announcing the availability of the EA and the public open house for the project were sent to property owners adjacent to the proposed site.

Copies of the EA were made available at UTA's Meadowbrook and FrontLines offices. Copies of the EA were also distributed to the SHPO, all other consulting parties, and the Utah Public Lands Policy Coordination Office. The EA was also posted on UTA's web site. Notification of the availability of the EA and the public meeting was sent to property owners adjacent to the existing and new facility site.

A public meeting was held on May 30, 2012 to present the proposed action and take comments on the EA. A display advertisement for the meeting appeared in *The Salt Lake Tribune* and the *Deseret News* on May 24, 2012. Nine members of the general public attended the hearing. No comments were received at the public meeting. Six comments were submitted in writing or by email during the comment period, including a

letter from the U.S. Department of the Interior (DOI) concurring that there is no feasible and prudent alternative to the Preferred Alternative (Proposed Action), and that all measures have been taken to minimize harm to these resources. DOI's concurrence was contingent upon execution of the MOA (the signed MOA is attached to the FONSI in Appendix B). No comments were received on the adverse effect determination and mitigation of adverse effects on historic properties. A summary of the comments received is presented in Appendix A of this FONSI, along with the responses from UTA and FTA.

Determination and Findings

The EA for the Central Bus Operations and Maintenance Facility project was issued in May 2012. The EA documented and disclosed the project's construction and operation will cause no significant adverse environmental impacts. This finding applies to all applicable environmental elements including Historic Properties and Parklands, Hazardous Materials, Land Use and Zoning, Land Acquisitions and Displacements, Traffic and Parking, Air Quality, Noise and Vibration, Water Quality, Wetlands, Flood Plains, Ecologically Sensitive Areas, Endangered Species, Safety and Security, Community Disruption, Environmental Justice, and Section 4(f) Resources.

After carefully considering the EA, associated supporting documentation, and the public comments and responses, **FTA finds under 23 CFR 771.121 that the proposed project will have no significant impacts on the environment.** The record provides sufficient evidence and analysis for determining that an EIS is not required.

A summary of project impacts is described below, with additional detail provided in the Environmental Assessment. The mitigation commitments for these impacts identified are presented on page 7.

Historic Properties

Six historic properties and two linear historic resources eligible for the National Register of Historic Places (NRHP) are located within the project area of potential effect. The Proposed Action will have No Effect on two of the historic properties and No Effect on the linear historic resources.

After considering all location and design avoidance alternatives, construction of the proposed Central Bus Operations and Maintenance Facility will result in an Adverse Effect on the remaining four historic properties. No location or design alternatives to the Proposed Action were found to be feasible and prudent for the proposed Central Bus Operations and Maintenance Facility site. The properties include the Denver & Rio Grande Western (D&RGW) Locomotive Shop, the D&RGW Tank Repair House, the D&RGW Roundhouse, and the D&RGW Warehouse/Hospital.

Hazardous Materials

Based on the site history, a Phase I site assessment and a Phase II limited site investigation were conducted to identify any soil or groundwater contamination. An environmental records search was conducted as part of the Phase I investigation. The records search identified sixteen leaking underground storage tank (LUST) sites, three Comprehensive, Environmental Response, Compensation, and Liability Information System/No Further Remedial Action Planned (CERCLIS/NFRAP) sites, and two voluntary cleanup sites within one-half a mile of the proposed Central Bus Operations and Maintenance Facility site. Two of the LUST sites were located on the proposed site itself. Four underground storage tank (UST) sites were also identified on or adjacent to the subject property. Based on the distance and regulatory status, off-property sites do not pose an environmental threat to the proposed site.

The Phase II investigation identified long-chained petroleum hydrocarbons and polynuclear aromatics as the most prevalent contaminants present at the proposed site. Free phase petroleum product was encountered in the soil and the groundwater on the east side of the property. Elevated levels of lead and arsenic were found in the soil throughout the property. The soil and groundwater impacts observed during the investigations are typical of a property used for historical railroad and manufacturing purposes.

Due to the historical presence of hazardous materials on the Proposed Action site, hazardous materials may be encountered in contaminated soils and/or groundwater during construction of the Proposed Action.

Land Use and Zoning

The proposed Central Bus Operations and Maintenance Facility site is zoned General Commercial (CG). The purpose of the CG district is to provide an environment for a variety of commercial uses. The proposed Central Bus Operations and Maintenance Facility is a permitted use in the CG zone. The Proposed Action is consistent with the existing and planned land uses in the area and supports the City's plans for future development at the existing Central Bus Operations and Maintenance Facility site.

Land Acquisitions and Displacements

The Proposed Action will require the acquisition by UTA of four properties and the relocation of four businesses. Approximately 4.98 acres of adjacent property have been identified by UTA to be acquired by UTA to meet the Proposed Action need for a 17 acre site. UTA will acquire these parcels and will have 18.69 acres available for the Proposed Action.

Traffic and Parking

The majority of the motorists traveling through the study intersections will experience a minimal to no impact due to the construction of the proposed Central Bus Operations and Maintenance Facility. The Proposed Action will add a total of 81 peak hour trips to the study intersections in the p.m. peak hour. Based on the comparison of the modeled 2030 Level of Service in the affected intersections with and without the Proposed

Action, the proposed Central Bus Operations and Maintenance Facility will result in minimal impact to the traffic in the area. The Salt Lake Engineering Division expressed concern that some adjacent streets may not be able to handle the increase in lead from the additional bus traffic associated with the project, requiring repair work of the roads sooner than what was planned by the City.

Parking at the new site for employees and visitors will be shared with the new Central Bus Operations and Maintenance Facility and the Frontlines Headquarters (FLHQ) building.

Air Quality

The Proposed Action is not a regionally significant project and, therefore, is not required to be included in the regional transportation plan. The project will not result in any new violations of the National Ambient Air Quality Standards (NAAQS), increase the frequency or severity of existing violations of the standards, or delay the attainment of the standards. Bus traffic already exists in the area from the existing maintenance facility. Train traffic already exists in the area. The CAL3QHC modeling results for adjacent intersections show that Carbon Monoxide (CO) concentrations in the affected area will be less than the 8-hour and 1-hour NAAQS. It is also unlikely that the slight increase in traffic volumes expected as a result of the Proposed Action will result in any new PM_{2.5} or PM₁₀ violations of the NAAQS. No significant air quality impacts are expected from implementation of the Proposed Action.

During project construction, fugitive dust could cause a temporary impact to air quality.

Noise and Vibration

Based on FTA's Transit Noise and Vibration Impact Assessment guidance manual, if no noise-sensitive or vibration-sensitive land uses are present within the area of project noise influence, then no further noise or vibration assessment is necessary. As no noise sensitive or vibration sensitive land uses are present near the proposed site, the Proposed Action will have no significant noise or vibration impacts.

Water Quality and Wetlands

There are no wetlands or waters of the U.S. located within the study area.

Floodplains

The proposed Central Bus Operations and Maintenance Facility site is not located in the 100-year floodplain. According to the Federal Emergency Management Agency (FEMA) mapping system, the site is classified as Zone X, which is an area of moderate or minimal hazard from the principal source of flood in the area. An area adjacent to the site on the southeast side is designated as Zone AH on the FEMA map; AH is a special flood hazard area inundated by 100-year floods and means flood depths of one to three feet (usually area of ponding); base flood elevations have been determined. The Proposed Action will not cause or contribute to flooding on the site or other properties.

Ecologically Sensitive Areas

No ecologically sensitive areas are within or adjacent to the Proposed Action site, and no impacts to ecologically-sensitive areas from the Proposed Action are expected.

Endangered Species

No threatened or endangered species are located in the proposed project area according to the Utah Division of Wildlife Resources. In addition, there is no suitable wildlife habitat at the site. Consequently, no impacts are expected to endangered species.

Safety and Security

Safety features incorporated into the design of the facility will include adequate lighting and visibility to prevent criminal activity, sufficient circulation for bus traffic, and easy access for fire and police vehicles. Facility design will also provide safe working conditions for all facility operations. The Proposed Action operations will be addressed in UTA's bus system safety plan. Site security measures will also include fencing, gates, and proper signage.

Community Disruption

The Proposed Action will not disrupt, disable, or isolate any segments of the community. Construction of the proposed Central Bus Operations and Maintenance Facility and the opportunity for future transit oriented development at the existing Central Bus Operations and Maintenance Facility is expected to enhance the character of the surrounding area by revitalizing the affected sites and providing new employment opportunities and economic benefit to the community.

Environmental Justice

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

UTA performed an environmental justice analysis as part of the EA. The analysis showed that the proposed action will not result in a disproportionately high and adverse effect on minority or low-income populations. The proposed action is likely to have a positive effect on the area by improving the proposed site. FTA finds that the construction and operation of the Central Bus Operations and Maintenance Facility will

not have disproportionately high and adverse effects on low-income or minority populations.

Mitigation Commitments

Historic Properties

Adverse effects to the four historic properties will require mitigation. The mitigation measures include the following:

- Development of an Interpretive Display that incorporates the thematic elements of railroading's role in the local area and the history of the affected properties;
- Development of educational curriculum that includes a teaching kit with a related lesson and activity plan targeting public education students in the 4th and/or 7th grades;
- A monetary contribution to the Utah Heritage Foundation's Revolving Fund Loan Program; and
- A monetary contribution to the Utah Heritage Foundation to help fund a statewide study on the benefits of historic preservation in Utah.

Commitments for the mitigation measures for the adverse effect to historic properties are specifically outlined in the Memorandum of Agreement (MOA) between FTA and the Utah SHPO. The MOA is shown in Appendix B. In addition to the MOA, in accordance with 36 CFR 800.13(b), FTA and UTA are providing for the protection, evaluation, and treatment of any historic property discovered prior to or during construction. The procedures to be followed if any historic properties and/or human remains are discovered during construction of the project are described in the MOA.

Hazardous Materials

During construction, UTA will determine whether pollutant concentrations of the hazardous materials encountered in excavated soils exceed acceptable regulatory levels to be determined to be a hazardous material or contaminated material (e.g. petroleum contaminated soil). If so, UTA will have the excavated soils removed from the site. For excavated soils, soil characterization will be conducted to determine the appropriate disposal options. If groundwater is encountered during construction, the groundwater will also be sampled and disposed of properly. Procedures will be implemented by UTA in conformance with local, state, and federal regulations and the appropriate authorities will be notified. When necessary, personal protective equipment for workers and engineering controls, such as dust control, temporary soil covers, and groundwater extraction, will be used to reduce the potential for public or worker exposure to hazardous materials. Implementation of appropriate handling and disposal procedures during construction will reduce or eliminate any potential impacts from hazardous materials.

Disposal of Debris and Soils

Construction debris will be disposed of in accordance with federal, state and local regulations. If contaminated soils are encountered during construction activities, excavated material will be stockpiled, tested, and disposed of in accordance with applicable federal, state, and local regulations.

Land Acquisitions and Displacements

The Proposed Action will require the acquisition by UTA of four properties and the relocation of four businesses. Adequate, decent, safe, and sanitary replacement facilities are available at affordable costs in the area. Relocation resources will be available to all relocated persons without discrimination.

All acquisitions and relocations will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR 24).

During construction, UTA will coordinate with adjacent businesses to alleviate inconvenience, prevent disruptions, or access problems for businesses and their patrons.

Traffic and Parking

During construction, UTA will keep local residents and business owners aware of construction-related activities. Coordination could also include signage to keep the public aware of businesses that are open during construction. In addition, a cautionary speed limit will be posted, as necessary, such as when heavy duty equipment hauling building supplies or preformed structures is blocking a roadway or utility construction is required and equipment must be located adjacent to or in the roadway or if roadway improvements are necessary once the utility construction has been completed and placement of new pavement is necessary, to reduce traffic speeds. Signage and a cautionary speed limit would help drivers adjust driving patterns and improve traffic safety during construction.

UTA will work with Salt Lake City to include any necessary permanent project-related roadway improvements as determined during final design.

If the final design for the new facility cannot accommodate sufficient on-site parking for all employees and visitors on the new bus facility and FLHQ site, UTA will submit a request to the Salt Lake City zoning administrator for a reduction of required parking spaces for the shared parking. If the request for a reduction of required parking spaces is not approved by Salt Lake City, UTA will construct an employee parking structure on the Proposed Action site to accommodate the parking requirements. No impacts are expected from the employee parking structure on the site because it will be a 2-story structure, located on UTA property, in an industrial setting.

Air Quality

To reduce air quality impacts from construction activities, a fugitive dust control plan will be developed prior to project construction. Fugitive dust will be controlled during project construction by implementing best management practices, such as preventing debris from leaving the site via vehicle and equipment tires and chassis, minimizing ground disturbing activities during high wind periods, and water suppression as needed.

The fugitive dust control plan will be developed and submitted to the Utah Division of Air Quality prior to project construction to reduce air quality impacts from construction activities and as required by Utah Air Quality Rule, R307-309.

Noise

All construction activities will comply with city and county noise ordinances.

Water Quality

Appropriate storm drainage facilities will be included in the design, in accordance with Salt Lake City regulations for storm drainage. All process-related water from maintenance operations will be discharged to the sanitary sewer in accordance with local requirements. In addition, a Utah Pollution Discharge and Elimination System (UPDES) stormwater construction permit will be obtained from the Utah Division of Water Quality prior to the start of construction activities. In accordance with the permit requirements, a stormwater pollution prevention plan will be prepared and best management practices will be implemented at the site to prevent any sediment runoff during construction activities.

UTA will coordinate with Salt Lake City during design to ensure that the design of the new facility incorporates a stormwater management system that will meet Salt Lake City regulations.

Floodplains

The Proposed Action will be designed to not cause or contribute to flooding on the site or other properties. .

Safety and Security

Final design of the Proposed Action will include safety and security measures including adequate lighting and visibility to prevent criminal activity, sufficient circulation for bus traffic, easy access for fire and police vehicles, and fencing, gates, and proper signage to meet site security measures. In addition, operation of the Proposed Action will be included in UTA's bus system safety plan.

During construction, standard construction practices to ensure safety and security on and around the construction site will also be implemented, including adherence to all Occupational Safety and Health Administration guidelines and UTA Health and Safety Standard Operating Procedures.

Disruption of Utilities

Prior to construction, UTA will coordinate with utility providers, including, but not limited to gas, electric, telephone, stormwater system, sanitary sewer and water system to decrease the possibility of utility disruptions. UTA will ensure that utility providers and customers are informed in advance of utility disruptions.

Section 4(f) Findings

Section 4(f) of the Department of Transportation Act of 1966, codified at 49 USC 303, declares a national policy that a special effort should be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects that adversely affect such resources unless a determination is made that there is no feasible and prudent alternative, and that all possible planning has been done to minimize harm (23 CFR 771.135, 23 CFR 774).

The Proposed Action will result in the use of four properties considered eligible for the NRHP under either Criterion A or Criterion C (or both). The project will have an adverse effect under Section 106 and a use under Section 4(f) of the following properties: D&RGW Locomotive Shop, the D&RGW Tank Repair House, the D&RGW Roundhouse, and the D&RGW Warehouse/Hospital.

Based on the Section 4(f) Evaluation presented in the Environmental Assessment of the project's use of Section 4(f) properties, FTA has concluded that there are no prudent and feasible avoidance alternatives to the use of the Locomotive Shop, the Tank Repair House, the Roundhouse, and the Warehouse/Hospital. As described in the Section 4(f) Evaluation, the Project includes all possible planning to minimize harm to Section 4(f) properties resulting from use.

FTA finds that there is no feasible and prudent avoidance alternative to the use of the historic D&RGW Locomotive Shop, the D&RGW Tank Repair House, the D&RGW Roundhouse, and the D&RGW Warehouse/Hospital and that all possible planning has been done to minimize harm.

Environmental Finding

The Central Bus Operations and Maintenance Facility project Environmental Assessment (May 2012) is incorporated by reference as part of this Finding of No Significant Impact (FONSI). In accordance with 49 USC Section 5324(b), FTA has determined that the environmental documentation prepared for the project satisfies the statutory and regulatory requirements of NEPA and fully evaluates the potential environmental impacts of the project. The environmental document represents the detailed statement required by NEPA regarding:

- The environmental impacts of the proposed project;
- Adverse environmental effects which cannot be avoided should the proposed project be implemented;
- Alternatives to the proposed project; and
- Irreversible and irretrievable commitments of resources, which would be involved if the proposed project is implemented.

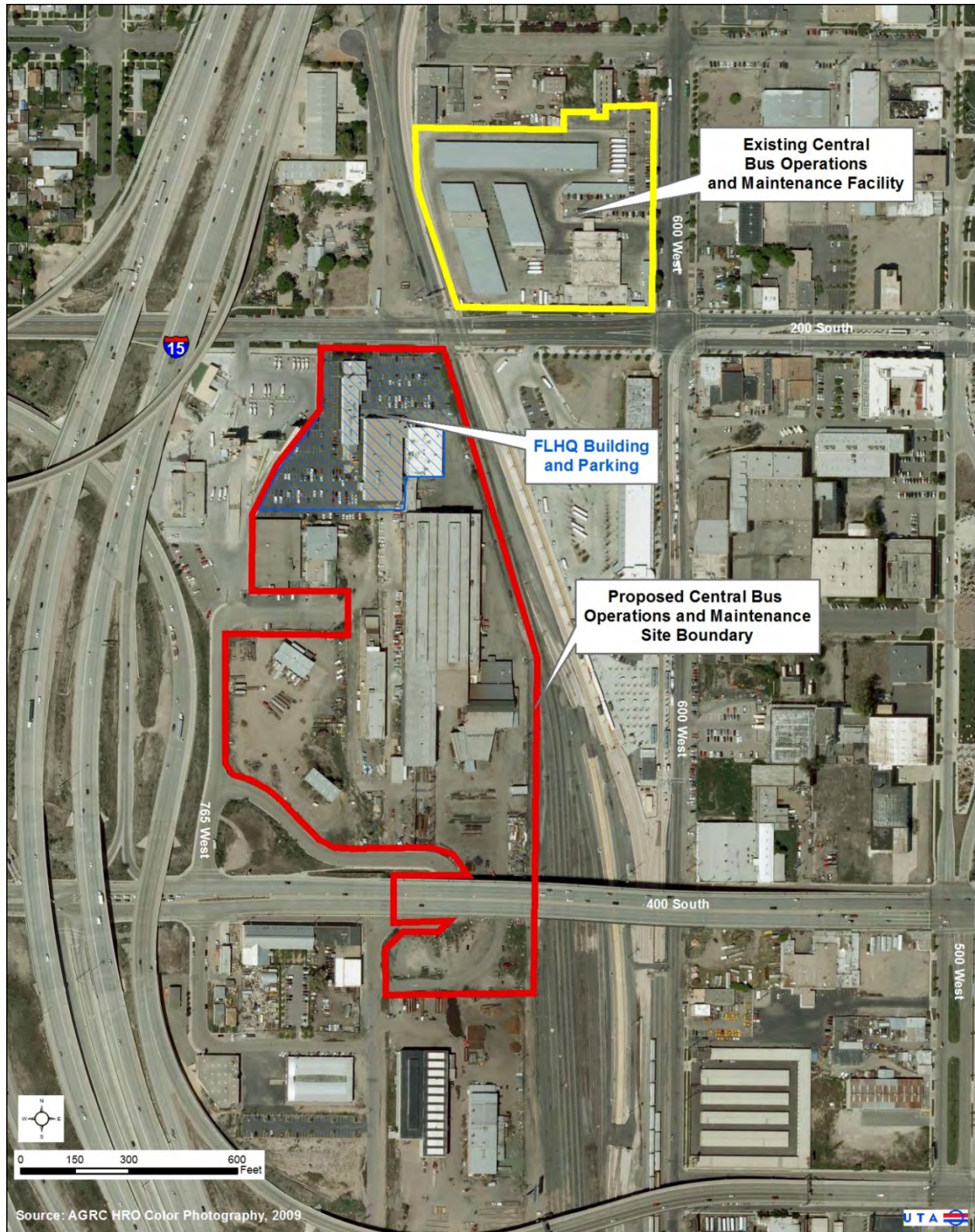
Having carefully considered the environmental record noted above, the mitigation measures as required herein, and the written and oral comments offered by other agencies and the public on this record, the FTA has determined that adequate opportunity was afforded for the presentation of views by all parties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

Based on the Environmental Assessment, its associated supporting documents, and the mitigation commitments described above, the Federal Transit Administration finds pursuant to 23 CFR 771.121 that there are no significant impacts on the environment associated with the development and operation of the proposed Central Bus Operations and Maintenance Facility project.

Charmaine Knighton
 Charmaine Knighton
 Acting Regional Administrator
 Federal Transit Administration

6/30/2012
 Date

Figure 1. Central Bus Operations and Maintenance Facility Study Area



Appendix A
EA Comments and Responses

Appendix A

EA Comments and Responses

This appendix summarizes the written comments received on the EA during the 30-day public comment period. The public comment period was from May 13, 2012, to June 11, 2012. This appendix also includes the project team's responses to the comments received.

A total of 6 comment submissions were received on the EA from individuals and government agencies. The comment submissions took the forms of letters and e-mails.

The comments received on the EA and the agency's responses are summarized below:

Traffic Loads and Access Points. One commenter recommended considering unique traffic options such as a roundabout at 400 South and 900 East to accommodate eastbound traffic during peak hours.

Response: As stated in the EA traffic section, UTA will work with Salt Lake City to include any necessary project related roadway improvements in the City programming and budget.

Waters of the United States. The U.S. Army Corps of Engineers sent a letter stating that the proposed project does not require a Department of the Army Permit. The letter stated that appropriate soil erosion and sediment controls should be implemented onsite to prevent construction materials and/or activities from entering any waters of the United States.

Response: As stated in the EA, appropriate storm drainage facilities will be included in the design and appropriate use of best management practices during construction will ensure that no contamination from the project will reach any waters of the United States.

Support of Project: One commenter expressed great support for the project at the proposed site for UTA to meet its bus operating and maintenance needs.

Response: UTA appreciates support from the community for the project.

Section 4(f). The Department of the Interior concurs that there is no feasible or prudent alternative to the Preferred Alternative in the EA, and that all measures have been taken to minimize harm to the historic resources. Concurrence is contingent upon successful completion of the MOA.

Response: The MOA has been signed and will be executed.

Project Design. One commenter asked if a designer has been selected for the project and if there will be a request for proposals.

Response: A designer has not been selected and a request for proposals is proceeding.

Property Acquisition. One adjacent property owner sent a letter commenting on the acquisition of his property. The letter stated concerns regarding a fair settlement for the property acquisitions.

Response: UTA will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR 24), and work with the property owners in acquiring the necessary property.

Appendix B
Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL TRANSIT ADMINISTRATION (FTA)
AND THE
UTAH STATE HISTORIC PRESERVATION OFFICER (SHPO)**

**REGARDING
THE CENTRAL BUS OPERATIONS AND MAINTENANCE FACILITY
SALT LAKE COUNTY, UTAH
June 14, 2012**

WHEREAS, the Utah Transit Authority (UTA) is proposing to construct the Central Bus Operations and Maintenance Facility (Project) and is seeking financial assistance from the U.S. Department of Transportation Federal Transit Administration (FTA) for the design and construction of the Project, which is therefore a Federal undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulation, 36 CFR 800; and

WHEREAS, the proposed federally assisted undertaking is the design and construction of the Project located on the site of a previous Denver & Rio Grande Western train maintenance facility between 200 South and 400 South and between approximately 650 West and 750 West in Salt Lake City, Utah with bus operations and maintenance facilities for up to 250 buses as described in detail in the *Central Bus Operations and Maintenance Facility Environmental Assessment*, April 2012, and

WHEREAS, FTA, in consultation with the SHPO and Consulting Parties (i.e. UHF and Salt Lake City), has designated the Area of Potential Effects (APE), as defined in 36 CFR 800.16(d), to be the area south of 200 South, west of the Union Pacific Railroad tracks, including the tracks, east of 765 West and I-15, and north of 450 South; the block north of 200 South, south of 100 South, west of 600 West and east of the Union Pacific Railroad tracks is also included in the APE.

WHEREAS, FTA, in consultation with the SHPO, has determined, pursuant to 36 CFR 800.5(a), that the construction of the Project will have an adverse effect by demolishing four historic properties that have been determined to be eligible for the National Register of Historic Places (NRHP). These properties are: Denver and Rio Grande Western (D&RGW) Boiler and Engine Shop (a.k.a. The Locomotive Shop), the D&RGW Tank Repair House, the D&RGW Roundhouse, and the D&RGW Hospital Building and Warehouse (a.k.a. the Hospital Building) ; and

WHEREAS, Section 106 of the National Historic Preservation Act, 16 USC 470 *et seq.* requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings; and

WHEREAS, FTA has notified the ACHP of its adverse effect determination pursuant to 36 CFR 800.6(a)(1) and the ACHP has determined that their participation in the consultation to resolve adverse effects is not needed; and

WHEREAS, the public and Consulting Parties were given an opportunity to comment on the adverse effects of the undertaking; and

WHEREAS, UTA has participated with FTA in the consultation and has been invited to be an invited signatory to the MOA to reflect its commitment to implement the stipulations in this MOA; and

WHEREAS, UHF has participated with FTA in the consultation and has been invited to be an invited signatory to the MOA to reflect its commitment to implement the stipulations related to the Revolving Loan Fund; and

WHEREAS, Salt Lake City has participated with FTA in the consultation and has been invited to be a concurring party to the MOA; and

NOW, THEREFORE, FTA and the Utah SHPO and the other parties hereto agree to implement this executed MOA in accordance with the following stipulations.

STIPULATIONS

FTA will ensure that the terms of this Agreement are carried out and will require, as a condition of any approval of FTA funding for the Project, adherence to the stipulations of this Agreement. UTA, as the project sponsor, will take the lead in the implementation of each stipulation unless otherwise noted in the stipulation.

- I. **INTERPRETIVE DISPLAY:** To address the adverse effect from demolishing the four historic properties, which are representative of the significant role of the Denver & Rio Grande Western Railroad Company in the historical settlement and development of Salt Lake City, UTA shall develop, install, and maintain a publicly accessible interpretive display that incorporates the thematic elements of railroading's role in the local area, the history of the affected buildings, or related themes agreed upon with the signatories to this agreement. UTA shall fund the development and installation of the interpretive display. UTA shall design and construct quality products for the interpretive display which shall not exceed a cost of \$100,000.
 - A. Within six months of execution of this MOA, UTA shall convene an interpretive display advisory committee (advisory committee) to assist in the development of the content and design of the interpretive exhibit. The SHPO, UHF, Salt Lake City and other individuals or groups recommended by the signatories to this agreement shall be invited to participate on the committee and meet at major milestones to review

the content and design. The design of the interpretive display shall include consideration of the following:

- i. Illustrate the historic significance of the Denver and Rio Grande Western (D&RGW) Boiler and Engine Shop (a.k.a. The Locomotive Shop), the D&RGW Tank Repair House, the D&RGW Roundhouse, and the D&RGW Hospital Building and Warehouse (a.k.a. the Hospital Building) and the associated influence on Salt Lake City.
 - ii. Design of the interpretive display shall include consideration of durability, maintenance, and safety.
- B. UTA shall develop a web based application as part of the interpretive display. The content shall be related to the historic themes represented by the buildings that are adversely affected by the Project and shall be housed on a webpage or website containing text and photographs related to the aforementioned themes.
- i. As part of the interpretive display, UTA shall develop content for an interactive web based application for the interpretive display.
 - ii. UTA shall develop the web based application and website content and shall submit the content to FTA and the SHPO for review and comment. UTA shall provide the content to the advisory committee for review and comment. UTA shall consider the comments from the advisory committee prior to finalizing the content.
 - iii. Reviewing parties shall have 30 calendar days to provide comment to UTA. Should a party not provide comments during that period, UTA shall assume said party approves of the material.
 - iv. UTA shall provide the signatories to this MOA with a proposal as to where the web based materials shall be housed and how the web based interpretive display will be accessed, including, but not limited to the use of a Quick Response Code.
 - v. UTA shall provide the SHPO with hardcopies of the website materials and back up electronic files to re-create the web-based site if needed. UTA shall provide electronic files to the SHPO so that the website can be updated in the future, separate from the stipulations in this MOA.
- C. UTA shall locate the interpretive display in or near UTA's existing or planned Salt Lake Central Station (formally known as the Gateway Intermodal Hub). This location is adjacent to the Central Bus Operations and Maintenance Facility. Pending review of the interpretive display by the SHPO with input from the advisory committee on the content, the interpretive display shall be placed in a location readily accessible to the general public. UTA shall consult

with the signatories of this MOA and the advisory committee regarding the location of the display. If the display is located outside or in the existing intermodal hub building, UTA shall complete installation of the exhibit within 18 months from the execution of this MOA unless the signatories of this MOA agree to an extension of the time limit. If UTA proceeds with the design and construction of a new Salt Lake Central Station terminal building within 18 months from the execution of this MOA, UTA shall consult with the signatories of this MOA and the advisory committee regarding installation of the interpretive display within the new Salt Lake Central Station terminal building. The signatories of this MOA shall agree to a date for installation of the interpretive display that will coincide with the construction of the new terminal building.

- II. **MONETARY DONATION:** UTA shall donate local funds in the amount of \$175,000 to the Revolving Loan Fund program administered by the Utah Heritage Foundation (UHF).
 - A. The UHF shall ensure that the funds donated by UTA are administered in a manner consistent with the standard operating procedures of the loan program.
 - B. Funds shall be restricted to projects located within Salt Lake City.
 - C. Salt Lake City's Gateway District is located between Interstate I-15 on the west, 300 West on the east, North Temple on the north, and 1000 South on the south. Projects involving buildings associated with the railroad history of Salt Lake City or projects located with the Gateway District shall be given top priority in relation to the distribution of funds provided by the UTA; however, other projects shall be considered. This prioritization shall only apply to the initial distribution of the funds.
 - D. The donation shall be made prior to December 31, 2013 or prior to the demolition of any of the four historic properties, whichever occurs first.
- III. **PUBLIC OUTREACH – EDUCATIONAL CURRICULUM:** UTA shall develop a teaching kit with a related lesson and activity plan targeting public education students in the 4th and/or 7th grades. The kit shall be focused on the themes and resources affected by the Project and shall be developed to supplement existing student outreach activities of the UHF and the History for Kids section of the State of Utah's *History to Go* website. Within six months of the execution of this MOA, UTA shall convene an education curriculum advisory committee. UTA shall fund the development of a quality teaching kit with a cost not to exceed \$75,000.
 - A. UTA shall consult with the SHPO and the Consulting Parties regarding the content of the kit and its relationship to the existing student outreach programs of these parties and/or other organizations identified by the signatories to this MOA.
 - B. UTA shall consult with the Utah State Office of Education to identify and incorporate any curriculum or equipment restrictions to enhance

the likelihood of educator adoption of the kit; however, UTA does not guarantee adoption of the kit by the Utah public school system.

C. The draft lesson and activity plan shall be provided to consulting parties for review within 2 years of execution of this MOA.

D. UHF shall include the Educational Curriculum developed as specified in this MOA on their website under Resources for Educators.

IV. **MONETARY DONATION FOR STATEWIDE STUDY ON BENEFITS OF HISTORIC PRESERVATION:** A statewide study on the economic benefits of historic preservation in Utah is being pursued by several organizations. The effort is being led by Utah Heritage Foundation. The Study of Economic Impacts of Historic Preservation in Utah will focus on how historic preservation contributes to Utah's recognition of history, societal well-being, positive reflection on community, and high quality standard of living.

A statewide study of the economic impacts will provide analysis of the following:

- direct impacts of reusing, preserving, and utilizing historic structures in commercial, residential, and individual settings;
- public incentive leveraging of private investment and public return
- job creation
- property values
- heritage tourism
- downtown revitalization
- affordable housing
- preservation as sustainable conservation and smart growth

UTA shall contribute \$25,000 to UHF to help fund the Study within one year of the execution of this MOA.

V. **DISCOVERY:** Should excavation or inadvertent discovery of historic properties, historic resources, archeological resources, properties of religious or cultural significance, or human remains occur, the appropriate federal and/or state laws and regulations shall apply. In accordance with 36 CFR 800.13(b), the UTA is providing for the protection, evaluation, and treatment of any historic property discovered prior to or during construction. If, prior to the start of construction, UTA determines that the undertaking shall affect a previously unidentified cultural resource that may be eligible for listing in the NRHP, or affect a known historic property in an unanticipated manner, UTA shall address the discovery or unanticipated effect in accordance with 36 CFR § 800.13(b). If any previously unidentified resource is discovered and/or identified during construction, UTA employees and UTA contractors and subcontractors

shall ensure the following procedures are implemented. The following procedures, shall be incorporated into all construction contracts:

- A. UTA contractors shall immediately suspend construction operations in the vicinity (minimum 100 foot buffer) of the discovery if a suspected historic, archeological or paleontological item, feature, prehistoric dwelling site or artifact of historic or archeological significance is encountered, unless doing so would result in unsafe work conditions. If unsafe work conditions are present, they shall immediately be made safe and then construction within the vicinity of the discovery shall immediately cease.
- B. UTA contractors shall notify the UTA Project Manager for the Central Bus Operations and Maintenance Facility project verbally of the nature and exact location of the discovery.
- C. UTA Project Manager for the Central Bus Operations and Maintenance Facility project shall immediately contact the SHPO and FTA.
- D. UTA Project Manager for the Central Bus Operations and Maintenance Facility project shall consult with a qualified historian or archaeologist to advise SHPO, FTA and UTA regarding the significance and recommended disposition of the discovery.
- E. UTA Project Manager for the Central Bus Operations and Maintenance Facility shall protect the discovered objects from damage, theft, or other harm while the procedures of this stipulation are being carried out.
- F. UTA and FTA shall consult with the SHPO in accordance with 36 CFR 800.13(b)(3) toward developing and implementing an appropriate treatment plan prior to resuming construction. The SHPO shall respond in no more than five days. The time necessary for the SHPO consultation shall depend on the nature and condition of the discovered item. FTA shall not allow work to resume in the vicinity of the discovery and UTA shall not resume construction until mitigation of historic properties is agreed upon by the SHPO, FTA and UTA.
 - 1. If the discovery is an isolated artifact, an isolated set of fewer than 10 artifacts, or a collection of artifacts that appear to be removed from their original context, the qualified historian or archaeologist will document the discovery and construction shall be allowed to proceed without further consultation and no treatment plan will be required.
- G. Should human remains be inadvertently discovered during construction on nonfederal lands the relevant sections of Utah Code Annotated

shall apply; including, but not limited to 9-8-309 and 9-9-40. If ancient human and/or Native American human remains are excavated or inadvertently discovered on nonfederal lands, the relevant sections of Utah State Code Annotated shall apply, in particular, 9-8-309 "Ancient human remains on nonfederal lands that are not state lands" and 9-9-403 "Ownership and disposition of Native American remains."

1. All project-related ground disturbing activity within 300 feet of the discovery shall cease immediately. UTA Project Manager for the Central Bus Operations and Maintenance Facility shall notify FTA, Salt Lake City Police or coroner as soon as practicable for instructions concerning disposition of the find.
- V. REPORTING: As long as this MOA or its Amendments are in effect, UTA shall provide an annual report to FTA and the SHPO of any and all activities carried out pursuant to this MOA, and upon request, to any other interested parties by December 31 of each year.
- VI. PERSONNEL QUALIFICATIONS: UTA shall ensure that all work carried out pursuant to this MOA is completed by or under the direct supervision of a person or persons meeting or exceeding the *Secretary of the Interior's Professional Qualification Standards for History and/or Archaeology* (36 CFR Part 61) as appropriate to the specific task.
- VII. DURATION: This MOA shall be null and void upon completion of the undertaking, as evidenced by FTA close-out of all grants related to the project, or ten (10) years from the date of execution of the MOA, whichever occurs first. Prior to such time, any of the signatories hereto may consult to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.
- VIII. DISPUTE RESOLUTION: Should any signatory to this agreement object at any time to any actions proposed by UTA or the manner in which the terms of this MOA are implemented, UTA and objecting signatory shall consult to resolve the objection. If UTA or objecting signatory determines that the objection(s) cannot be resolved, it will notify the FTA, and the FTA will attempt to resolve the issue. If the FTA determines that such objection cannot be resolved, the FTA will:
- A. Forward all documentation relevant to the dispute, including the FTA proposed resolution, to the ACHP. The ACHP shall provide the FTA with advice on the resolution of the objection within thirty days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FTA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them a copy of

this written response. FTA will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty day time period, the FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FTA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

Further, at any time during implementation of the measures stipulated in this MOA should an objection to any such measure be raised by a member of the public, the UTA shall take the objections into account and consult as needed with the objecting party, the FTA, and the SHPO to resolve the objection.

- IX. **AMENDMENTS AND NONCOMPLIANCE:** If FTA or the SHPO determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that signatory shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment shall be effective on the date a copy, signed by all of the original signatories, and is filed with ACHP. If the signatories cannot agree to appropriate terms to amend the MOA within 30 days, or another time period agreed to by all signatories, FTA or the SHPO may terminate the MOA in accordance with Stipulation X, below.

In the event UTA applies for federal funding or a permit from another federal agency, and the undertaking remains unchanged, the additional approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with the SHPO. Any necessary modifications will be considered in accordance with the original MOA and 36 CFR 800.6(c)(7) and 800.6(c)(8).

Once the MOA is terminated, and prior to work continuing on the undertaking, FTA shall either execute an MOA pursuant to 36 CFR 800.6 or request, take into account, and respond to comments of the ACHP under 36 CFR 800.7. FTA shall notify the signatories as to the course of action it will pursue.

- X. **TERMINATION:** If an MOA is not amended following the consultation set out in Stipulation IX, it may be terminated by FTA or the SHPO.

Execution of this MOA by FTA and the SHPO, the submission of documentation and filing of this MOA with ACHP pursuant to 36 CFR 800.6(b)(1)(iv) prior to FTA's approval of this undertaking, and implementation of its terms, is evidence

that the FTA has taken into account the adverse effects of this undertaking on historic properties, and has afforded the SHPO and ACHP an opportunity to comment on the effects of the Central Bus Operations and Maintenance Facility project on historic properties.

FEDERAL TRANSIT ADMINISTRATION

By: Charmaine Knighton Date: 6/15/2012
Charmaine Knighton, Acting FTA Region VIII Administrator

UTAH STATE HISTORIC PRESERVATION OFFICER

CH By: Wilson G. Martin Date: 6/25/2012
Wilson G. Martin, Utah SHPO

Invited Signatories:

UTAH TRANSIT AUTHORITY

By: Michael A. Allegra Date: 6/19/2012
Michael A. Allegra, General Manager

UTAH HERITAGE FOUNDATION

By: Kirk Huffaker Date: 6.20.12
Kirk Huffaker, Executive Director

Concurring Parties:

SALT LAKE CITY CORPORATION

By: Wilf Sommerkorn Date: 6-26-12
Wilf Sommerkorn, Planning Director