

**Environmental Assessment for Replacement of the 9th Street Bridge
Over New York Avenue and the Amtrak Rail Facilities, NE
in Washington D.C.**

Categorical Exclusion Determination
for
Replacement of the 9th Street Bridge
over
New York Avenue & Amtrak Rail Facilities, NE
in
Washington, DC

March 12, 2004

Introduction

The District of Columbia Department of Transportation (DDOT) proposes to replace the 9th Street Bridge over New York Avenue and Amtrak rail facilities in Northeast Washington, DC. Because it uses federal funds, the proposed replacement constitutes a federal action subject to the National Environmental Policy Act (NEPA). The documentation presented below is intended to show that a categorical exclusion will satisfy NEPA requirements for this proposed action, consistent with 32 CFR 1508.4 (*Council on Environmental Quality NEPA Regulations – Terminology and Index – Categorical Exclusion*) and in accordance with 23 CFR 771.117(d) (*Federal Highway Administration [FHWA]'s Environmental Impact and Related Procedures – Categorical Exclusions*), which states:

Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to [...] (3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

1. Description of the Proposed Action

The proposed action for which this Categorical Exclusion Determination is provided consists of:

- Construction of a new bridge on an alignment slightly west of the existing bridge. The bridge is a non-redundant two-girder structure. Because of this, replacing it on the same alignment would require a 30-month closure, resulting in an unacceptable disruption of traffic. The change of alignment will allow the existing bridge to remain in use during the entire duration of the work, thus minimizing impacts on traffic.

- Demolition of the existing bridge after the new bridge is completed.
- Realignment and reconfiguration of access roadways to and from the bridge, including elimination of the sub-standard on/off ramps connecting westbound New York Avenue and 9th Street as well as of the signalized intersection on New York Avenue with the ramp from southbound 9th Street. All movements between New York Avenue and 9th Street will be controlled via a signalized intersection at New York Avenue and the ramp from Brentwood Parkway/Mt. Olivet Road. The existing signalized intersection of Mt. Olivet Road, Brentwood Parkway, and 9th Street will be reconfigured. The substandard vertical profile of 9th Street will be improved to provide additional stopping sight distance for vehicles. The narrow sidewalks and difficult pedestrian crossings along 9th Street will be upgraded. Also included are lighting improvements, right-of-way acquisition, and related work.

The proposed action is illustrated in Figure 1 (Project Location), Figure 2 (Project Site and Vicinity), and Figure 3 (Preliminary Design).

2. Purpose and Need

The existing 9th Street Bridge was built in the 1940's and is in very poor condition. Temporary supporting braces are in place to allow vehicles to continue using the bridge; weight restrictions limit the size of vehicles allowed to use it. Access roadways on either side of New York Avenue are configured in a fashion that makes it difficult for pedestrians to negotiate them safely. Several of these roadways do not have sidewalks. Existing sidewalks, especially those on the bridge, are narrow, are in very poor condition, and are not compliant with the Americans with Disabilities Act.

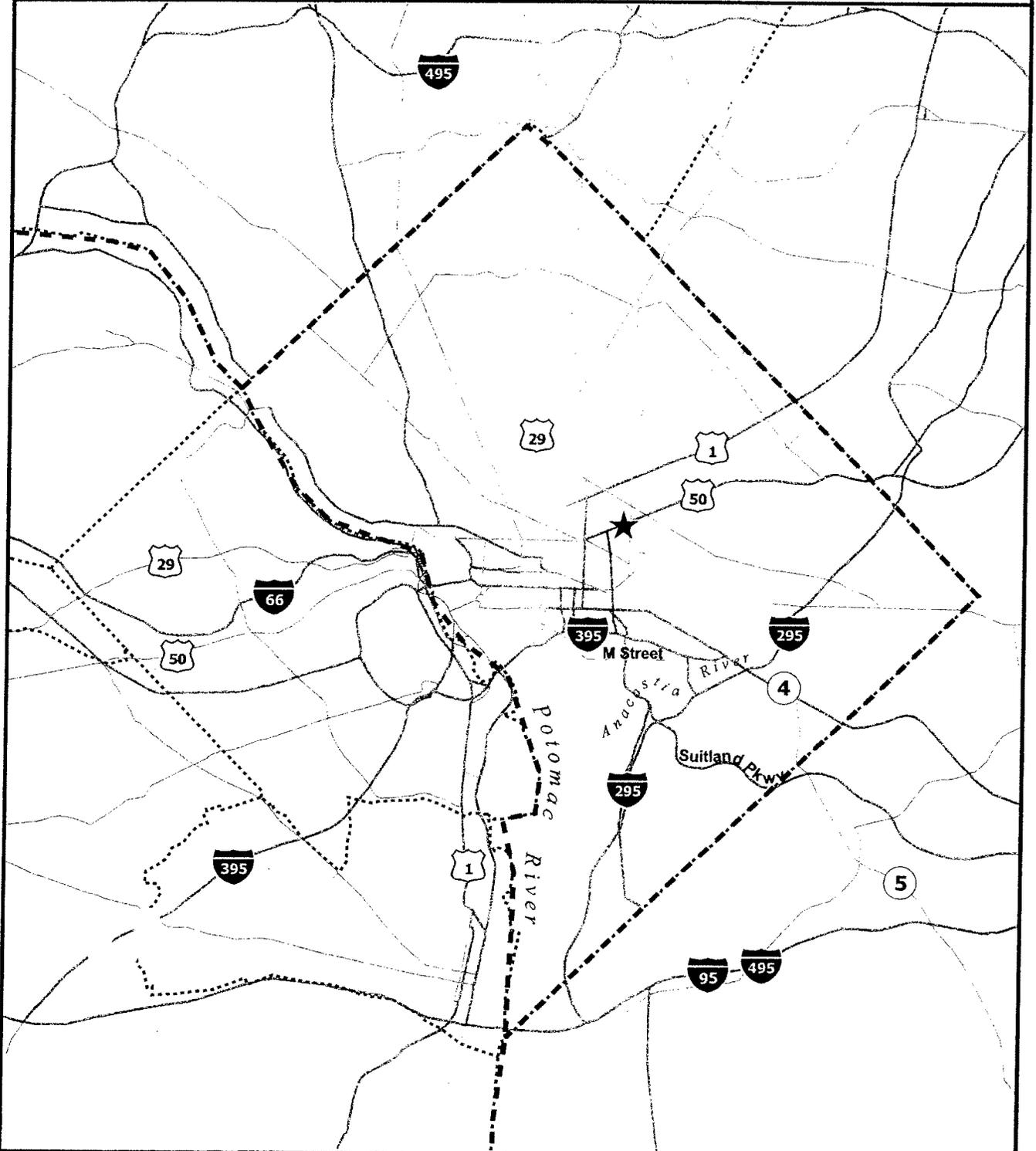
The purpose and need for the proposed action is to remedy these conditions by providing a new bridge that will be safe and accessible for both vehicles and pedestrians. Reconfiguration of the access roads to create right-angled intersections and crosswalks will provide a more pedestrian-friendly environment that will facilitate foot travel between the neighborhoods that lie on the north and south sides of the bridge.

3. Environmental Effects

3.1. Urban and Community Impacts

Replacement of the 9th Street Bridge will not have any significant impacts on the surrounding urban fabric and local community other than to encourage pedestrian travel.

Project Location



- ★ Project Location
- - - State Boundary
- County Boundary

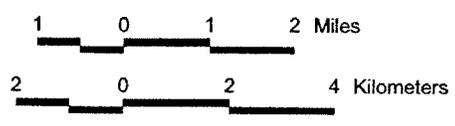


Figure 1

Project Area and Vicinity



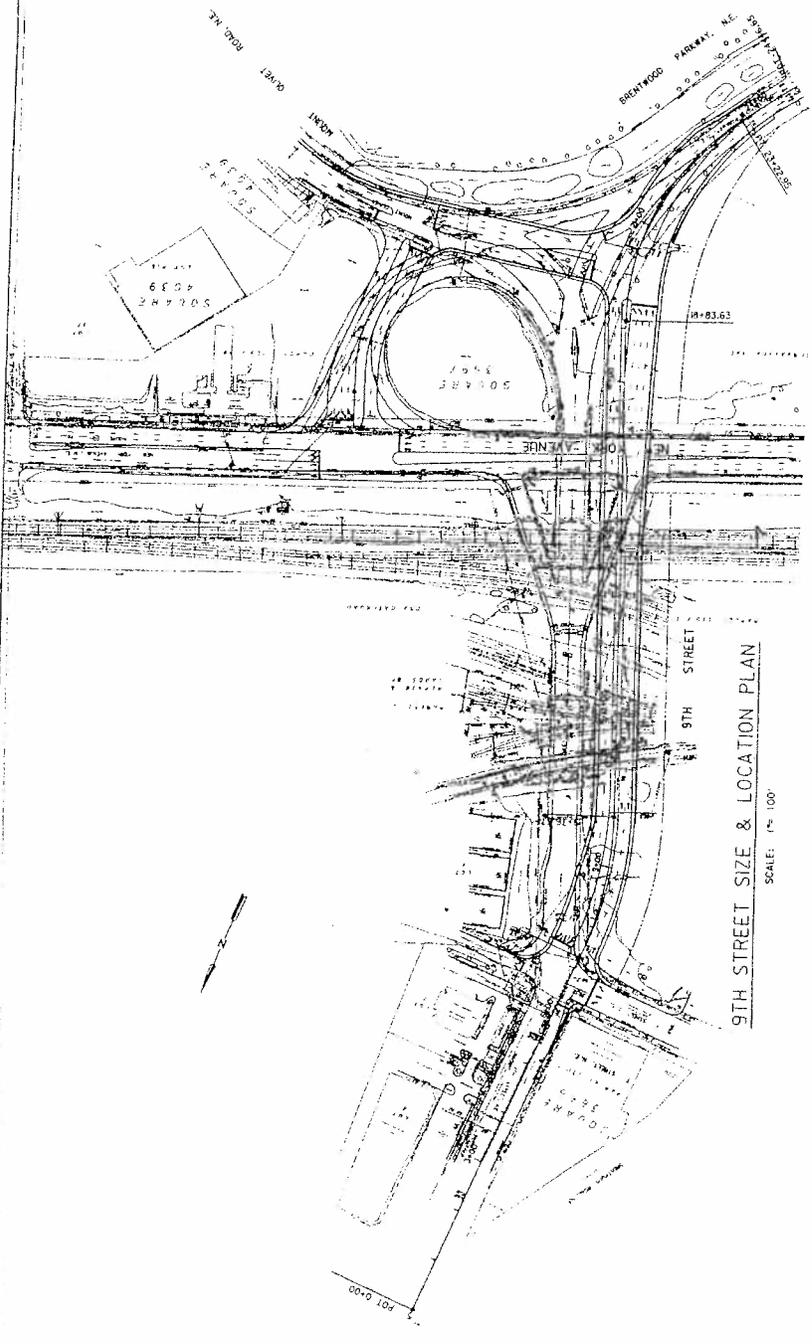
100 0 100 200 Feet

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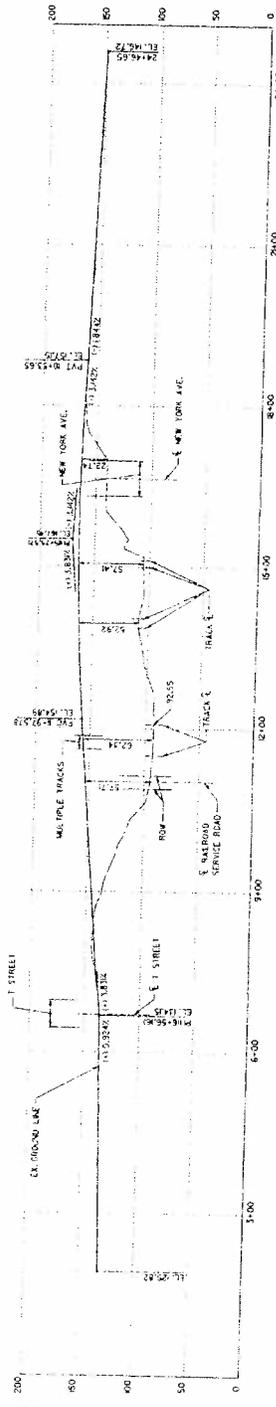


Figure 2

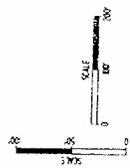
DATE	REVISION	BY	CHKD
3	D.C.		



9TH STREET SIZE & LOCATION PLAN
SCALE: 1" = 100'



9TH STREET PROFILE
SCALE: 1" = 100' HORIZONTAL
1" = 50' VERTICAL



MARCH 18, 2004
D.C. DEPARTMENT OF TRANSPORTATION
INFRASTRUCTURE PROJECT MANAGEMENT ADMINISTRATION
PROJECT MANAGEMENT DIVISION

RECONSTRUCTION OF 9TH STREET BRIDGE OVER
NEW YORK AVENUE & AMTRAK RAILROAD FACILITIES
WASHINGTON, D. C.

PRELIMINARY DESIGN
SIZE & LOCATION PLAN
PROFILE

TAMS
TRANSPORTATION ADMINISTRATION MANAGEMENT SYSTEMS
TAMS ARCHITECTS & ENGINEERS, P.C.
102 G. STREET, N.W., SUITE 500
WASHINGTON, D.C. 20008

PROJECT NO.	
DATE	
DIVISION CHIEF	
PROJECT NO.	
DATE	
SHEET NO.	
TOTAL SHEETS	

Land Use

Land use in the immediate project area is devoted to transportation facilities (roadways and railroad tracks interspersed with grassed, wooded, and weedy areas). Southwest of the project area lie Gallaudet University and the Capital City Market. To the south and southeast lie the Ivy City and Trinidad neighborhoods. The existing bridge spans Amtrak rail passenger lines and yard and CSX rail freight service lines. East of the northern terminus of the bridge is a *Black Entertainment Television* facility. North and northeast of the project lie the Brentwood neighborhood and a developing retail center anchored by a *Home Depot* and a *Giant* food store, with room for at least one more large retail store. It also includes the region's central US Postal Service mail processing facility, recently reopened as the *Joseph Curseen Jr. and Thomas Morris Jr. Processing and Distribution Center*.

The proposed action will not significantly affect existing land use. Some areas currently covered with grass will be paved and some areas currently paved will be returned to grass, with little net change in the overall amount of either type of surface in the area.

The interchange of the bridge with New York Avenue and Brentwood Parkway at the southern end of the project is on land under the jurisdiction of the District of Columbia. Although maps indicate that the interchange area is within the boundary of Brentwood Park and National Park Service (NPS) Reservation 495, jurisdiction of the parcels was transferred to the District of Columbia (west of Brentwood Parkway, the transfer of jurisdiction occurred December 11, 1970, Plat S.O. 70-277, recorded December 14, 1972, Office of the Surveyor District of Columbia, Book 158, Page 40, Plat map file number NCP 7-433; the loop area transfer of jurisdiction in 1968 is Plat S.O. 68-373, recorded in Book 155, Page 13; the area to the east of the loop may either be included in Plat S.O. 68-373 or be part of another jurisdictional transfer in 1970 from NPS to DC, S.O. 70-271, recorded in Book 162, Page 5).

Within Reservation 495, west of the roadway connecting Brentwood Parkway to the bridge northbound, lies a reservoir used by the District of Columbia's Water and Sewer Authority (DCWASA). The reservoir is elevated above Brentwood Parkway, and grass covers the slope and level top surface. The new alignment for the bridge would require land from DCWASA's reservoir site. Implementation of the project may also require use of some of the land transferred from NPS to the District.

Section 4(f) of the Department of Transportation Act of 1966 and the Federal Highway Act of 1968 mandate that the Secretary of Transportation not approve any program or project which requires the use of any publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance as so determined by such officials, unless there is no feasible and prudent alternative to the use of such land.

To determine whether the land transferred to the District from NPS is protected under Section 4(f), letters were sent to the agencies identified as having jurisdiction thereof, namely: DCWASA and the District of Columbia Department of Parks and Recreation. Both letters requested explicit or implicit concurrence within 30 days with DDOT's preliminary finding that the land in question does not qualify as Section 4(f) land. The letters are reproduced in the Appendix.

DCWASA explicitly concurred with DDOT's preliminary finding in a letter dated March 2, 2004 reproduced in the Appendix. The letter also indicated that DCWASA would agree to allow DDOT to use some of its land provided that access to its property is not restricted or eliminated during construction or after completion of the project. The District of Columbia Department of Parks and Recreation did not respond within 30 days, indicating implicit concurrence with DDOT's preliminary finding. Consequently, no Section 4(f) evaluation will be necessary for land required to shift the bridge and interchange alignments.

Coordination with Other Plans and Studies

The proposed action has been and will continue to be coordinated with two DDOT projects and studies that overlap this project area: the Brentwood Road Transportation Study and the New York Avenue Corridor Study. Both studies are including the proposed 9th Street replacement bridge plan as part of their plans. Coordination also has begun with the Bicycle Master Plan Update study team.

Public and Agency Outreach

Information about the project has been and will continue to be provided to the general public and major private and public stakeholders in or near the project area. What follows is a summary of this outreach effort to date:

- October 22, 2003: meeting with representatives of CSX and Amtrak.
- December 5, 2003: letter to the District of Columbia State Historic Preservation Office (SHPO).
- December 9, 2003: participation in a public information meeting held as part of the Brentwood Road Transportation Study. DDOT's consultant for this project made a presentation and answered questions from the audience.
- December 30, 2003: meeting with representatives of DCWASA.
- January 10, 2004: attended public meeting held as part of the New York Avenue Corridor Study.

- February 4, 2004: letter to the SHPO requesting concurrence with finding of conditional no adverse effect. Concurrence was received by note dated February 18, 2004.
- February 5, 2004: email to Ms. Tina Borghild-Norwood, US Postal Service contact provided by Deborah Crain of DC Office of Planning.
- February 6, 2004: letter to DCWASA requesting concurrence with finding that Section (4) does not apply to portion of Reservation 495 under DCWASA jurisdiction. Concurrence was received by letter dated March 2, 2004.
- February 9, 2004: letter to DC Department of Parks and Recreation requesting concurrence with finding that Section 4(f) does not apply to the land within the project area that is under District jurisdiction. No response within 30 days indicated concurrence.
- February 11, 2004: meeting with representatives of The Home Depot.
- February 11, 2004: meeting with Amtrak representatives.
- February 19, 2004: letter to Gallaudet University.
- February 19, 2004: letter to Black Entertainment Television Inc.
- February 24, 2004: meeting with representatives of Giant Food, Inc.
- March 8, 2004: participation in a public information meeting held as part of the Brentwood Road Transportation Study. After a short presentation, DDOT's consultant for this project was available to answer questions and register comments from the public.

Public and agency outreach will continue through the life of the project, as appropriate.

Displacements

No homes, businesses, or public or private facilities will be displaced by the proposed action. Most work will take place within existing District of Columbia right-of-ways, and no major acquisition of new right-of-ways will be needed. However, realignment of the access roads to the bridge both to the north and south of New York Avenue may require some minor shifting of existing right-of-ways. Coordination with the affected entities (e.g., DCWASA, Amtrak) has begun and will continue.

Social and Economic Impacts

The proposed action will have no negative impacts on the social and economic conditions of the local or broader communities. No homes, businesses, or public or private facilities

will be relocated. Construction of the new bridge and demolition of the existing one will have no effect on the alignment or use of the Amtrak and CSX railroad tracks and yard it spans. Coordination has begun with CSX and Amtrak concerning the overhead catenary lines that provide power for Amtrak's locomotives. DDOT will continue to coordinate with Amtrak and CSX, as needed.

Replacement of the existing bridge and realignment of the access roadways will have positive effects on the urban fabric in the area, as it will create a safer and more appealing environment for both motorists and pedestrians using the bridge and its approaches. By providing pedestrian walkways that are wider, newly paved, and pedestrian-friendly right-angled intersections, pedestrian travel between the neighborhoods north and south of the bridge will be easier. Also, pedestrians will be able to more easily and safely walk across the bridge from Gallaudet University and the Trinidad and Ivy City neighborhoods to the growing retail center along Brentwood Road.

Construction and demolition work may disturb or put at risk the homeless people who appear to intermittently occupy some protected areas near the bridge. DDOT will coordinate with the District's Department of Human Services to minimize any risk to this population.

Consideration of Bicyclists and Pedestrians

The proposed action will have a positive effect on use of the bridge and adjacent roadways by both bicyclists and pedestrians. The current configuration of the access ramps to the bridge was designed for motorists—not for pedestrians and bicyclists. Sidewalks are either absent or inadequate and in poor condition. Crosswalks are not signalized and are long because they are located on curving ramps intended to speed vehicles along. The proposed action will provide appropriate and ADA-compliant sidewalks and realign the approaches to the bridge on an urban grid-like pattern, much more easily negotiable by bicyclists and pedestrians than the existing interchange-like configuration. All existing movements will be preserved.

Traffic

The capacity of the proposed new bridge will be the same as that of the existing bridge. A level of service (LOS) analysis was conducted to assess how operations would be affected by the proposed reconfiguration of access roads to the bridge. The study showed no significant deterioration over existing LOS. Therefore, no long-term impacts on traffic are expected to result from the proposed bridge replacement. Because the existing bridge would remain in operation while the new bridge is being built, short-term impacts to traffic are expected to be minimal.

Visual Quality

The current bridge is in poor condition and visually unattractive as viewed from both New York Avenue and 9th Street. Sidewalks, when they exist, are in poor condition.

Approaches to the bridge, in particular from the south, are visually confusing and their interchange-like configuration seems out of place in an urban environment. The proposed action would have a positive impact on the visual quality of the area by constructing a more aesthetically-attractive, modern bridge and reconfiguring the bridge's approaches in a manner more compatible with its urban setting and its location on one of the city's major entrance routes, New York Avenue.

3.2. Natural and Physical Impacts

The proposed action will have no significant impacts on the natural or physical environment.

Air Quality

There will be no significant long-term adverse impacts on air quality. The proposed action will result in minimal changes to traffic operations. Replacement of the bridge would not increase its capacity. Temporary, short-term construction emissions resulting from fugitive dust and vehicles used for construction will be minimal and will not be significant. Appropriate measures – such as covering exposed soils with grass – will be used to minimize effects associated with fugitive dust. All existing local and federal regulations relating to air quality will be complied with.

Noise

The proposed action will not have any significant long-term effects on ambient noise levels. Noise associated with construction and demolition activities will be temporary. Because no residences occur near the project area, short-term construction-related noise is unlikely to affect residents. Implementation of the proposed action will be consistent with the District's applicable noise regulations. As much as is possible, noisy operations will be conducted when potential for disturbance is minimal.

Energy

The proposed action will not affect energy consumption or production.

Floodplains, Wetlands, and Water Quality

The site of the proposed action is not within a 100-year floodplain, and there are no streams or wetlands within or adjacent to the project area. It is not expected that there will be a significant increase in impervious surfaces, so groundwater recharge will not be affected. Stormwater drainage systems and soil erosion control plans will be designed in accordance with District standards and regulations. A DCWASA reservoir is located adjacent to the project area. DDOT will coordinate with DCWASA to ensure that operation of the reservoir is not affected during the construction phase of the project.

Vegetation and Wildlife

While the project area is highly urbanized, vegetated areas occur: weedy areas (including weedy trees) occur at the edges of development, particularly near the rail lines; mowed lawns and landscape trees characterize the area around Brentwood Parkway on the south side of the bridge; and one fairly natural remnant woodlot may be found in Square 3597, a knoll in the center of the existing loop ramp connecting to New York Avenue.

Square 3597 appears to have been undisturbed for decades (probably since the bridge was built, judging from the girth of the trees), and a variety of middle-aged native trees typical of well-drained sites may be found there, dominated by oak species: white oak (*Quercus alba*), chestnut oak (*Quercus prinus*), willow oak (*Quercus phellos*), northern red oak (*Quercus rubra*), and southern red oak (*Quercus falcata*). Also found in the woodlot are black cherry (*Prunus serotina*), Virginia pine (*Pinus virginiana*), box elder (*Acer negundo*), sassafras (*Sassafras albidum*), grapes (*Vitis* species), brambles (*Rubus* species), and Japanese honeysuckle (*Lonicera japonica*). Square 3597 will not be affected by the proposed realignment of approaches to the bridge. It is proposed that construction staging areas be located elsewhere to preserve this remnant forest community. Assuming that neither the proposed realignment nor construction staging directly affects the woodlot, then there will be no adverse impact to the existing forest community.

A row of pin oaks (*Quercus palustris*) approximately 14 to 15 inches in diameter occur as landscaping trees along the west side of Brentwood Parkway on land currently controlled by DCWASA. One declining black locust tree (*Robinia pseudoacacia*), also about 15 inches in diameter, is located close to the row of pin oaks. The nine pin oaks closest to the existing bridge, and possibly one or two more, as well as the black locust, will be removed for construction of the new bridge approach roadway. Removing these trees will negatively affect the park-like quality of Brentwood Parkway and reduce the aesthetic experience for those walking or driving on the parkway. Mitigation for this loss of mature trees is described in the mitigation section at the end of this determination. Removal of the trees will require a permit from DDOT's Urban Forestry Administration.

Other than the small woodlot that occupies Square 3597, the project area offers minimal habitat for wildlife. The most likely species to be found are bird species common to open areas in the District (mockingbirds, robins, English sparrows, song sparrows, etc.), squirrels, perhaps an occasional raccoon or fox, rats and mice. The proposed action will have no significant effect on wildlife, other than a small reduction in tree habitat and food supply for urban squirrels and birds. The proposed mitigation of planting new trees (see below) will offset this loss in time.

Historical and Archaeological

Coordination with the District of Columbia State Preservation Officer (SHPO) was initiated on December 5, 2003. On February 18, 2004, the SHPO concurred with the

following findings, stated in a letter dated February 4, 2004 (see copy of the letter in the Appendix):

No known architectural or archaeological resources protected under Section 106 exist within the project area, with one possible exception: there is a low *prima facie* possibility that Square 3597, a parcel that appears undisturbed, may have some archaeological potential (see Figure 2).

Currently, it is not expected that Square 3597 will be affected by the proposed action. Consequently, DDOT conclusion is a finding of conditional no adverse effect.

Following the award of the project to a design/build contractor and further refinement of the design, the holder of the design/build contract or the District of Columbia, as appropriate, will further consult with the SHPO consistent with Section 106 of the National Historic Preservation Act requirements, as follows:

- If it remains true that Square 3597 would not be affected by the proposed action, obtain written concurrence from the SHPO that the project will result in no adverse effect before proceeding with construction.
- If, conversely, it appears that Square 3597 will be affected by the proposed action, determine and implement, in consultation with the SHPO steps to establish whether Square 3597 does have archaeological potential. If such potential is identified, consult with the SHPO on measures to minimize and mitigate any impacts to potential resources.

Hazardous Materials

The presence of the railroad tracks and a railroad yard under the bridge make likely the presence of contaminants in the ground under the bridge. Borings will be taken for this project to more accurately ascertain subsurface conditions. Excavation of contaminated soils, if any are found, will be performed in compliance with applicable District and federal regulations, resulting in no adverse effects.

Construction Impacts

All construction impacts will be temporary and subject to local standards and controls. Replacement of the 9th Street Bridge and realignment of associated access roads will have no impacts on the environment.

A transportation plan will be developed to ensure that impacts to traffic through the project area during the construction phase are minimal. The existing bridge will be kept in operation until the replacement bridge is open. Temporary delays and rerouting of traffic may occur during certain construction phases, resulting in some minor temporary inconvenience to the public.

Mitigation

To mitigate for the removal of nine (or possibly more) mature pin oak trees and one black locust tree, the contractor will replace the trees in kind by: (1) consulting DCWASA on their species preferences and preferred tree placement to ensure that the trees don't interfere with the reservoir; (2) consulting with DDOT's Urban Forestry Administration and their Recommended Street Tree List to select species from the "Large Tree" list to replicate the trees that will be removed (Large Trees reach heights of between 60 to 80 feet); (3) or if any streetscape guidelines are applicable to Brentwood Parkway, applying them in selecting appropriate tree species; and (4) applying for a permit to plant the trees from the Urban Forestry Administration. Pin oak (*Quercus palustris*), the species to be removed, is no longer on the DC recommended tree list, so one or more other Large Tree species should be selected. To avoid the problem of all of the trees' being susceptible to the same pests and pathogens and to declining at the same time, it would be preferable to plant more than one species. The Urban Forestry Administration recommends spacing Large Trees 35-40 feet apart. Any planting contract should include a provision for replacement of the trees for up to three years and should ensure that the trees provided and their method of planting meet National Nurseryman's Standards.

DDOT's new tree regulations (published for 30-day comment in the DC Register on February 6, 2004; 51DCR1446) do not appear to apply to the trees to be removed for this project because they will fall under the 55-inch circumference at a height of 4.5 feet. If any tree proves to be over this circumference, then a fee of \$35 per inch of circumference or replanting with saplings equal in circumference to each tree removed would apply.

Conclusion

It has been determined that replacement of the 9th Street Bridge will have no significant impacts on urban and community resources or on natural and physical resources.

APPROVED BY Gary L. Henderson DATE 3-31-04

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶

To <u>Maurice Keys</u>	From <u>Vinh Hoang</u>
Dept./Agency <u>DDOT</u>	Phone # <u>202-219-3518</u>
Fax # <u>671-0617</u>	Fax #

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION



APPENDIX

0209-165305

175 North Washington Street, Suite 500, Alexandria, Virginia 22314

RECEIVED
2004 FEB 10 10 14 AM
DISTRICT OF COLUMBIA

February 6, 2004

Jerry N. Johnson
General Manager
District of Columbia Water and Sewer Authority
5000 Overlook Avenue, SW
Washington DC 20032

Re: Categorical Exclusion for Replacement of 9th Street, NE Bridge

Dear Mr. Johnson:

TAMS, an Earth Tech Company, is under contract to the District of Columbia Department of Transportation (DDOT) to document and prepare a Categorical Exclusion (as defined in the Council on Environmental Quality's NEPA Regulations [40 CFR 1508.4]) for replacement of the bridge carrying 9th Street, NE over New York Avenue.

Telephone
703.549.8728
Facsimile
703.549.9134

The new bridge would be located slightly to the west of the existing structure, which would be demolished. Associated connecting roads would be reconfigured and realigned to ensure safer access and use by both vehicles and pedestrians. Direct effects will be limited to portions of the ground surface immediately adjacent to the existing bridge and connecting roads. The enclosed drawing illustrate the proposed action.

As can be seen on the enclosed drawing, the proposed improvements could require using portion of a parcel of land that was originally part of US Reservation 495 and is now under DC WASA's jurisdiction and use (the parcel in question is highlighted).

The purpose of this letter is to establish whether the anticipated use would require preparation of a Section 4(f) determination. All other issues relating to the proposed use will be addressed separately by the District.

Section 4(f) of the Department of Transportation Act of 1966 and the Federal Highway Act of 1968 mandate that the Secretary of Transportation shall not approve any program or project which requires the use of any publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance as so determined by such officials, unless there is no feasible and prudent alternative to the use of such land.

We understand that DC WASA is the entity having jurisdiction over the parcel of land addressed in this letter. Therefore, we request confirmation by DC WASA that this land does



A Tyco Infrastructure Services Company

Jerry N. Johnson
General Manager
District of Columbia Water and Sewer Authority
February 6, 2004

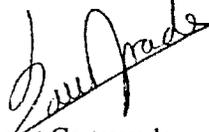
not qualify as a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state, or local significance for the purposes of Section 4(f).

Because of schedule constraints, we respectfully request that you respond within 30 calendar days of the date of this letter. If we do not receive a response within that period, we will assume your concurrence with the above.

Please do not hesitate to call me at (703) 706-0114 if you have any questions.

Very truly yours,

TAMS Consultants, *an EarthTech Company*



Laurent Cartayrade
Environmental Planner

Enclosure

cc: Said Cherifi, Program Manager, Wards 5 & 6, DDOT
Maurice Keys, Environmental Program Coordinator, DDOT



A *tyco* INTERNATIONAL LTD. COMPANY



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

5000 OVERLOOK AVENUE, S.W., WASHINGTON, D.C. 20032

March 2, 2004

Ms. Laurent Cartayrade, Environmental Planner
Earth Tech
675 North Washington Street
Suite 300
Alexandria, Virginia 22314

SUBJECT: Categorical Exclusion for Replacement of 9th Street, NE Bridge

Dear Ms. Cartayrade:

This is in response to your February 6, 2004 letter to Mr. Johnson requesting that DCWASA confirm that the property within reservation 495 does not qualify as a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state, or local significance for the purpose of section 4(f). This property along 9th Street, NE is the site of the Brentwood Water Reservoir. This facility was constructed and placed in service in the early 1960's.

This site is not a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state, or local significance for the purpose of section 4(f). Furthermore, DCWASA will agree to allow the District Department of Transportation to use some of this property for an access road to the proposed new 9th street bridge over New York Avenue provided, that no access to the reservoir property is restricted or eliminated during construction and after the completion of the new bridge.

If you have any questions, please call (202) 787-2379 or send e-mail to jshabels@dcwasa.com.

Sincerely,

James J. Shabelski, P.E.
Water and Sewer Design Section

CC: DCWASA General Manager- J. Johnson

February 9, 2004

Neil O. Albert
Director
District of Columbia Department of Parks & Recreation
3149 16th Street NW
Washington, DC 20010

Re: Categorical Exclusion for Replacement of 9th Street, NE Bridge

Dear Mr. Albert:

TAMS, an Earth Tech Company, is under contract to the District of Columbia Department of Transportation (DDOT) to document and prepare a Categorical Exclusion (as defined in the Council on Environmental Quality's NEPA Regulations [40 CFR 1508.4]) for replacement of the bridge carrying 9th Street, NE over New York Avenue.

Telephone

703.549.8728

Facsimile

703.549.9134

The new bridge would be located slightly to the west of the existing structure, which would be demolished. Associated connecting roads would be reconfigured and realigned to ensure safer access and use by both vehicles and pedestrians. Direct effects will be limited to portions of the ground surface immediately adjacent to the existing bridge and connecting roads. The enclosed drawing illustrate the proposed action.

As can be seen on the enclosed drawing, the proposed improvements could require using portions of US Reservation 495 (which includes Square 3597 and the area east of the loop around Square 3597), formerly under the National Park Service's jurisdiction and now under the District of Columbia's. The areas in question are highlighted on the drawing. West of Brentwood Parkway, the transfer of jurisdiction occurred December 11, 1970, Plat S.O. 70-277, recorded December 14, 1972, Office of the Surveyor District of Columbia, Book 158, Page 40, Plat map file number NCP 7-433; the loop area transfer of jurisdiction in 1968 is Plat S.O. 68-373, recorded in Book 155, Page 13; the area to the east of the loop may either be included in Plat S.O. 68-373 or be part of another jurisdictional transfer in 1970 from NPS to DC, S.O. 70-271, recorded in Book 162, Page 5.

The purpose of this letter is to establish whether use of portion of this land would require preparation of a Section 4(f) evaluation. Section 4(f) of the Department of Transportation Act of 1966 and the Federal Highway Act of 1968 mandate that the Secretary of Transportation shall not approve any program or project which requires the use of any publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance as so determined by such officials, unless there is no feasible and prudent alternative to the use of such land.



A Tyco Infrastructure Services Company

Neil O. Albert
Director
District of Columbia Department of Parks & Recreation
February 9, 2004

We understand that the District of Columbia is the entity having jurisdiction over the land addressed in this letter. Therefore, we request confirmation by your agency that this land does not qualify as a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state, or local significance for the purposes of Section 4(f).

Because of schedule constraints, we respectfully request that you respond within 30 calendar days of the date of this letter. If we do not receive a response within that period, we will assume your concurrence with the above.

Please do not hesitate to call me at (703) 706-0114 if you have any questions.

Very truly yours,

TAMS Consultants, *an Earth Tech Company*



Laurent Cartayrade
Environmental Planner

Enclosure

cc: Said Cherifi, Program Manager, Wards 5 & 6, DDOT
Maurice Keys, Environmental Program Coordinator, DDOT



A *tyco* INTERNATIONAL LTD. COMPANY

February 4, 2004

Ms. Lisa Burcham
State Historic Preservation Officer
District of Columbia Historic Preservation Division
801 North Capitol Street, NE, Suite 3000
Washington, DC 20002

FEB 11 2004

Re: Categorical Exclusion for Replacement of 9th Street, NE Bridge

Dear Ms. Burcham:

TAMS, an Earth Tech Company, is under contract to the District of Columbia Department of Transportation (DDOT) to document and prepare a Categorical Exclusion (as defined in the Council on Environmental Quality's NEPA Regulations [40 CFR 1508.4]) for replacement of the bridge carrying 9th Street, NE over New York Avenue in the District of Columbia.

Telephone
703.549.8728
Facsimile
703.549.9134

The new bridge would be located slightly to the west of the existing structure, which would be demolished. Associated connecting roads would be reconfigured and realigned to ensure safer access and use by both vehicles and pedestrians. Direct effects would be limited to portions of the ground surface immediately adjacent to the existing bridge and connecting roads. The enclosed drawing illustrates the proposed action.

In addition to the Categorical Exclusion, and as part of the same contract, TAMS will prepare a Statement of Work for a Design/Built Request for Proposals that will allow the District to hire a team to proceed with final design and construction work.

The proposed bridge replacement qualifies as an undertaking as defined in the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800.16[y]). For this reason, I contacted your office by a letter dated December 5, 2003 and subsequently had several telephone conversations with Ms. Nancy Kassner.

Based on site visits and my discussions with Ms. Kassner, we have concluded that no known architectural or archaeological resources protected under Section 106 exist within the project area, with one possible exception: there is a low *prima facie* possibility that Square 3597, a parcel that appears undisturbed, may have some archaeological potential.

The location of Square 3597 is shown on the enclosed plan. At this stage, as shown by the plan, it is not expected that Square 3597 would be affected by the proposed action. Therefore, there would be no adverse effect on any archaeological resources that parcel may contain.



A Tyco Infrastructure Services Company

Ms. Lisa Burcham
State Historic Preservation Officer
District of Columbia Historic Preservation Division
February 4, 2004

This being the case, we propose to include in the Statement of Work for the Design/Build Request for Proposals a clause mandating the holder of the design/build contract or the District of Columbia, as appropriate, to consult with your office during final design in fulfillment of Section 106 requirements. Specifically, this clause will require the design/build contract holder or the District of Columbia to do the following:

- If it remains true that Square 3597 would not be affected by the proposed action, obtain your written concurrence of no adverse effect before proceeding with construction.
- If, conversely, it appears that Square 3597 would be affected by the proposed action, determine and implement, in consultation with your office, steps to establish whether Square 3597 does have archaeological potential. If such potential is identified, consult with your office on measures to minimize and mitigate any impacts to potential resources.

Under these conditions, and with your concurrence, we will conclude to a conditional no adverse impact on cultural resources for the purposes of the Categorical Exclusion. Because of schedule constraints, we respectfully request that you respond within 30 calendar days of the date of this letter. If we do not receive a response within that period, we will assume your concurrence with the above.

Please do not hesitate to call me at (703) 706-0114 if you have any questions.

Very truly yours,

TAMS Consultants, *an Earth Tech Company*

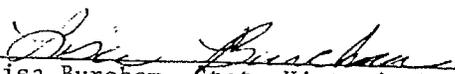


Laurent Cartayrade, Ph.D.
Historian

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I concur with the conditions stated above



Lisa Burcham, State Historic Preservation
Officer

2/13/04
Date

E A R T H  T E C H

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