

STATE OF DELAWARE



DEPARTMENT OF TRANSPORTATION

DESIGN-BUILD PROJECT

for

DOVER TRANSIT CENTER

Dover Transit Center
State Contract # 25-020-01
Federal Contract # ERRA-2009(31)

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STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

ENVIRONMENTAL REQUIREMENTS

for
State Contract No. 25-020-01
Federal Aid No.: ERRA-2009(31)
Contract Title: Dover Transit Center

In accordance with the procedural provisions for implementing the National Environmental Policy Act of 1969, as amended, the referenced project has been processed through the Department's Environmental Review Procedures and has been classified as a Level D/Class II Action. The following special provisions have been developed to mitigate and/or minimize these impacts.

GENERAL REQUIREMENTS:

1. The contractor shall employ measures during construction to prevent spills of fuels or lubricants. If a spill should occur, efforts shall be taken to prevent its entry into wetlands or aquatic areas. Any spills entering wetlands, and/or aquatic areas shall be removed immediately. The Department of Natural Resources and Environmental Control (DNREC), shall be notified of any spill(s) within six (6) hours of their occurrence. That office will determine the effectiveness of spill and contamination removal and specify remediation efforts as necessary.
2. All construction debris, excavated material, brush, rocks, and refuse incidental to such work shall be placed above the influence of surface waters.
3. The disposal of trees, brush and other debris in any stream corridor, wetland, or surface water is prohibited.
4. That effort shall be made to keep construction debris from entering adjacent waterways, wetlands, or drainage areas. Any debris that enters those areas shall be removed immediately.

CULTURAL RESOURCE REQUIREMENTS:

1. The contractor(s) will submit to the District, the locations(s) of permanent disposal sites to be used for the disposition of clean waste materials resulting from the construction contract. The contractor will submit at the Preconstruction meeting, a location map and a plot plan (sketch or diagram) of where on the property the clean waste material is to be placed. The limits of the

site(s) will be physically staked or surveyed on the property. The District will submit the contractor's disposal site locations(s) to the State Historic Preservation Office for approval.

The SHPO will determine if a cultural resource survey is required before the site can be approved. If additional survey work is required, it will be the contractor's responsibility to hire a qualified professional to assess the site(s) for the presence or absence of cultural resources (i.e. historic or prehistoric archaeological sites). The contractor's consultant will be responsible for producing documentation of the survey results for submission to the SHPO.

If the contractor proposes the use of disposal sites outside the State of Delaware, the contractor must provide written approval from the State Historic Preservation Office of each respective state.

A project's disposal operation will not commence until the SHPO has notified the DelDOT District office that the site location(s) is approved for use.

The use of the disposal site will not result in discharge of materials into US Army Corps of Engineers of DNREC jurisdictional wetlands or waters. It is the responsibility of the contractor to provide any site surveys or wetland delineations needed to preclude wetland encroachment.

The contractor will be responsible for all sediment and erosion control measures and subsequent approvals required for the disposal site(s) operations.

It is the contractor's responsibility to obtain all other appropriate Federal, State, or local approvals required by law for use of the disposal sites(s).

2. Due to potential archaeological concerns and restrictions in the Cultural Resource Compliance, the contractor or its use of subcontractors or any personnel shall not access any equipment, parking, staging, or stockpile for any materials, personnel, or vehicles on a 0.38 property lot that is identified as tax parcel ID ED-05-077.13.1.31.03. This triangular shaped property also has the address of 704 South West Street. It will be up to the contractor to substantially undertake archaeological data recovery and/or restoration at their expense should the parcel be accessed upon and disturbed.

3. During any stages in the development of plans, specifications, and/or engineering illustrations, the District Engineer and the contractor shall submit 2 copies of these details to the Environmental Studies Office (Attention: Michael C. Hahn 302-760-2131 or MichaelC.Hahn@state.de.us on details). The Environmental Studies Office must submit them to the State Historic Preservation Office for any potential comments that may be offered and for file records. The contractor or its designee will follow-up with the Environmental Studies Office to determine if any comments will be offered. The contractor as part of its overall efforts will take into account any comments offered by the DelDOT Environmental Studies Office and the State Historic Preservation Office prior to recorded or plan commencement of actions

During the course in the development of plan submissions, development of construction details, and field construction activities, should significant changes occur to the project methods, footprint, materials, or designs (as proposed), the contractor will notify the Environmental

Studies Section prior to the actual action. They (Environmental Studies) will determine the appropriate action concerning any additional review or compliance measures that might be necessary (which could suspend portions of the project). Should additional compliance measures be necessary, the contractor will work with the Department or assure compliance measures are undertaken without any claims of delay.

STATE OF DELAWARE



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STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

July 14, 2009

CAROLANN WICKS, P.E.
SECRETARY

Mr. Hassan Raza
Division Administrator
Federal Highway Administration
300 South New Street, Room 2101
Dover, DE 19901-6726

Dear Mr. Raza:

The attached information supports the Department's Project Development Committee's environmental determination for the following project:

25-020-01 ERRA-2009(31)
DOVER TRANSIT CENTER

This project will be administered under the FHWA Stewardship Agreement. Your approval in this determination is requested as per 23 CFR Part 771. Please provide a copy of the signed approval form to Terry Fulmer, Environmental Studies Manager at DelDOT. Thank you.

Sincerely,

Natalie Barnhart
Chief Engineer

NB:gs

Attachments

cc: Kathy English, Director, Finance
Stephen Kingsberry, Executive Director, Delaware Transit Corporation (DTC)
Terry Fulmer, Manager, Environmental Studies, Engineering Support, Transportation Solutions
John Kotoula, Facilities Engineer, DTC
John Sisson, Manager, Facilities and Projects, DTC
Beth Alexander, Senior Accountant, Finance
Stephanie Johnson, Senior Fiscal Management Analyst
Beverly Swiger, Controller, Finance
Charlanne Thornton, Senior Accountant, Finance
Earle Timpson, Assistant Director, Finance

JUL 14 2009

CATEGORICAL EXCLUSION EVALUATION
PROJECT CHECKLIST AND PROJECT LEVEL DETERMINATION FORM

Project: Dover Transit Center
 State Contract No.: 25-020-01
 Federal Contract No.: ERRA-2009(31)

| ADVERSE IMPACTS/EFFECTS | None | Possible | Probable | Comment |
|--|------|----------|----------|--|
| Right-of-Way Requirements | | | | |
| A. Private | | | x | |
| B. Public | x | | | |
| C. 4(f) | x | | | |
| D. 6(f) | x | | | |
| Relocations | | | | |
| A. Homes | | | x | All properties will be acquired in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. |
| B. Businesses | x | | | |
| C. Non-Profit | x | | | |
| Social Impacts | | | | |
| A. Local | x | | | |
| B. Regional | x | | | |
| Environmental Justice | | | | |
| A. Minority | x | | | |
| B. Low-Income | x | | | |
| Economic Impacts | | | | |
| A. Local | x | | | |
| B. Regional | x | | | |
| C. Statewide | x | | | |
| Cultural Resources (Listed, nominated, eligible) | | | | DE SHPO has issued a Finding of No Historic Properties Affected. |
| A. National Register | x | | | |
| B. State Listing | x | | | |
| C. Other | x | | | |
| Air Quality | | | | |
| A. Local | x | | | |
| B. Statewide | x | | | |
| Noise | | | | |
| A. Residential | x | | | |
| B. Commercial | x | | | |
| C. Sensitive Receptors | x | | | |
| D. Other | x | | | |
| Hazardous Waste | x | | | Site has been evaluated, remediated and cleared. |
| Water Quality | | | | |
| A. Surface Water | x | | | |
| B. Ground Water | x | | | |
| Hydrological Impacts | | | | |
| A. Stream Relocation | x | | | |

| ADVERSE IMPACTS/EFFECTS | None | Possible | Probable | Comment |
|--|------|----------|----------|---------------------------------------|
| B. Stream channelization | X | | | |
| C. Stream stabilization | X | | | |
| D. Flood Plain | X | | | |
| Fish & Wildlife | | | | |
| A. Endangered Species | X | | | |
| B. Habitat | X | | | |
| Wetlands | | | | |
| A. Project Area | X | | | |
| B. Up or Down Stream | X | | | |
| Land Use | | | | |
| A. Direct | X | | | |
| B. Secondary | X | | | |
| Natural Resources | | | | |
| A. Farm Lands | X | | | |
| B. Woodlands | X | | | |
| C. Conservation Areas | X | | | |
| D. Coastal Zone | X | | | |
| Modal Choice | | | | |
| A. Pedestrian | X | | | |
| B. Bicycle | X | | | |
| C. Mass Transit | X | | | |
| Access | | | | |
| A. Maintenance of Traffic | X | | | If necessary MOT will follow DE MUTCD |
| B. Elderly | X | | | |
| C. Handicapped | X | | | |
| D. Children | X | | | |
| E. Pedestrians | X | | | |
| F. Bicyclists | X | | | |
| G. Public Transit & those who depend upon it | X | | | |
| Permits | | | | |
| A. ACOE | X | | | |
| B. Coast Guard | X | | | |
| C. DNREC | X | | | |
| D. County | X | | | |
| E. City or Municipality | X | | | |

MTL 7/14/2009

Categorical Exclusion Recommendation 17CD6105 per 23CFR771.

Concurrence: Federal Highway Administration *Bo* Division Administrator Date 7/15/09

Comments: _____

Project: Dover Transit Center State Contract #: 25-020-01
Federal Contract #: ERRA-2009(31)

CATEGORICAL EXCLUSION EVALUATION

Dover Transit Center
422 West Water Street
Dover, Delaware
Contract No. 25-020-01
American Recovery and Reinvestment Act Project (ARRA)
Federal No. ERRA-2009(31)

The Dover Transit Center Project is located in Downtown Dover on Water Street west of the Capital complex. The Delaware Transit Corporation's DART First State (DART) has outgrown the existing Water Street Transfer Center. The project will relocate the Dover Transit Center two blocks west on Water Street. The new site is approximately five acres. The property is located on Water Street by Queen Street to the east and West Street to the west. A commercial property borders the property to the south. (a location map is attached). The purpose of the new Transit Center will be to ensure passenger and vehicular safety by separating pedestrian and vehicle traffic from bus traffic.

DART services Dover and Kent County with a radial transit system focused on the Water Street Transfer Center in Dover. The fixed route buses work on a pulse system in which up to 12 buses enter and exit the Water Street Center site every thirty minutes. The paratransit and intercounty buses are interwoven into this Water Street schedule. All bus routes terminate at the Water Street Center. This half-acre center was built in 1993. There are four shelters with amenities and a secured restroom for DART's drivers. The transfer process is confusing since buses queue in the order of their arrival. Due to the site's limited space, buses park behind each other in two rows. Passengers must cross between idling buses to find their transfer. This results in a confusing and potentially dangerous passenger transfer process.

The proposed Dover Transit Center Project would create a new intermodal hub for transit in Dover and Kent County. The project will include parking facilities (eighty-eight parking spaces) for expanding park and ride services in Kent County. A bus loop with 14 stalls for 40 foot buses will be built; the loop will be for buses only. There will be a separation of vehicular and bus traffic. Transfer between buses will be on canopied sidewalks around the bus loop. Each bus will have an assigned space to make transfers easy for passengers. The site will make all necessary utility provisions. The storm water management system will be designed to handle a 100-year storm and meet DelDOT's NPDES Phase II permit from the EPA (a preliminary site plan is attached).

Manual traffic counts were performed for Water Street, West Street and Queen Street during December 2006. Spence's Bazaar, a popular Farmer's Market open on Tuesdays and Fridays, is located on Queen Street just south of Water Street. The counts were conducted on Tuesday and the traffic counts reflect the increased traffic for Spence's. The peak morning traffic period is from 7 a.m. to 9 a.m. and 3 p.m. to 6 p.m. for the evening peak period.

| <u>2006 Peak Traffic Counts</u> | | <u>AM</u> | <u>PM</u> |
|---------------------------------|-------------|--------------|--------------|
| Water Street | | | |
| | East Bound | 202 vehicles | 167 vehicles |
| | West Bound | 34 vehicles | 58 vehicles |
| West Street | | | |
| | North Bound | 270 vehicles | 238 vehicles |
| | South Bound | 298 vehicles | 422 vehicles |
| Queen Street | | | |
| | North Bound | 415 vehicles | 575 vehicles |
| | South Bound | 242 vehicles | 350 vehicles |

In order to review the project's traffic impact, future traffic volumes for the year 2009 were developed. These volumes being projected to the future design/build year using annual growth rates from the 2005 DelDOT Traffic Summary. There are two other committed developments included as part of the future traffic volumes. These developments include Eden Hill Farm, Phase 1 and State Street Commons. In order to account for the increased traffic volumes associated with these developments, the trip generation volumes were calculated using data in the Institute of Transportation Engineers (ITE) 7th Edition of the Trip Generation Manual.

2009 Peak Traffic Estimates

| | | | |
|--------------|-------------|--------------|--------------|
| Water Street | | | |
| | East Bound | 310 vehicles | 197 vehicles |
| | West Bound | 52 vehicles | 76 vehicles |
| West Street | | | |
| | North Bound | 342 vehicles | 264 vehicles |
| | South Bound | 324 vehicles | 494 vehicles |
| Queen Street | | | |
| | North Bound | 507 vehicles | 634 vehicles |
| | South Bound | 266 vehicles | 425 vehicles |

Based on the traffic numbers the existing road system is sufficient to handle the relocated transit center and traffic. West Street is the preferred street for the entrance/exit. The design will be predicated on reducing queuing times to exit the site.

There should be no significant Maintenance of Traffic (MOT) impacts or issues as most of the work is off alignment. Should temporary lane closures be required for tie-in work, MOT and public notification requirements will comply with the current Delaware Manual on Uniform Traffic Control Devices (MUTCD).

The proposed transit center improvements will require five acres of Right-of-Way from nine affected properties. The properties include the former George & Lynch yard and seven residences.

The project will require the relocation of seven residences, five of which have been acquired through the Advanced Acquisition process. The remaining relocations are pending and will be acquired through the DelDOT Real Estate process once Final Right of Way plans are complete. All properties have been and will continue to be acquired in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. No Environmental Justice communities or populations will be directly affected by this project. This type of project, improved transit facilities, would in fact be a betterment for Environmental Justice communities including minorities and low-income populations who traditionally depend more on public transportation for access for work, shopping, etc.

Cultural resource survey work found that no structures eligible or potentially eligible for the National Register of Historic Places would be directly affected by the project. A Phase I Archeological Survey was completed and found that the main project area is clear of any archeological features. The small triangular parcel located west of West Street, (labeled future parking on the attached preliminary site plan), does have evidence of a historic site that may be eligible for listing in the National Register of Historic Places. The area labeled future parking lot was surveyed to determine presence/absence of archeological resources for potential future Section 106 compliance as well as to take advantage of the mobilized archeological staff. It is not considered part of the current undertaking. Any future proposals to develop this area for inclusion in the Transit Center complex would require renewed Section 106 consultation. A Finding of No Historic Properties Affected was prepared by DelDOT on behalf of FHWA, and was approved by the Delaware State Historic Preservation Office (SHPO) on July 9, 2009 (copy attached). No Section 4(f) resources will be affected by this project.

The project will not disturb areas associated with valued fish and wildlife habitat. The area to be paved for the Transit Center currently consists of regularly maintained grasses and a large disturbed area formally occupied by a construction storage yard and offices. Queries to the U.S. Fish and Wildlife Service and the Delaware Department of Natural Resources and Environmental Control's Natural Heritage Program, revealed no rare, threatened, or endangered species present (letters attached).

Field investigations conducted in the project area found there are no jurisdictional wetlands or waters within or immediately adjacent to the proposed construction limits. No permits are required.

A portion of the transit center's proposed location was previously owned by a large Delaware contracting firm. Past uses included vehicle and construction equipment storage and maintenance, paint and machine shops, and the use and storage of petroleum based products. Phase I and Phase II Environmental Site Assessments (ESA) were performed to evaluate environmental (hazardous waste) concerns. Based on the results of the ESA's no remedial action was recommended; conditioned on treatment and disposal requirements for soils excavated at depths greater than five feet and that no groundwater

wells are installed. These conditions will be made part of the projects contract documents. Subsequent to the ESA work a 1000-gallon heating oil underground storage tank (UST) was discovered during building demolition work. The UST has been removed and follow up site sampling concluded that there did not appear to have been a release that is a threat to human health or the environment. A UST Closure Report was issued in December 2006.

By providing an improved transit system, this type of project would intuitively result in positive air quality benefits to the region. Detailed air and noise analyses are not warranted as the proposed project does not result in any capacity improvements. This project is listed in the Wilmington Area Planning Council (WILMAPCO) Transportation Improvement Plan (TIP) and identified in the current Capital Transportation Program (CTP) FY 2009-2014, approved on October 14, 2008. This project is included the State Transportation Improvement Plan (STIP). This project is exempt from the requirement that a conformity determination be made (US EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs or Projects-Final Rule).

Based of the foregoing analysis, and the attached Categorical Exclusion Evaluation Checklist, it can be concluded that no significant social, economic, natural or cultural resources effects will occur. We recommend a categorical exclusion classification, Class II, per 771.117(d)(10).

State of Delaware
Historical and Cultural Affairs

21 The Green
Dover, DE 19901-3611

Phone: (302) 736.7400

Fax: (302) 739.5660

July 9, 2009

Mr. Nicholas Blendy
Environmental Specialist
Federal Highway Administration
J. Allen Frear Federal Building
300 South New Street
Dover, DE 19904-6726

RE: Dover Intermodal Transit Hub; State Contract No. 25-020-01; **American Recovery and Reinvestment Act (ARRA)**, Federal Aid Project No. ERRA-2009(31). DE SHPO case no. 2009.02.23.02. Archaeological Survey and Finding of No Historic Properties Affected.

Dear Mr. Blendy:

The DE SHPO has reviewed the documentation, prepared by the Delaware Department of Transportation (DelDOT) on behalf of the Federal Highway Administration and the Federal Transit Administration, proposing a finding of No Historic Properties Affected for the above-referenced ARRA-funded undertaking. This office would like to offer the following comments on the proposed finding.

Efforts to identify historic properties for the project included both architectural and archaeological survey. The architectural survey determined that there are no standing structures eligible for listing in the National Register of Historic Places within the footprint of the proposed project. Although the DE SHPO found that the Area of Potential Effect (APE) should not be limited to the project footprint, this office did agree that no further architectural survey was needed for surrounding properties (letter of March 31, 2009). DelDOT's documentation also explains why known and potential historic properties in the project vicinity, including Eden Hill (K00125), will not be affected.

The documentation also included a management summary, prepared by DelDOT's consultant, describing the results of an identification (Phase I) level archaeological survey. Information in the summary suggests that no archaeological sites are present within the footprint of the project as it is currently proposed (survey areas B and C). However, the summary clearly indicates that a historic period archaeological site was identified in the .38 acre parcel located between West Street and the railroad (survey area A), which was initially considered part of the APE. The consultant suggested that the site is likely to be eligible for listing in the National Register, and recommended an evaluation (Phase II) level survey be performed if the site were to be affected. The DE SHPO concurs with this recommendation.

Letter to N. Blendy
July 9, 2009
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It is understood that the .38 acre parcel containing the archaeological site is no longer part of the current, ARRA-funded project, but may be considered for future expansion of the Transit Center. This office appreciates the commitment, expressed in DelDOT's letter, to resume consultation under Section 106 of the National Historic Preservation Act should such future development of the parcel be proposed.

The DE SHPO concurs with the finding that the Dover Transit project, as currently defined, will not affect historic properties, with the following conditions:

1. DelDOT will take steps to ensure that the parcel containing the archaeological site is not disturbed by project-related activities, such as staging or stockpiling; and
2. DelDOT will have its consultant complete the Phase I archaeological survey report, meeting federal and state standards, taking into account the DE SHPO's comments on the management summary which will be provided under separate cover; and
3. DelDOT will carry out the additional measures cited in its documentation, by:
 - a. re-opening Section 106 consultation if future expansion of the project will involve the parcel containing the archaeological site; and
 - b. providing the DE SHPO with a copy of project plans, and taking into account any comments provided by the DE SHPO; and
 - c. notifying the DE SHPO and interested parties, including but not necessarily limited to the City of Dover, if any significant changes to the project methods, footprint, materials or design are proposed, and taking into account any comments provided by the DE SHPO and/or interested parties prior to implementing such changes; and
 - d. consulting with the DE SHPO concerning locations proposed for disposal of project related materials. DelDOT shall ensure that no such locations are used if the DE SHPO finds that the activity may affect historic properties.

As provided for under Section 36 CFR Part 800.4(d)(1) of the Section 106 regulations, the undertaking may be carried out as planned, taking into account the above-cited conditions. Thank you for your consideration of these comments. Please note that in recognition of the high priority of this case, DE SHPO staff performed their review well within the required timeframe. If you have any questions, particularly about the conditions of the concurrence, please do not hesitate to contact Gwen Davis, who is reviewing this project; she may be reached at gwen.davis@state.de.us or 302-736-7410.

Sincerely,



Stephen Marz, Deputy Director
and Deputy State Historic Preservation Officer

Letter to N. Blendy
July 9, 2009
Page 2

cc: Keith Lynch, Community Planner, Federal Transit Administration, Region 3
Robert McCleary, Asst. Director, Engineering Support, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT
✓ Michael C. Hahn, Senior Highway Planner, DelDOT
David Clarke, Archaeologist, DelDOT
Kevin Cunningham, Archaeologist, DelDOT
Anthony DePrima, City Manager, City of Dover
Joan Larrivee, Architectural Historian, SHPO, DE Division of Historical & Cultural Affairs
Gwenyth A. Davis, Archaeologist, SHPO, DE Division of Historical & Cultural Affairs
Craig Lukezic, Archaeologist, SHPO, DE Division of Historical & Cultural Affairs

