

# **Appendix A**

## **Agency Coordination**

**A1. Notice of Intent**

**A2. Meeting Summaries**

**A3. Resolutions**

# **A1. Notice of Intent**

Four Alternatives for the proposed Klingle Valley Multi-Use Trail, including the No Action Alternative, were developed in accordance with the project objectives established to meet the project purpose and need and are analyzed in detail in the EA. The proposed trail alignment for all Action Alternatives (Alternatives 2, 3, and 4) lies within the existing DDOT right-of-way. The EA examines and evaluates the existing environmental conditions within the project area along with the environmental consequences and cumulative impacts of several alternatives for the proposed improvement.

**DATES:** The public hearing will be held on June 23, 2010 at the National Zoological Park, Visitor Center Auditorium, 3001 Connecticut Avenue, NW., Washington, DC 20008. The Public Hearing will consist of an open house from 6 p.m. to 6:30 p.m. followed by a formal presentation and opportunity to comment from 6:30 p.m. to 8 p.m. *Comments on the EA must be received on or before July 6, 2010.*

**ADDRESSES:** In addition to attending the Public Hearing, you may submit comments or requests for copies of the EA by any of the following methods:

- *Project Web Site:* <http://www.klingletail.com>. Follow the instructions for submitting comments on the Web site.
- *E-mail:* [comments@klingletail.com](mailto:comments@klingletail.com).
- *Mail:* Austina Casey, Project Manager, Planning, Policy and Sustainability Administration, District Department of Transportation, 2000 14th Street, NW., 7th Floor, Washington, DC 20009.

Electronic copies may be downloaded for review from the project Web site and hard copies of the EA may also be viewed at the following locations:

- District Department of Transportation, Planning, Policy, and Sustainability Administration, 2000 14th Street, NW., 7th Floor, Washington, DC 20009;
- National Capital Planning Commission Library, 401 9th Street, NW., North Lobby, Suite 500, Washington, DC 20004;
- Martin Luther King, Jr. Memorial Library, 901 G Street, NW., Washington, DC 20001;
- Cleveland Park Branch Library, 3310 Connecticut Avenue, NW., Washington, DC 20008;
- Mount Pleasant Library, 3162 Mt. Pleasant Street, NW., Washington, DC 20010.

Issued: May 27, 2010.

**Joseph C. Lawson,**

*Division Administrator, Federal Highway Administration, District of Columbia Division.*

[FR Doc. 2010-13485 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### FEDERAL HIGHWAY ADMINISTRATION

[FHWA-DC-2010-01-D]

#### Notice of Withdrawal of the Notice of Intent for Klingle Road Environmental Impact Statement; Washington, DC

**AGENCIES:** Federal Highway Administration, District of Columbia Division; and District Department of Transportation.

**ACTION:** Notice of Withdrawal of the Notice of Intent to prepare an Environmental Impact Statement for Klingle Road.

**SUMMARY:** The U.S. Federal Highway Administration (FHWA) is issuing this notice to advise the public that, effective immediately, the Notice of Intent (NOI) (**Federal Register** Vol. 69, No 52; FR Doc 04-6027) to prepare an Environmental Impact Statement (EIS) for the proposed reopening of Klingle Road, NW., to vehicular access in Washington, DC, is being withdrawn. The NOI for the EIS was announced on March 18, 2004.

**FOR FURTHER INFORMATION CONTACT:** Federal Highway Administration, District of Columbia Division: Mr. Michael Hicks, Environmental/Urban Engineer, 1990 K Street, NW., Suite 510, Washington, DC 20006-1103, (202) 219-3536; or District Department of Transportation: Austina Casey, Project Manager, Planning, Policy and Sustainability Administration, 2000 14th Street, NW., 7th Floor, Washington, DC 20009, (202) 671-2740.

**SUPPLEMENTARY INFORMATION:** In June 2008, the District of Columbia Council passed legislation called the Klingle Road Sustainable Development Amendment Act of 2008 (DC Law 17-219; DC Official Code § 9-115.11). This legislation ended studies to reopen the barricaded segment of Klingle Road to vehicular traffic, and specifies that District Department of Transportation (DDOT) shall allocate and use Federal aid highway funds for the environmental remediation of Klingle Valley and the construction of a pedestrian and bicycle trail along the barricaded portion of Klingle Road, between Porter Street, NW., and Cortland Place, NW. Based on this

legislation, the NOI to prepare an EIS will be withdrawn.

FHWA in conjunction with DDOT have determined that an Environmental Assessment (EA) will instead be prepared to evaluate a range of alternatives and impacts for the construction of a multi-use trail facility within the 0.7 mile barricaded portion of Klingle Road; including the restoration of Klingle Creek, in cooperation with the National Park Service (NPS). The proposed multi-use trail facility will be constructed using context sensitive design, to provide safe non-motorized transportation and recreational opportunities to the residents and visitors of the District of Columbia.

Issued: May 27, 2010.

**Joseph C. Lawson,**

*Division Administrator, Federal Highway Administration, District of Columbia Division.*

[FR Doc. 2010-13490 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Draft Tier II Environmental Impact Statement: Southeast High Speed Rail Corridor-Richmond, VA (Main Street Station) to Raleigh, NC (Boylan Wye)

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of Availability of the Tier II Draft Environmental Impact Statement and public hearings for the Southeast High Speed Rail, Richmond, VA to Raleigh, NC Project (Project).

**SUMMARY:** The Federal Railroad Administration announces the availability of the Southeast High Speed Rail, Richmond, VA to Raleigh, NC Project Draft Tier II Environmental Impact Statement (DEIS) for public review and comment. The DEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, the Council on Environmental Quality NEPA implementing regulations, 40 CFR parts 1500-1508, and the FRA NEPA guidance, 64 FR 28545 (May 26, 1999). FRA is the lead Federal agency; the Federal Highway Administration, United States Coast Guard, United States Army Corps of Engineers, United States Environmental Protection Agency, and the United States Fish and Wildlife Service are cooperating Federal agencies. The North Carolina Department of Transportation Rail Division (NCDOT) and the Virginia

Department of Rail and Public Transportation (DRPT) are co-lead State agencies. The Environmental Protection Agency included the DEIS in the Notice of Availability published on June 4, 2010.

**DATES:** FRA invites interested Members of Congress, state and local governments, other Federal agencies, Native American tribal governments, organizations, and members of the public to provide comments on the DEIS. The public comment period opened on May 28, 2010, and will continue until August 30, 2010. Written and oral comments will be given equal weight, and FRA will consider all comments received or postmarked by that date in the preparing the Final EIS. Comments received or postmarked after that date will be considered to the extent practicable. Dates and locations for the public hearings are listed below. "Open House" information sessions will be held from 5–7 p.m. followed by public hearings at 7 p.m. Eastern Standard Time:

1. Norlina, NC: July 13, 2010, Northside Elementary School, 164 Elementary Avenue, Norlina, NC 27563.
2. Alberta, VA: July 15, 2010, Southside Virginia Community College, Christanna Campus, 109 Campus Drive, Alberta, VA 23821.
3. Richmond, VA: July 20, 2010, Virginia Department of Motor Vehicles Cafeteria, 2300 West Broad Street, 1st floor, Richmond, VA 23269.
4. Petersburg, VA: July 21, 2010, Union Station, 103 River Street, Petersburg, VA 23804.
5. McKenney, VA: July 22, 2010, Sunnyside Elementary School, 10203 Sunnyside Road, McKenney, VA 23872.
6. Raleigh, NC: July 26, 2010, Raleigh Convention Center, 500 South Salisbury Street, Raleigh, NC 27601.
7. Henderson, NC: July 27, 2010, Aycock Elementary School, 305 Carey Chapel Road, Franklin County, NC 27537.
8. Franklinton, NC: July 29, 2010, Franklinton High School Gym, 6948 N. Cheatham Street, Franklinton, NC 27525.

**ADDRESSES:** Comments may be submitted at the public hearings both verbally and in writing. Written comments may be submitted electronically via the project Web site at <http://www.sehsr.org> or mailed to SEHSR Comments, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699–1553, or SEHSR Comments, Virginia Department of Rail and Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the environmental review, please contact one of the following three individuals: Mr. Patrick Simmons, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699–1553 (telephone 919–733–7245), or by e-mail at [pbsimmons@ncdot.gov](mailto:pbsimmons@ncdot.gov), with "SEHSR Richmond to Raleigh," in the subject heading; or Ms. Christine Fix, Virginia Department of Rail & Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219 (telephone 804–786–1052) or by e-mail at [christine.fix@drpt.virginia.gov](mailto:christine.fix@drpt.virginia.gov), with "SEHSR Richmond to Raleigh" in the subject heading; or Mr. John Winkle, Transportation Industry Analyst, Office of Passenger Programs, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room W38–311, Washington, DC 20590 (telephone 202 493–6067), or by e-mail at [John.Winkle@DOT.Gov](mailto:John.Winkle@DOT.Gov) with "SEHSR Richmond to Raleigh" in the subject heading.

**SUPPLEMENTARY INFORMATION:** The Tier II DEIS evaluates alternatives and the environmental impacts for proposed high speed passenger rail service with a maximum authorized speed of 110 miles per hour within the preferred corridor described in the Tier I Record of Decision for the SEHSR Corridor from Washington, DC to Charlotte, NC. This Tier II DEIS is focused on the approximately 162 mile portion of the corridor between Main Street Station in Richmond, VA and the Boylan Wye in Raleigh, NC. The project corridor generally follows the CSX S-line from Main Street Station, Richmond, VA, to Centralia, VA, then the CSX A-line to Collier Yard, Petersburg, VA. South of Collier Yard the corridor follows the Burgess Connector rail line to Burgess, VA, and the former Seaboard Air Line (S-line) to Norlina, NC, where the S-line returns to an active freight railroad. In Raleigh, NC, the study corridor includes two alternatives: the western branch follows the existing Norfolk Southern (NS) NS-line; the eastern branch continues to follow the CSX S-line. The two branches rejoin before the terminus of the project at the Boylan Wye. Included in the project are nearly 100 new bridges/overpasses that, when combined with existing bridges/overpasses, will create a fully grade-separated system to ensure the safety of both passengers and the surrounding community.

For engineering purposes and discussions of impacts, the project corridor is divided into 26 sections. There are three alternatives in each section, and each rail alternative

includes an associated set of highway improvements. In many areas, the alternatives are concurrent. The endpoints of each of the 26 sections are in locations where the alternative alignments are in a common location. The alternatives are evaluated section by section, allowing a "best-fit" preferred alternative to be developed for the entire study corridor. The Tier I EIS established the purpose and need for the project; and evaluated nine build alternatives, as well as a No-Build Alternative; therefore, a no-build alternative was not evaluated in this Tier II document. Potential environmental impacts of the alternatives include increased noise and vibration, local traffic impacts associated with consolidation of existing at-grade crossings to new or existing bridges and underpasses, impacts on historic properties and archeological sites, impacts on parks and recreation resources, impacts on sensitive biological resources and wetlands, and use of energy. Potential mitigation strategies are described to avoid or minimize potential impacts. Such strategies would be further refined when the preferred alternative is selected, and discussed in the Final Environmental Impact Statement.

#### Availability of the DEIS

Copies of the Draft EIS and appendices are available for review at the following locations:

- Richmond Main Public Library, 101 East Franklin Street, Richmond, VA.
- Richmond Regional Planning District Commission, 9211 Forest Hill Avenue, Suite 200, Richmond, VA.
- Chesterfield County Central Public Library, 9501 Lori Road, Chester, VA.
- Colonial Heights Public Library, 1000 Yacht Basin Drive, Colonial Heights, VA.
- Petersburg Central Public Library, 137 S. Sycamore Street, Petersburg, VA.
- Crater District Planning Commission, 1964 Wakefield Street, Petersburg, VA.
- Dinwiddie County Planning Department, 14016 Boydton Plank Road, Dinwiddie, VA.
- Southside Virginia Community College Library, Christiana Campus, 109 Campus Drive, Alberta, VA.
- Southside Planning District Commission, 200 S. Mecklenburg Avenue, South Hill, VA.
- Norlina Town Hall, 101 Main Street, Norlina, NC.
- NCDOT District 3 Office, 321 Gillburg Road, Henderson, NC.
- Franklinton Branch Public Library, 9 West Mason Street, Franklinton, NC.

• NCDOT District 1 Office, 4009 District Drive, Raleigh, NC.

The project Web site <http://www.sehsr.org> includes a complete list of locations and addresses. The document is also available at the Virginia Department of Rail and Public Transportation Office at 600 East Main Street, Suite 2102, Richmond, VA; and the North Carolina Department of Transportation Rail Division at 1 South Wilmington Street, Raleigh, NC. In addition, electronic versions of the Draft Tier II EIS and appendices are available through FRA's Web site at [www.fra.dot.gov](http://www.fra.dot.gov), on the DRPT Web site at <http://www.drpt.virginia.gov> and on the project Web site at [www.sehsr.org](http://www.sehsr.org).

Issued in Washington, DC, on June 2, 2010.

**Mark E. Yachmetz,**

Associate Administrator for Policy and Development.

[FR Doc. 2010-13587 Filed 6-4-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2010-0149]

#### Rules of Practice

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of suspension of informal hearing procedure; request for comments.

**SUMMARY:** The FMCSA announces that it is re-evaluating the appropriateness and effectiveness of the informal hearing procedure authorized under the Agency's Rules of Practice. Although proceedings where an informal hearing has already been requested will continue to be processed under the Rules of Practice, the Agency will not entertain any new requests for informal hearings pending its re-evaluation of the procedure.

**DATES:** Effective June 7, 2010. Comments must be received by August 6, 2010.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket Number, FMCSA-2010-0149, by any of the following methods. Do not submit the same comments by more than one method. However, to allow effective public participation before the comment period deadline, the Agency encourages use of the Web site, which is listed first. It will provide the most efficient and timely method of receiving and processing your comments.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Fax:* 1-202-493-2251.

• *Mail:* Docket Management Unit; U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* Ground floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number for this regulatory action. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. The Department of Transportation's (DOT) complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476), and can be viewed at <http://docketsinfo.dot.gov>.

*Public Participation:* The regulations.gov system is generally available 24 hours each day, 365 days each year. You can find electronic submission and retrieval help and guidelines under the "help" section of the Web site. For notification that FMCSA received the comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on line. Copies or abstracts of all documents referenced in this notice are in the docket: FMCSA-2010-0149. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the closing date will be considered to the extent practicable. FMCSA may, however, issue a final determination at any time after the close of the comment period. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Falk, Office of Chief Counsel, Adjudications Counsel (MC-CCA), FMCSA, 1200 New Jersey Avenue, SE.,

Washington, DC 20590. Tel. (202) 366-9304.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 113(f), Congress directed FMCSA to carry out the duties and powers related to motor carriers or motor carrier safety vested in the Secretary of Transportation by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315 and 317 of title 49 of the U.S. Code, except as otherwise delegated by the Secretary. Regulations implementing this statutory authority include the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 380-399), the Federal Motor Carrier Commercial Regulations (FMCCRs) (49 CFR parts 360-379), and the Federal Hazardous Materials Regulations (HMRs) (49 CFR parts 171-180).

FMCSA's enforcement powers include the general authority to conduct administrative enforcement proceedings for violations of the FMCCRs (49 U.S.C. 14701) as well as to assess civil penalties for violations related to commercial motor vehicle safety (49 U.S.C. chapter 5) and hazardous materials (49 U.S.C. chapter 51).

In accordance with this authority, the Agency promulgated regulations governing civil penalty and driver disqualification proceedings before the Agency. These regulations are known as the Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings (Rules of Practice) and are codified at 49 CFR part 386.

In May 2005, the Agency amended the Rules of Practice to establish, among other things, an informal hearing process as an option for adjudicating administrative enforcement proceedings (see 70 FR 28467, May 18, 2005). Civil penalty proceedings are initiated by issuance of a Notice of Claim by a representative of the Agency (Claimant) pursuant to 49 CFR 386.11(c). Under 49 CFR 386.14(b)(2), the party against whom a claim is made (Respondent) must reply to the Notice of Claim by electing one of three options: (1) Paying the full amount of the claim; (2) contesting the claim by requesting administrative adjudication pursuant to section 386.14(d); or (3) seeking binding arbitration in accordance with the Agency's arbitration program. Under section 386.14(d)(1)(iii), a respondent electing administrative adjudication may request that the matter be adjudicated either through: (A) Submission of written evidence without hearing; (B) an informal hearing; or (C) a formal hearing.



e. Transfer of funds between programs; and,

f. Transfer of funds between projects.

The party initiating the fund transfer must fill out a FHWA transfer request form. Information required to fill out a transfer form will include the requester's contact information; a description of the program/project the transfer will come from and go to, the fiscal year, the program code, a demo ID or an urban area when applicable, and the amount to be transferred. The form must be approved by the applicable State Department of Transportation and concurred on by the correlating FHWA Division Office.

*Respondents:* 50 State Transportation Departments, the District of Columbia, and Puerto Rico.

*Frequency:* As Needed.

*Estimated Average Burden per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* It is estimated that a total of 600 responses will be received annually, which would equal a total annual burden of 300 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: August 9, 2010.

**Juli Huynh,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. 2010-20540 Filed 8-18-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Draft Tier II Environmental Impact Statement: Southeast High Speed Rail Corridor—Richmond, VA (Main Street Station) to Raleigh, NC (Boylan Wye)

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of extension of comment period for the Tier II Draft Environmental Impact Statement for the Southeast High Speed Rail, Richmond, VA to Raleigh, NC Project (Project).

**SUMMARY:** On May 4, 2010, the Federal Railroad Administration (FRA) signed the Draft Tier II Environmental Impact Statement for the Southeast High Speed Rail, Richmond, VA to Raleigh, NC (Project). FRA is the lead Federal agency on the Project, and the North Carolina Department of Transportation Rail Division (NCDOT) and the Virginia Department of Rail and Public Transportation (DRPT) are co-lead State agencies. By **Federal Register** Notice dated June 7, 2010, FRA announced the public hearing schedule for the Project and set the closing date for the comment period as August 30, 2010. Because of the high amount of interest in the Project, FRA, NCDOT and DRPT have decided to extend the comment period to Friday, September 10, 2010.

**DATES:** The comment period on the Project is extended until September 10, 2010.

**ADDRESSES:** Comments may be submitted via the project Web site at <http://www.sehsr.org> or mailed to SEHSR Comments, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699-1553, SEHSR Comments, DRPT, 600 East Main Street, Suite 2102, Richmond, VA 23219.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the environmental review, please contact one of the following three individuals: Mr. Patrick Simmons, NCDOT Rail Division, 1553 Mail Service Center, Raleigh, NC 27699-1553 (telephone 919.733.7245), or by e-mail at [psimmons@ncdot.gov](mailto:psimmons@ncdot.gov), with "SEHSR Richmond to Raleigh," in the subject heading; or Ms. Christine Fix, Department of Rail & Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219 (telephone 804 786-1052) or by e-mail at [christine.fix@drpt.virginia.gov](mailto:christine.fix@drpt.virginia.gov), with "SEHSR Richmond to Raleigh" in the subject heading; or Mr. John Winkle, Transportation Industry Analyst, Office of Passenger Programs, Federal Railroad

Administration, 1200 New Jersey Ave., SE., Room W38-311, Washington, DC 20590 (telephone 202 493-6067), or by e-mail at [John.Winkle@DOT.Gov](mailto:John.Winkle@DOT.Gov) with "SEHSR Richmond to Raleigh" in the subject heading.

**SUPPLEMENTARY INFORMATION:** The Tier II DEIS evaluates alternatives and the environmental impacts for proposed high speed passenger rail service with a maximum authorized speed of 110 miles per hour within the preferred corridor described in the Tier I Record of Decision for the SEHSR Corridor from Washington, DC to Charlotte, NC. This Tier II DEIS is focused on the approximately 162 mile portion of the corridor between Main Street Station in Richmond, VA and the Boylan Wye in Raleigh, NC. FRA's June 7, 2010 **Federal Register** notice describes the project in greater detail. In light of the public interest in the project and the environmental process, FRA, NCDOT, and DRPT have extended the public and agency comment period until September 10, 2010.

#### Availability of the DEIS

Copies of the Draft EIS and appendices are available for review at the following locations:

- Richmond Main Public Library, 101 East Franklin Street, Richmond, VA
- Richmond Regional Planning District Commission, 9211 Forest Hill Avenue, Suite 200, Richmond, VA
- Chesterfield County Central Public Library, 9501 Lori Road, Chester, VA
- Colonial Heights Public Library, 1000 Yacht Basin Drive, Colonial Heights, VA
- Petersburg Central Public Library, 137 S. Sycamore Street, Petersburg, VA
- Crater District Planning Commission, 1964 Wakefield Street, Petersburg, VA
- Dinwiddie County Planning Department, 14016 Boydton Plank Road, Dinwiddie, VA
- Southside Virginia Community College Library, Christiana Campus, 109 Campus Drive, Alberta, VA
- Southside Planning District Commission, 200 S. Mecklenburg Avenue, South Hill, VA
- Norlina Town Hall, 101 Main Street, Norlina, NC
- NCDOT District 3 Office, 321 Gillburg Road, Henderson, NC
- Franklinton Branch Public Library, 9 West Mason Street, Franklinton, NC
- NCDOT District 1 Office, 4009 District Drive, Raleigh, NC

The project Web site <http://www.sehsr.org> includes a complete list of locations and addresses. The document is also available at the

Virginia Department of Rail and Public Transportation Office at 600 East Main Street, Suite 2102, Richmond, VA; and the North Carolina Department of Transportation Rail Division at 1 South Wilmington Street, Raleigh, NC. In addition, electronic versions of the Draft Tier II EIS and appendices are available through FRA's Web site at: <http://www.fra.dot.gov> and also on the DRPT Web site at <http://www.drpt.virginia.gov> and the project Web site at <http://www.sehsr.org>.

Issued in Washington, DC, on August 12, 2010.

**Mark E. Yachmetz,**

*Associate Administrator for Railroad Policy and Development.*

[FR Doc. 2010-20534 Filed 8-18-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Commercial Space Transportation Advisory Committee—Public Teleconference

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Commercial Space Transportation Advisory Committee Teleconference.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 2), notice is hereby given of a teleconference of the Space Transportation Operations Working Group (STOWG) of the Commercial Space Transportation Advisory Committee (COMSTAC). The teleconference will take place on Friday, September 17, 2010, starting at 11:00 a.m. Eastern Daylight Time. Individuals who plan to participate should contact Susan Lender, DFO, (the Contact Person listed below) by phone or e-mail for the teleconference call-in number.

The proposed agenda for this teleconference is to continue the group's review of the Concept of Operation for Global Space Vehicle Debris Threat Management report. This is one of the action items from the May 19, 2010 meeting held at the National Housing Center, 1201 15th Street, NW., Washington, DC 20005.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to

submit written statements should contact Susan Lender, DFO, (the Contact Person listed below) in writing (mail or e-mail) by September 10, 2010, so that the information can be made available to COMSTAC members for their review and consideration before the September 17, 2010, teleconference. Written statements should be supplied in the following formats: One hard copy with original signature or one electronic copy via e-mail.

An agenda will be posted on the FAA Web site at <http://www.faa.gov/go/ast>.

Individuals who plan to participate and need special assistance should inform the Contact Person listed below in advance of the meeting.

**FOR FURTHER INFORMATION, CONTACT:**

Susan Lender (AST-100), Office of Commercial Space Transportation (AST), 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267-8029; E-mail [susan.lender@faa.gov](mailto:susan.lender@faa.gov). Complete information regarding COMSTAC is available on the FAA Web site at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/advisory\\_committee/](http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/).

Issued in Washington, DC, August 13, 2010.

**George C. Nield,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 2010-20519 Filed 8-18-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Eleventh Meeting: RTCA Special Committee 209: In Joint Session With EUROCAE WG-49: ATCRBS/Mode S Transponder MOPS Maintenance

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of RTCA Special Committee 209: In Joint Session with EUROCAE WG-49 ATCRBS/Mode S Transponder MOPS Maintenance.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 209: In Joint Session with EUROCAE WG-49 ATCRBS/Mode S Transponder MOPS Maintenance.

**DATES:** The meeting will be held September 8-10, 2010 from 9 a.m.-5 p.m. EDT

**ADDRESSES:** The meeting will be held at the RTCA Headquarters, 1828 L Street, NW., Washington, DC, Location: MacIntosh-NBAA/Hilton-ATA Rooms,

Host Contact: Hal Moses, RTCA, 202-833-9339, [hmoses@rtca.org](mailto:hmoses@rtca.org), Secretary Contact: Gary Furr 1-609-485-4254, [gary.ctr.furr@faa.gov](mailto:gary.ctr.furr@faa.gov).

**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036-5133; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.

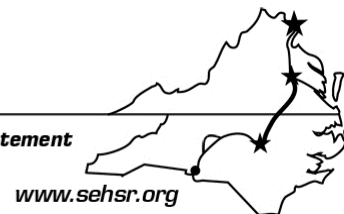
**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a RTCA Special Committee 209: In Joint Session with EUROCAE WG-49 ATCRBS/Mode S Transponder MOPS Maintenance meeting. The agenda will include:

- Opening Session (Host and Co-Chairs Welcome, Introductions and Remarks)
- Review and Approval of the Agenda (SC209-WP11-01)
- Review and Approval of the Minutes of Meeting #10 (SC209-WP11-02)
- Review of the Status of Open Action Items
  - AI-10-11—Review of Documents for P5 Pulse Position Differences (WP11-03)
  - AI-10-03—Issues Related to Zeroing Registers 08<sub>16</sub> & 20<sub>16</sub> (WP11-04)
  - AI-10-02—Register 60<sub>16</sub> Maximum Update Interval Changes (WP11-05)
  - AI-10-01—Errata for Register 60<sub>16</sub> for GPS Data Input (WP11-06)
  - AI-10-09—Review of MOPS for Usage of the term "All-Call" (WP11-07)
- Discussion of Other Issues Related to Proposed Changes to DO-181D/ED-73C
  - WP11-xx—Review
- Review of the Actual Change Documents for DO-181D and ED-73C
  - WP11-xx—Proposed Draft of Change 1 to DO-181D
  - WP11-xx—Proposed Draft of Change 1 to ED-73C
- Date, Place and Time of any Future Meetings
- Other Business
  - WP11-xx
- Adjournment

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.



## **A2. Meeting Summaries**



## MEETING SUMMARY

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**SUBJECT:** SEHSR – Selection of Preferred Alternatives in VA

**DATE:** April 19, 2011

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A Southeast High Speed Rail (SEHSR) meeting was held at the Virginia Department of Historic Resources (VDHR) Virginia Historical Society Building at the corner of Boulevard and Kensington in Richmond on April 12, 2011, to discuss new alternatives and Section 404/401 permitting for sections of the proposed SEHSR corridor between Richmond and the North Carolina state line. The following people were in attendance:

Alice Allen-Grimes	US Army Corps of Engineers (USACE)	757-201-7219
Kathy Perdue	USACE	757-201-7218
Steve Hardwick	VA Dept. of Environmental Quality (VDEQ)	804-698-4168
Chris Egghart	VDEQ-Cultural Resources	804-698-4377
William Hester	US Fish and Wildlife Service	804-693-6694 x127
Marc Holma	VDHR	804-367-2323 x114
Christine Fix	VA Dept. Rail & Public Transportation (DRPT)	804-786-1052
Emily Stock	DRPT	804-786-1052
Samuel Hayes	VA Dept. of Transportation Richmond District	804-524-6095
Marc Hamel	NC Dept. of Transportation Rail Division	919-733-7245 x270
Kristina Solberg	NC Dept. of Transportation Rail Division	919-733-7245 x275
Mike Pekarek	Hatch Mott MacDonald (HMM)	919-552-2253
Kerri Barile	Dovetail Cultural Resources Group	540-899-9170
Suzanne Young	Michael Baker Engineering (Baker)	919-459-9016
Lorna Parkins	Baker	804-287-3176
Richard Darling	Baker	919-459-9009

The purpose of the meeting was to:

- Discuss new alternatives (VA4) in Sections D and G
- Discuss recommendations for preferred alternatives in Sections B and L
- Confirm least environmental damaging practicable alternative (LEDPA) for all remaining sections in Virginia.

A copy of the sign-in sheet is attached at the end of these meeting minutes. The following documents (attached) were handed out at the meeting:

- Section D - Comparison of Alternatives and Section G - Comparison of Alternatives
- Section B - Comparison of Alternatives and Section L - Comparison of Alternatives

A summary of the discussions follows.

**For more information, contact:**

Marc Hamel, NCDOT Rail Division, Rail Environmental Programs Manager, 919.733.7245 x270  
Christine Fix, VDRPT, Strategic Planning Manager, 804.786.1052

Toll Free  
1-877-749-7245

## Section D

- This section had conflicting resource issues based on the alternatives presented in the draft environmental impact statement (DEIS). VA1/VA3 (on common alignment) would impact a population of an endangered species (Michaux's Sumac) and have an adverse effect on the Wynnhurst historic property under Section 106 of the National Historic Preservation Act (NHPA). The alignment would also require a "use" of Wynnhurst under Section 4(f) of the Department of Transportation Act of 1966. VA2 would avoid impacts to Wynnhurst and the population of the Michaux's Sumac, but would impact an additional 7 acres of wetlands and 500 feet of streams compared to VA1/VA3.
- A new alignment was developed as a hybrid of VA1/VA3 and VA2: VA4 is lower in stream and wetland impacts than VA2, avoids the Michaux's Sumac, and also does not require a Section 4(f) use.
- The cost of VA4 is anticipated to be slightly higher than the other alternatives due to the more extensive roadway improvement needed (about ½ mile additional roadwork).
- Representatives of VDHR, VDEQ, USFWS and USACE all agreed that VA4 is acceptable as the preferred alternative in Section D.

## Section G

- This section had conflicting resource issues based on the alternatives presented in the DEIS. VA3 was originally developed to avoid Section 106 and Section 4(f) impacts because VA1 and VA2 would both require property from the Oak Shades historic resource. (VA1 would have an adverse effect on Oak Shades under Section 106, while VA2 would have no adverse effect.) However, during development of VA3, the Tourist Guest House was identified as a historic resource. VA3 was subsequently determined to have an adverse effect on the Tourist Guest House under Section 106 and would also require a Section 4(f) use of the resource. Based on the fact that VA2 was determined to have a *de minimis* Section 4(f) impact on the Oak Shades, it was presented in the DEIS as the Section 4(f) avoidance alternative in Section G. However, it has approximately 400 feet more stream impacts than VA3.
- A new alignment was developed as a variation of VA3: VA4 avoids Section 106 and Section 4(f) impacts and responds to citizen concerns about dividing properties (i.e., VA4 stays closer to the rear end of the properties it crosses, rather than the center).
- Dovetail Cultural Resources Group did extensive research to re-define the eligible boundary for the Tourist Guest House resource that corresponds to a historical tree line. The VA3 alignment was determined to result in an adverse effect on the resource despite the revised boundary. The VA4 alignment is beyond this boundary and also at a lower grade than the tree line. It was confirmed by VDHR at the meeting that VA4 would have no effect on the Tourist Guest House under Section 106.
- The resource agencies' concern with the VA4 alignment is higher stream impacts (1,095 feet compared to 654 feet for VA1; 914 feet for VA2; and 500 feet for VA3). There was discussion amongst the attendees about whether the 1,095 feet of impacts for VA4 included bridging any of the three large stream crossings (labeled in the attached figure as A, B, and C). Subsequent to the meeting, Suzanne Unger Young determined that the 1,095 feet of impacts does NOT assume bridging Crossings A, B, or C. Crossing A has 256 feet of impacts; Crossing B has 279 feet of impacts; and Crossing C has 279 feet of impacts. Providing a bridge at any of those locations would reduce the VA4 impacts by those amounts. VDEQ asked about bridging Crossing A, which is at a skew. Although Crossings B and C are perpendicular, the fill slopes are greater because of the topography. The

SEHSR project team will develop a cost comparison of VA4 with and without bridges at each of the three major crossings.

- There was a discussion of the differences between the two possible Section 4(f) avoidance alternatives (VA2 and VA4). The SEHSR project team noted that VA2 has a lower operability rating than VA4. This stems from a greater curvature in the rail alignment, which means an increase in long-term maintenance for the rails and train equipment, and a lower limiting speed, which means an increase in schedule time and fuel use.
- Once the bridge costs for VA4 are prepared, USACE and VDEQ will state an opinion on the preferred alignment.

### **Section B**

- In Section B, VA1/VA3 (on common alignment) has better operability than VA2, but has greater stream and wetland impacts (940 feet of stream compared to 496 feet; 0.97 acres of wetlands compared to 0.62 ac). The negative operability on VA2 stems from a greater curvature in the rail alignment and a lower limiting speed.
- In looking at the difference in stream impacts between the alternatives, it was identified that approximately 300 feet of stream impacts and 0.3 acres of wetland impacts for VA1/VA3 are due to a proposed access road off Carson Road that would provide access to properties cut off by the rail alignment. (Note that the 300 foot estimate is a correction from the 200 feet presented during the meeting.) The SEHSR project team believes that these impacts can be nullified by ending the service road south of the northernmost property that requires access, and providing access to that property via a driveway off of Boydton Plank Road. Sam Hayes noted that there is some new development in this area along Boydton Plank Road and the SEHSR project may be able to coordinate the driveway access with the planned changes.
- If the stream and wetland impacts from the access road can be removed for the VA1/VA3 alternative, this alternative is acceptable to VDEQ and USACE as the preferred alternative in Section B.

### **Section L**

- In Section L, VA1/VA3 (on common alignment) avoids the Granite Hall/Fitts House historic resource and is the Section 4(f) avoidance alternative. However, it has greater stream and wetland impacts than VA2 (2,809 feet of stream compared to 1,422 feet; 0.57 acres of wetlands compared to 0.01 ac). VA2 has a negative operability rating that stems from a greater curvature in the rail alignment and a lower limiting speed.
- USACE and VDEQ previously stated that VA1/VA3 would be acceptable as the preferred alternative in Section L. There was no change to this position.

### **Remainder of the Project in VA**

- For the remainder of the SEHSR project from Richmond to the North Carolina state line (Sections AA, BB, CC, DD, A, C, E, F, H, I, J, and K), the alternatives are either on common alignment or the SEHSR project team will recommend the alternative with the least stream and wetland impacts as the preferred alternative. In addition, wherever there is a Section 4(f) avoidance alternative, it will be recommended as the preferred alternative.
- VDHR, VDEQ, and USACE all agreed with this approach and did not require a discussion of the recommended preferred alternative in each section.

### **Jurisdictional Verification**

- Baker provided Alice Allen-Grimes with the Jurisdictional Verification Request for Section AA as a sample package, requesting USACE feedback as to sufficiency.

- USACE and Baker need to meet at field locations for verification, but may be able to do spot checks instead of exhaustive review of all impact areas.
- Alice and Kathy Perdue will be key USACE field reviewers. Richard and Dwayne Huneycutt will provide Baker expertise. Additional personnel may be available to assist periodically from both USACE and Baker
- Extra coordination will be required for the property (Towers) immediately north of the Nottoway River where entry has been previously refused.
- Baker provided the “Agent Authorization” format to USACE and VDRPT. USACE will require the list of property owners and addresses be attached in lieu of the specific parcel information. Christine Fix will get appropriate signature from VDRPT then return original to Richard for NCDOT signature.
- VDEQ and USACE would like to have the stream and wetland mapping in GIS concurrent with permit application.
- A new batch of property owner notifications will be needed to access areas along the new alignments. New legislation in VA no longer requires certified letters (only regular US Mail), but USACE must have permission – they will figure out how to accomplish this.
- The SEHSR project team will keep VDEQ informed by copying electronically on the reports and field mapping, etc.
- USFWS requested that the Information, Planning, and Conservation System (IPAC) be applied to the project, using the process outlined on the Virginia Field Office website.

#### **Potential Mitigation**

- Richard Darling provided a mitigation matrix with web links to VDEQ and USACE, which was determined to be acceptable; William Hester also asked to be copied on the mitigation information.
- The attendees discussed comments from the VA Department of Forestry on the DEIS – USACE, USFWS, and VDEQ concurred that they would not require additional mitigation for trees (beyond that required for jurisdictional resources). The request from VA Department of Forestry can be addressed within existing project design standards without calling for additional mitigation.

#### **General Schedule Discussion**

- The new alternatives in Sections D and G need to be presented to the public for their review and comment. Workshops are being scheduled for this summer.
- The Recommendation Report, which will present DRPT and NCDOT Rail Division’s recommended preferred alternatives to the Federal Railroad Administration, is scheduled to be completed in November 2011. The remainder of the schedule is as follows:
  - Final Environmental Impact Statement – Late 2012
  - Record of Decision – Spring 2013
  - Design Public Hearings – Summer 2013

LP/RD/SUY

## **A3. Resolutions**

# RESOLUTION 10—74

## A RESOLUTION

**EXPRESSING SUPPORT FOR THE SOUTHEAST HIGH SPEED RAIL PROJECT;  
SUPPORT FOR LOCATION OF A RAIL PASSENGER STATION IN HENDERSON;  
STRONG CONCERNS ABOUT AND OBJECTIONS TO PROPOSED RAIL  
CROSSINGS SERVICE ROAD AND STREET RECONFIGURATIONS;  
NEED FOR AN UNDERPASS AT THE CHAVASSE AVENUE RAIL CROSSING; AND  
CONCERN FOR NEGATIVE IMPACTS ON WILLIAMS STREET AND BUSINESSES  
ABUTTING THE RAILROAD RIGHT-OF-WAY, PARTICULARLY IN THE  
DOWNTOWN AREA**

**WHEREAS**, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2010 Strategic Planning Retreat; *and*

**WHEREAS**, one of the Key Strategic Objectives is addressed by this Resolution as follows:  
*KSO 3: Enhanced Economic Development: To create new jobs and investment, expand the tax base and increase the per capita income. Action Plan 3-3: High Speed Rail: Locate the High Speed Rail Passenger Station in Downtown; and*

**WHEREAS**, the City of Henderson (City) is highly supportive of the Southeast High Speed Rail Project (HSRP) and believes its implementation will help revive the local economy as did the construction of I-85 did in the 1960's and 1970's, *and*

**WHEREAS**, Henderson is the largest regional population and commercial retail center in North Central North Carolina along the proposed HSRP route, and is one of two rural stops planned on the HSRP between Petersburg, Virginia and Raleigh, North Carolina, with the other rural stop being Lacrosse, Virginia; *and*

**WHEREAS**, the location of a passenger rail station in downtown Henderson would be a significant boost to the redevelopment of the local economic base that has been devastated by the loss of the traditional economic stalwarts of textiles and tobacco in the early part of the decade as well as the lingering negative effects of the current Recession; *and*

**WHEREAS**, the proposed high speed rail line will run along the same right-of-way that currently provides for the current north/south rail line as it traverses Henderson, and said rail line DIVIDES AND BISECTS the city, thus providing for unique challenges and opportunities to address cross-city transportation connectors in a way that meets the current and future needs of the City and its residents, businesses and visitors; *and*

**WHEREAS**, the Council has MAJOR CONCERNS ABOUT AND OBJECTIONS to the proposed reconfiguration of local streets and State roads designed to support the planned bridge crossings of the HSRP at Main St. and North Garnett St., Andrews Ave. at N. Garnett St., Chavasse Ave., Dabney Dr. Extension—Alexander St. Extension at US1

Raleigh Rd., J. P. Taylor Rd. at US 1 Raleigh Rd., and the lack of a connection between Nicholas St. and J. P. Taylor Rd.; *and*

**WHEREAS**, Mr. Robert Southerland, a private citizen and resident of Gholson Avenue located on the East side of the railroad right-of-way in the vicinity of Chavasse Avenue, addressed the City Council at its 26 July 2010 regular meeting and expressed strong support for keeping the Chavasse Avenue railroad crossing open via construction of an underpass similar to the one currently in use at Charles Street in downtown, and no other citizens came forward to speak for or against the Chavasse Avenue crossing proposal being considered by the City Council; *and*

**WHEREAS**, the Council has **SERIOUS CONCERNS** about the impacts of fencing and blocking off the railroad right-of-way and exceeding the current use of said right-of-way in any manner that would have serious, negative impacts on Williams Street and the business properties abutting the railroad right-of-way, particularly within the Downtown area.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it does hereby:

1. **FULLY SUPPORT** the development and fast-track implementation of the Southeast High Speed Rail Project; *and*
2. **FULLY SUPPORT** the location of a rail passenger station in downtown Henderson with daily service on the high speed rail passenger trains; *and*
3. **FULLY SUPPORT** the provision of a pedestrian crossing in the vicinity of Peachtree St., *and*
4. **DOES REQUEST AND FULLY SUPPORT** the inclusion of bike lanes and sidewalks on both sides of any and all local and State streets built and/or reconfigured as part of this project; *and*
5. **AFFIRMS** that Henderson is a city with a population of approximately 16,000 and the railroad right-of-way **DIVIDES AND BISECTS** the city in half. Cross-city connectors that are functional and effective for traffic flow and delivery of public safety services is critical for the public health, safety and welfare and is also critically vital to the City's future economic growth and development. This is particularly true given the fact that 12 of the existing 17 crossings within the City and its Extraterritorial Jurisdiction are slated to be closed. (See Attachment No. 5). Thus, leaving the City with only 5 existing crossings. The addition of the Alexander Ave/Dabney Dr./Raleigh Rd. intersection would bring the crossing number to 6. The addition of the requested Chavasse Ave. underpass would bring the total crossings to 7. The proposed reconfigurations of the local and State streets and roads to accommodate the HSRP crossings are not well designed and do not think about current and/or future needs of the City's transportation network in a logical and systematic manner; consequently, the City Council does **NOT SUPPORT** the proposed reconfigurations of local streets and roads to align with the proposed bridges (rail crossings) at as follows:



- a. Main Street Crossing: The City Council appreciates the plan aligning with the Thoroughfare Plan; however, the proposed termination of direct north/south traffic flow along the N. Chestnut St.—Rt. 1, N. Garnett St. corridor is neither satisfactory nor acceptable. This corridor carries a significant amount of traffic that bypasses the core downtown area as well as provides a direct access for police, fire and other public safety delivery services that provide service to the Northern sector of the city. The City Council **STRONGLY OBJECTS** to the proposed design and respectfully requests that the proposed realignment of local and State streets be redesigned to maintain and provide for the north-south N. Chestnut St.—Rt. 1, N. Garnett St. Corridor traffic flow. (See Attachment No. 1 for current HSRP design); *and*
- b. Andrews Avenue Crossing: This avenue is a main connector between I-85 and US Rt. 1 Bypass and has four lanes from I-85 to N. Chestnut Street and three and four lanes from Booth Avenue to Rt. 1 Bypass. The City Council **STRONGLY OBJECTS** to the construction of a two lane bridge crossing and it respectfully requests that the bridge be widened to provide for future traffic needs and to meet the needs of the bridge crossing as articulated in the City's Thoroughfare Plan— or 4 lanes. Further, the reconfiguration of local streets with this construction does not provide for convenient access from N. Garnett Street in downtown onto Andrews Avenue. The City Council respectfully requests that on/off ramps be provided from the new Andrews Avenue Bridge Crossing to N. Garnett Street. Further, it is requested that Williams Street not be closed at Andrews Avenue on the East side of the rail road right-of-way. (See Attachment No. 2 for current HSRP design); *and*
- c. Chavasse Avenue Crossing: The current plan is to permanently close the Chavasse Avenue crossing. The City Council **STRONGLY OBJECTS** to the permanent closure of the Chavasse Avenue Crossing. While a bridge would not be appropriate due to the historic eligible nature of the residential neighborhood on the East side of the railroad right-of-way, the City Council respectfully requests and proposes that an underpass be provided for Chavasse Avenue in a manner similar to the underpass provided at Charles Street in downtown. This crossing is seen as being critically necessary for the effective delivery of fire services from the Dabney Drive Fire Station into East Henderson as well as the effective access for police personnel. This crossing is extremely important given the fact that the current plans would otherwise leave approximately a 1 mile gap between crossings in a heavily traveled part of the city and where four other downtown crossings are planned to be eliminated. Thus, the only crossings for this heavily populated area of the city without the Chavasse Ave. crossing would be Charles St. Underpass at the northern edge of the Business District and Dabney Dr./Alexander Ave. crossing which is almost at the end of the city limits. (See Attachment No. 3 for current HSRP design); *and*
- d. Dabney Drive Extension—Alexander Avenue Extension: The proposed relocation of Dabney Drive to connect with the Alexander Avenue Extension is almost out of the city limits; therefore, It is critical that the connection provide for

the direct access onto Nicholas Street in order to provide for direct emergency services access from the Dabney Drive Fire Station and police cruisers onto Williams Street and the East Henderson area. The City Council **STRONGLY OBJECTS** to any design that does not provide for at-grade or on/off ramp connections from the proposed overpass improvements of Alexander Avenue onto Nicholas Street. The City Council respectfully requests that direct access from the rail crossing improvement onto Nicholas Street be designed and constructed as part of this project. (See Attachment No. 4 for current HSRP design); *and*

- e. J. P. Taylor Road Crossing: The proposed rail crossing at this intersection does not provide for direct access onto US 1 Business/Raleigh Road. This is a critical crossing providing general traffic and public safety service delivery to Southeast Henderson. The City Council **STRONGLY OBJECTS** to the proposed design because it does not provide for direct access from the J. P. Taylor rail crossing improvement onto US 1 Raleigh Road. It is critical that on/off ramps be provided to connect Raleigh Road with J. P. Taylor Road in order to maintain a high level of public safety service delivery services, particularly fire and police services into the area East of the rail road tracks. The City Council respectfully requests that on/off ramps be provided so as to connect US1 Raleigh Road with the J. P. Taylor rail crossing improvements. Additionally, Belmont Dr. should be widened and improved from the intersection of J. P. Taylor Rd. Extension to Raleigh Road in order to adequately handle the increased traffic load being placed on this small, rural road. (See Attachment No. 6 for current HSRP design); *and*
  - f. Nicholas St. Not Connecting with J. P. Taylor Road: The proposed road configuration does not provide for a physical connection between Nicholas St. and the J. P. Taylor Rd. This is unacceptable as it completely eliminates any direct public safety access to the neighborhoods and businesses to the East of the Railroad track. The City Council **STRONGLY OBJECTS** to the termination of Nicholas St. prior to its intersection with J. P. Taylor Road and it requests that it be extended from its planned termination point to J. P. Taylor Rd. in order to ensure that the area can and will receive adequate and appropriate public safety services. (See Attachment No. 7 for current HSRP design).
6. **EXPRESSES Strong concern for and objection** to the fencing off of the railroad right-of-way and exceeding the current use of said right-of-way for the Southeast High Speed Rail project in a manner that would cause serious, negative impacts on the North/South corridor along Williams Street and the businesses that abut said right-of-way, especially within the downtown area.

Approved on this the 26<sup>th</sup> day of July 2010 upon a motion by Councilmember Evans and seconded by Councilmember Daeke and APPROVED by the following vote: YES: Evans, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

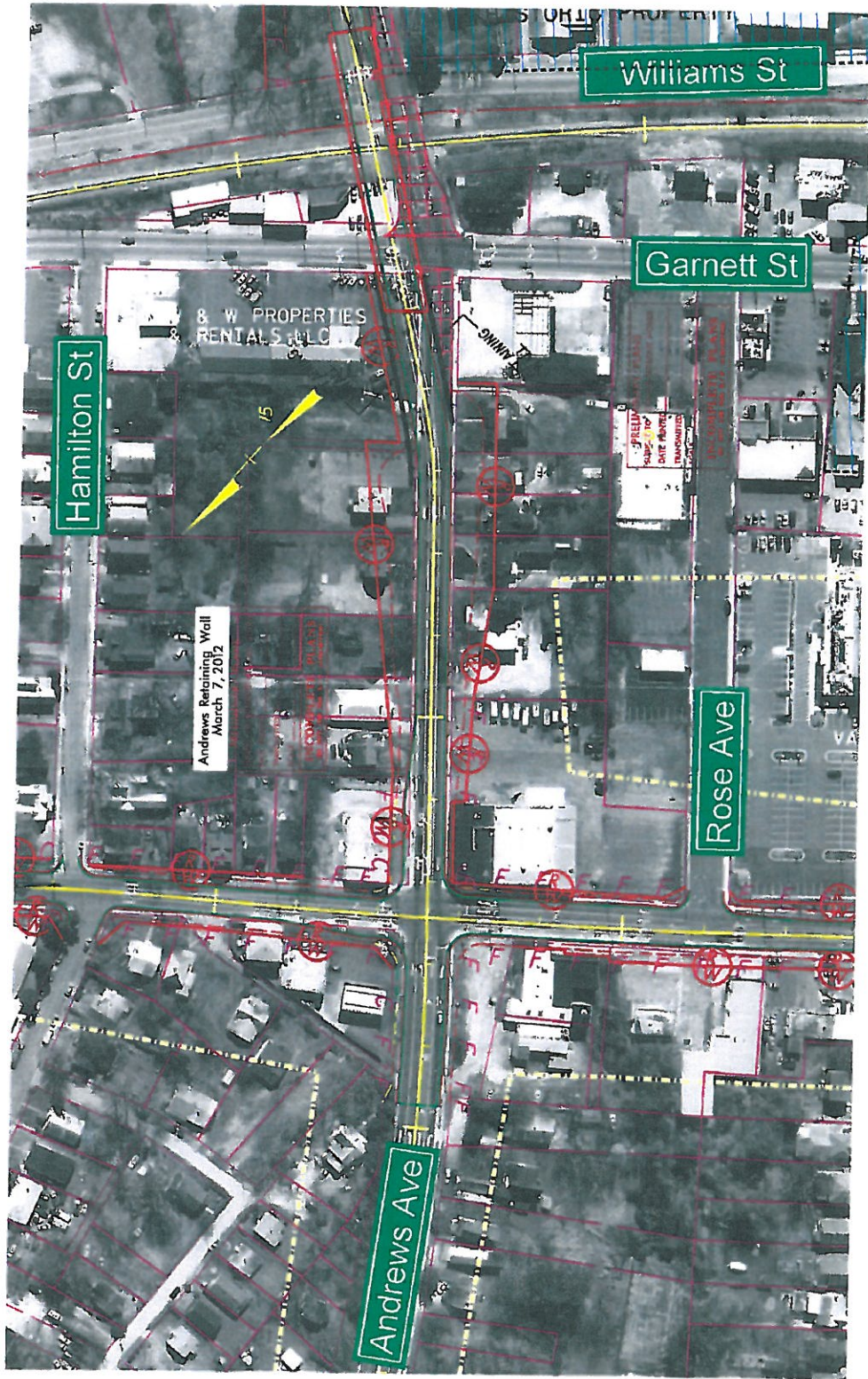
***ATTEST:***

A. Ray Griffin, Jr., Interim City Clerk

Approved as to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 41, pp 605-606.*



ATTACHMENT A

## RESOLUTION 11—84

**A RESOLUTION AFFIRMING THE CITY OF HENDERSON'S POSITION  
ON CERTAIN STREET RECONFIGURATIONS REQUIRED BY  
THE SOUTHEASTERN HIGH SPEED RAIL PROJECT  
AS ARTICULATED DURING THE 25 APRIL 2011 CITY COUNCIL WORK SESSION**

*WHEREAS*, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2011 Strategic Planning Retreat; *and*

*WHEREAS*, one of the Key Strategic Objectives is addressed by this Resolution as follows:  
*KSO 3: Enhanced Economic Development:* To create new jobs and investment, expand the tax base and increase the per capita income. *Action Plan 3-3: High Speed Rail:* Locate the High Speed Rail Passenger Station in Downtown; *and*

*WHEREAS*, the Council discussed the State's response to its previously expressed concerns with State officials at its 25 April 2011 work session; *and*

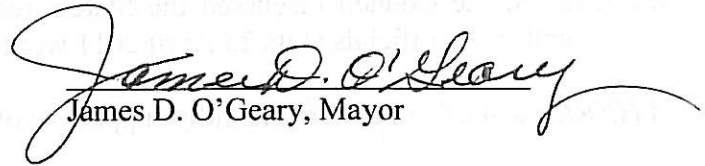
*WHEREAS*, the Council remains fully supportive of the Southeast High Speed Rail Project.

***NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL*** that it does hereby:

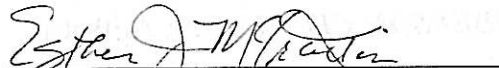
1. Accept the reconfigurations of the following intersections as presented at the 25 April 2011 Work Session:
  - i.* The intersection of N. Chestnut Street, N. Garnett Street, N. Beckford Drive and US 1 North, including Main Street Extension across the rail tracks and intersection with N. Chestnut Street at N. Beckford Drive; *and*
  - ii.* The reconfiguration of Andrews Avenue crossing over Garnett Street and Williams Street and its intersection with N. Chestnut Street; *and*
  - iii.* Closing the Chavasse Street rail crossing; *and*
  - iv.* The J.P. Taylor Road/US 1/ Belmont Drive reconfiguration, with the understanding Belmont Drive between the new intersection with J. P. Taylor Road and Raleigh Road be improved; *and*
  - v.* The extension of Nicholas Street from its dead end to the new intersection with J. P. Taylor Road.
  - vi.* The proposed pedestrian underpass to be approved and its linkage to the City's sidewalk system to be assured and be made ADA compliant if at all possible.

2. Given the significant changes proposed for the Andrews Avenue intersections with Williams and Garnett and Chestnut streets and the increased traffic on City maintained streets, it is requested that NCDOT assume ownership and maintenance of several city streets that will carry significant diverted state street traffic; more specifically,
  - i. Section of Montgomery Street at N. Chestnut Street.
  - ii. Section of Rock Springs Street, Charles Street and Clark Street.
  - iii. Nicholas Street.

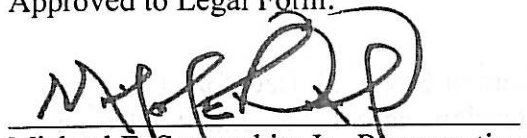
The foregoing *Resolution 11—84*, upon motion of Council Member Daeke and second by Council Member Inscoe, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 22nd day of August 2011: YES: Daeke, Daye, Kearney, Coffey, Inscoe, Rainey, and Peace-Jenkins. NO: None. ABSENT: Davis.

  
James D. O'Geary, Mayor

**ATTEST:**

  
Esther J. McCrackin, City Clerk

Approved to Legal Form:

  
Michael E. Satterwhite Jr., Representing  
City Attorney John Zollicoffer, Jr.

*Reference: Minute Book 42, pp. 106 & 255.*

## RESOLUTION 12-42

### A RESOLUTION ACCEPTING CHANGES AND EXPRESSING ADDITIONAL CONCERNS RELATIVE TO THE REPORT FROM THE SOUTHEASTERN HIGH SPEED RAIL CONCEPT DISCUSSION WITH THE PROJECT ENGINEERS AND NCDOT

*WHEREAS*, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2010 Strategic Planning Retreat; *and*

*WHEREAS*, one of the Key Strategic Objectives is addressed by this Resolution as follows:  
*KSO 3: Enhanced Economic Development:* To create new jobs and investment, expand the tax base and increase the per capita income. *Action Plan 3-3: High Speed Rail:* Locate the High Speed Rail Passenger Station in Downtown; *and*

*WHEREAS*, the City of Henderson (City) resolved by Resolution 10-74 on 26 July 2010 to express concern with the Andrews Avenue crossing not having connectivity directly on and off N. Garnett Street; *and*

*WHEREAS*, the NCDOT proposes to amend the concept by including taking properties from the Garnett Street intersection to just east of the Chestnut Avenue intersection (see Attachment A); *and*

*WHEREAS*, the City accepts these changes; *and*

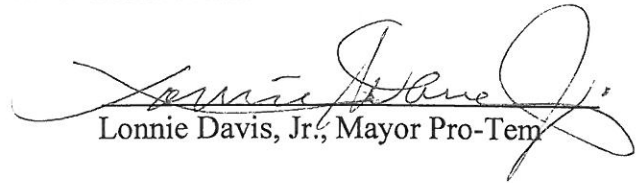
*WHEREAS*, Garnett Street is the transportation vein that carries traffic to the heart of the City; *and*

*WHEREAS*, in order to maintain good economic and historical character in the City's transportation grid. It is important that this main vein is remains accessible from Andrew Avenue one of the main east west corridors in the City.

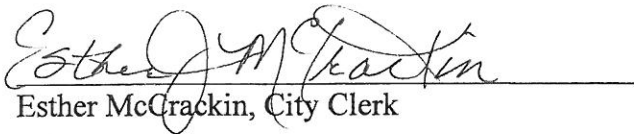
***NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL*** that it does hereby:

1. ***SUPPORTS*** the changes to Andrews Avenue by taking the properties on both sides of the street from the intersection of Garnett Street to just prior to the intersection of Chestnut Street.
2. ***SUPPORT AND APPRECIATE*** the proposed suggested changes to improve the Andrew Avenue crossing

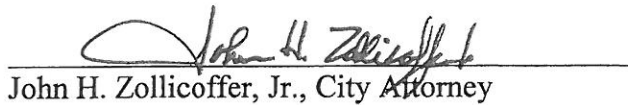
The foregoing Resolution 12-42, upon motion of Council Member Rainey and second by Council Member Peace-Jenkins, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 14<sup>th</sup> day of May 2012: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: None.

  
Lonnie Davis, Jr., Mayor Pro-Tem

**ATTEST:**

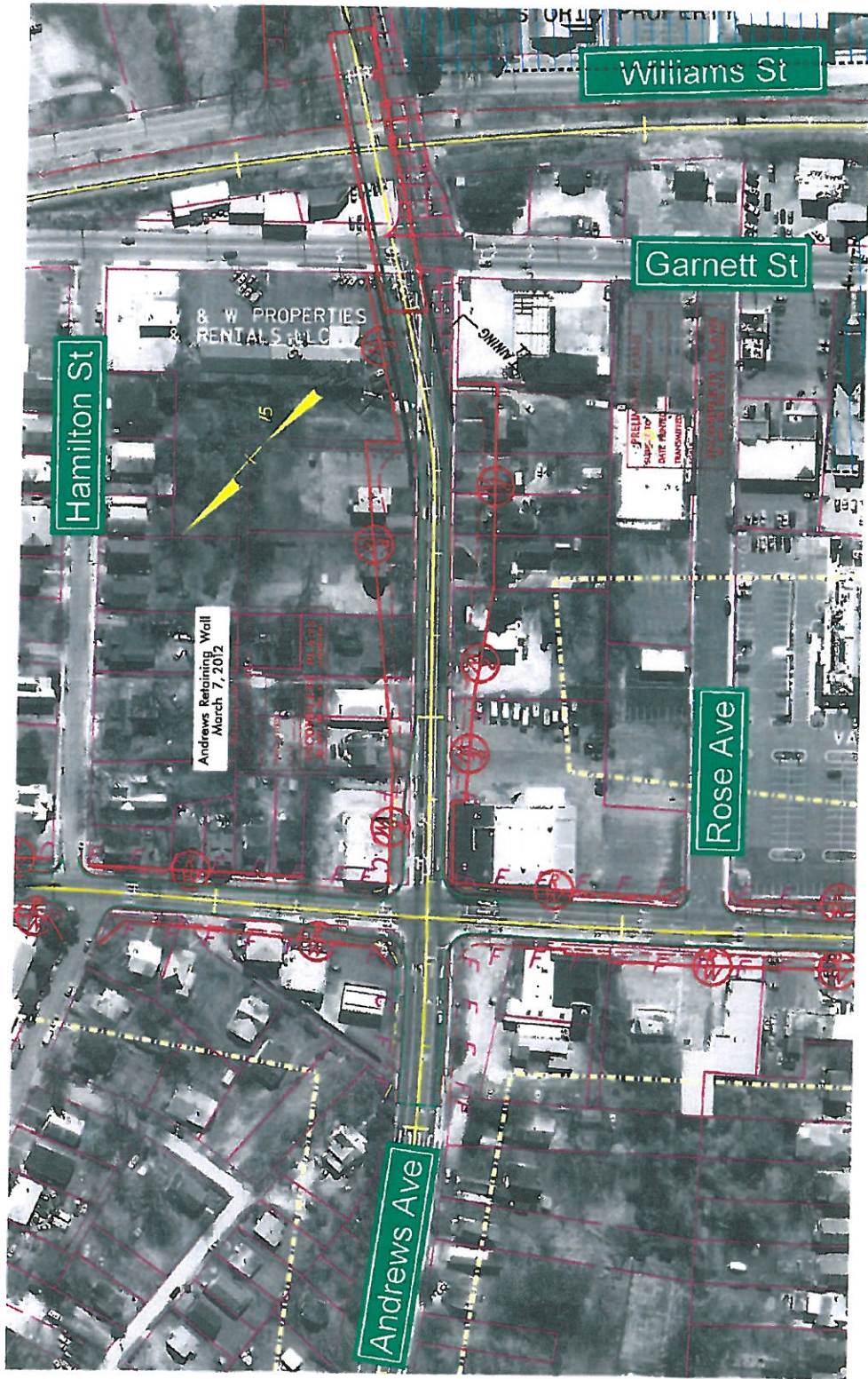
  
Esther McGrackin, City Clerk

Approved as to Legal Form

  
John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p \*\**





ATTACHMENT A