



Martha O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverly G. Swalm-Stacke, Secretary
Neil J. Pedersen, Administrator

04/06/2011

RE: Project No. C.I.P. No. 500722
Project: MD 355/Rockville Pike Crossing Project
Project Type: Pedestrian Access Improvements
Montgomery County, Maryland

Mr. Hassan Raza, Division Administrator
Delmar Division
Federal Highway Administration
City Crescent Building
10 South Howard Street, Suite 2450
Baltimore MD 21201

Attention: Ms. Keilyn Perez, Assistant Area Engineer

Dear Mr. Raza:

In accordance with the CEQ Regulations and 23 CFR 771, the Maryland State Highway Administration (SHA) on behalf of Montgomery County recommends that the proposed project be classified as a Categorical Exclusion (CE) with a de minimis and temporary use determination. This latter request is consistent with 23 CFR 774.

Based on the information and conclusions presented for this project we believe that this project will not involve any significant environmental impacts to socio-economic or natural resources. It will not induce significant foreseeable alterations in land use or affect planned growth. As such, we request your concurrence in classifying this project as a Categorical Exclusion (CE) with a de minimis and temporary use determination.

If you agree with this determination, please indicate your approval below. Your signature will also constitute Location Approval for the proposed project.

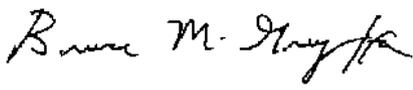
My telephone number/toll-free number is 410.545.8500

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0800 • www.roads.maryland.gov

Sincerely,

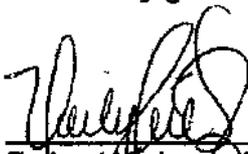
Neil J. Pedersen
Administrator

By: 

Gregory I. Slater, Director
Office of Planning and
Preliminary Engineering

Digitally signed by Bruce M. Grey
DN: cn=Bruce M. Grey, o=SHA, ou=EPLD,
email=bgrey@sha.state.md.us, c=US
Date: 2011.04.06 14:10:53 -04'00'

**We concur with your determination that the project meets the criteria for a
Categorical Exclusion (CE) with a de minimis and temporary use determination
and hereby grant Location Approval.**


for Federal Highway Administration
Division Administrator

May 13, 2011
Date

Attachments

- cc: Mr. Guy Talenico, Chief, Federal Aid Programming Section, SHA (w/Attachments)
- Mr. Thomas Hinchliffe, Chief, Program Coordination Division, Office of Real Estate, SHA
- Ms. Lynn Carroll, Administrative Assistant, Environmental Planning Division (w/Attachments)
- Ms. Jennifer Martin, Environmental Manager, Environmental Planning Division, SHA
- Mr. Edgar Gonzalez, Montgomery County Department of Transportation (MCDOT)
- Mr. Holger Serrano, Montgomery County Department of Transportation (MCDOT)
- Mr. Ken Kendall, Montgomery County Department of Transportation (MCDOT)

**Categorical Exclusion
MD 355/Rockville Pike Crossing Project
Montgomery County, Maryland**

This request for environmental classification and location approval concerns the proposed improvements at the MD 355/Rockville Pike Crossing in Montgomery County. It details that no significant environmental impacts to socioeconomic, natural or cultural resources will occur as a result of this project. Furthermore, we request your concurrence that the requirements of Section 4(f) do not apply to the temporary uses of property within a historic district and a *de minimis* impact finding with respect to minor permanent impacts to a historic resource complies with the requirements of Section 4(f).

Existing Conditions/Project Purpose and Need

The project is located at the intersection of MD 355 and South Wood Road/South Drive in Montgomery County (**Attachment 1**). Currently, South Drive provides access to the Medical Center Metrorail Station Kiss & Ride lot, the National Institutes of Health (NIH) South Drive Gate, and a bus loop for Metrobuses and Ride On buses. Similarly, South Wood Road provides access to Naval Support Activity (NSA) Bethesda (formerly referred to as the National Naval Medical Center or NNMC throughout this study) and is the only gate that allows entry 24 hours per day. More detailed background information on the existing conditions, future no-build forecasts, and traffic operational analyses is documented in the *MD 355/Rockville Pike Crossing Study Purpose and Need Statement (2010)*, which was shared with and approved by the project stakeholders and summarized below.

a. Project Background

The MD 355/Rockville Pike Crossing Project is located in Bethesda, Maryland, a densely populated and developed area inside the Capital Beltway (I-495), and adjacent to NIH and NSA Bethesda. The area is comprised of a vibrant urban district and established residential neighborhoods. The study area limits extend along MD 355 from Cedar Lane South to Jones Bridge Road. The focus of the proposed improvements is on the intersection of MD 355/Rockville Pike and South Wood Road/South Drive. MD 355/Rockville Pike is classified by the Maryland State Highway Administration (SHA) Highway Location Reference as a primary arterial with curbed median, no access control, and a posted speed limit of 35 miles per hour (mph).

This study and the associated improvements focus on the South Wood Road/South Drive Metrorail access and are conducted in conjunction with 2005 Base Realignment and Closure Act (BRAC) actions. BRAC is the congressionally authorized process that the U.S. Department of Defense (DOD) has used to reorganize and consolidate its base structure to more efficiently and effectively support the military. In November 2005, Congress voted to approve the final recommendations of the BRAC Commission and Maryland benefited by gaining additional military and civilian positions.

b. Purpose of the Project

The purpose of the MD 355/Rockville Pike Crossing Project is to improve the movement of the traveling public between the west and east sides of MD 355/Rockville Pike at its intersection with South Wood Road and South Drive in Bethesda, Maryland. This transportation project is intended to: (1) enhance/improve access to mass transit facilities; (2) improve the mobility and safety of pedestrians and bicyclists crossing MD 355/Rockville Pike, and (3) improve traffic operations at the existing intersection of South Wood Road, South Drive, and MD 355.

c. Project Needs

Currently, transit users, pedestrians, and bicyclists wishing to cross MD 355 to get to NSA Bethesda from the Medical Center Metrorail Station or NIH must compete with very high volumes of traffic traveling between South Wood Road, South Drive, and MD 355. This project is needed to improve the mobility, traffic operations, and safety for all facility users within the project area by reducing the existing conflicts between pedestrians and vehicles.

d. Goals and Objectives

Improved connectivity between rail, bus, car/vanpool, and pedestrian/bicycle commuters would also be integrated in the project. Increasing transit usage is part of the approach to mitigate forecasted congestion levels in this area of Montgomery County associated with the BRAC action impacts. The following primary goals and objectives related to the purpose and need were identified for this project:

- Improve pedestrian mobility between NSA Bethesda, NIH, and Medical Center Metrorail Station facilities through improved crossing of MD 355,
- Improve pedestrian safety within the project area by minimizing conflicts with vehicular traffic, and
- Improve traffic operations to and from NSA Bethesda and NIH/Medical Center Metrorail Station at the MD 355, South Wood Road, and South Drive intersection.

The following secondary goals and objectives are not central to the purpose and need, but are still important considerations. These goals and objectives were not used as the main factors in determining which alternatives should be analyzed or carried forward, but were used to support selection of a preferred alternative:

- Promote alternative modes of transportation such as rail, bus, car/vanpools, pedestrians and bicycle commuting
- Improve efficiency with which emergency and transit vehicles move between the NIH and NSA Bethesda campuses.

Alternatives Considered

a. Summary of Alternatives Considered

The study team developed a set of preliminary alternatives that could potentially meet the project purpose (Attachments 2-8). In addition, the study team developed five options based on the concepts developed as part of the Washington Metropolitan Area Transit Authority (WMATA) study completed in July 2009. These options were combined with Alternatives 5, 6, and 7 to better meet the project purpose and need. The following is a list of the alternatives and options developed as part of this study.

- Alternative 1: No-Build
- Alternative 2: Transportation System Management and Transportation Demand Management (TSM/TDM) Alternative
- Alternative 3: Interchange with MD 355 Under South Wood Road/South Drive
- Alternative 4: Diamond Interchange
- Alternative 5: Double Left Turns
- Alternative 6: Southbound Jug Handle
- Alternative 7: Northbound Jug Handle
- Option A: TSM/TDM Bicycle/Pedestrian At-Grade Crossing
- Option B: WMATA Deep Elevators
- Option C: WMATA Shallow Tunnel
- Option D: WMATA Deep Elevators/Shallow Tunnel
- Option E: WMATA Pedestrian Bridge.

Based on the needs documented in the Purpose and Need Statement, comments received from project stakeholders, and the screening criteria developed by the project stakeholders, the study team determined which alternatives to retain for detailed study (ARDS). The study team conducted detailed analyses related to each criterion to assess the ARDS. As the study progressed, this set of criteria was used to determine the Preferred Alternative for this project. The *MD 355/Rockville Pike Crossing Study ARDS Package* dated September 2010 contains further detail regarding the alternatives dropped and carried forward throughout the study.

b. Alternatives Not Retained for Detailed Study

The study team applied the goals, objectives and screening criteria to all of the preliminary alternatives and determined that four of seven preliminary alternatives, including three of the pedestrian/bicycle crossing options, would not fully address the purpose and thus were dropped from further consideration. The following are the alternatives not retained for detailed study:

- Alternative 4: Tight Urban Diamond Interchange
- Alternative 5: Double Left Turns
- Alternative 6: Southbound Jug Handle
- Alternative 7: Northbound Jug Handle
- Option A: TSM Bicycle/Pedestrian At-Grade Crossing (Signal Phase Enhancement and Kiss & Ride Elements Only)
- Option E: WMATA Pedestrian Bridge.

c. Alternatives Retained for Detailed Study

The following is a list of the alternatives retained for detailed study. Maps of the build alternatives are in **Attachments 9-11**. A description of each alternative is located in the *MD 355/Rockville Pike Crossing Study ARDS Package* dated September 2010, which was provided to the project stakeholders during the study.

- Alternative 1: No-Build
- Alternative 2A: Pedestrian/Bicycle Underpass with At-Grade TSM Improvements
- Alternative 2B: Pedestrian/Bicycle Underpass and Deep Elevators with At-Grade TSM Improvements
- Alternative 3: Grade Separation of MD 355 under South Wood Road/South Drive.

d. Montgomery County Department of Transportation Preferred Alternative

A Stakeholder Recommendation Meeting was conducted on November 23, 2010 (**Attachment 12**) to determine which of the ARDS would be identified as the team's preferred alternative for approval by the Federal Highway Administration (FHWA). Representatives from the following agencies participated:

- Montgomery County Department of Transportation (MCDOT)
- Maryland-National Capital Park and Planning Commission (M-NCPPC)
- Naval Support Activity Bethesda
- National Institutes of Health
- FHWA DelMar Division
- Defense Access Roads (DAR)
- Maryland State Highway Administration
- Washington Metropolitan Area Transit Authority.

Each agency was asked for its current thinking on which alternative should be advanced as the preferred alternative. All of the agencies expressed support for Alternative 2B: Pedestrian Bicycle Underpass and Deep Elevators, along with TSM/TDM improvements as the preferred alternative. Alternative 2B is regarded as the most effective choice, consistent with the DAR certification, and able to most effectively separate pedestrian and vehicular traffic. All represented agencies stated they would support this alternative as the preferred alternative recommendation to FHWA. Alternative 2B consists of the following components:

- Deep elevators on the east side of MD 355 (118 feet below grade), providing direct access to the Metrorail station.
- A pedestrian and bicycle underpass between 10 and 30 feet below MD 355 to provide a fully separated crossing for pedestrians and bicyclists. Access to the underpass provided via elevators, escalators, and stairs.
- Extension of the southbound MD 355 left turn lane in the existing median of MD 355 to improve queuing for vehicles turning left onto South Wood Road
- Expansion of the existing curb radius at the northwest corner of South Drive and MD 355 to improve geometrics (particularly for buses turning right into the Metrorail Station).

A small-scale canopy is included in the preferred alternative at the southeast corner of South Wood Road and MD 355 for NSA Bethesda pedestrian underpass access to Metrorail. Small-scale elevator enclosures, three on the NSA Bethesda side and two on the NIH side, are also included in the preferred alternative. The existing elevator enclosure on the NIH side will remain and serve as a model for these new structures. A cross section of Alternative 2B is included as Attachment 13.

e. Coordination with SHA Improvements

Independent of this MD 355/Rockville Pike Crossing Project, SHA is currently designing roadway improvements at the intersection of MD 355 and Jones Bridge Road. The Medical Center Metro station, bus stops and entrances to NIH and NSA Bethesda are all located at or adjacent to the MD 355, South Drive, and South Wood Road intersection, which is the northern limit of SHA's proposed improvements. SHA has proposed resurfacing, signal and pedestrian upgrades at the MD 355 and Jones Bridge Road intersection that would extend north to the South Drive and South Wood Road intersection. These proposed improvements would overlap with MCDOT's Preferred Alternative. The SHA project will be advertised and constructed under its own separate contract; however, at the time of publication of this document, SHA did not have completed construction plans for its MD 355 and Jones Bridge Road project.

While project compatibility and coordination will be a continuous effort between agencies, without an SHA project in place at Jones Bridge Road, the extent of project overlap is not entirely known at this time. Regardless, project plans are being shared between SHA and MCDOT, and SHA, as a project stakeholder, has provided comments at several milestones during project development for the MD 355/Rockville Pike Crossing Study. SHA and MCDOT will work together to reduce or eliminate any duplication of effort/construction and work to coordinate improvements in their ultimate configuration/location.

The two projects serve separate users and are on different schedules. The project under consideration by MCDOT focuses on improving access to mass transit facilities, pedestrian/bicycle mobility and traffic operations at MD 355 and South Drive and South Wood Road, while SHA's project intends to address vehicular traffic safety and service at the MD 355 and Jones Bridge Road intersection. Additionally, while construction schedules have not been established for either project, it is expected (based on the current project status and scope of work) that SHA's improvements will be in place much sooner than MCDOT's improvements. In that regard, the proposed pedestrian amenities, such as audible and countdown pedestrian signals (APS/CPS), Americans with Disabilities Act (ADA) upgrades, and hiker/biker trail improvements may be realized through SHA's project before MCDOT's project can be constructed.

Public Involvement

The study team conducted public outreach efforts such as participation at three monthly BRAC Implementation Committee (BIC) meetings and uploads to the Montgomery County BRAC website, as well as a project-specific public workshop meeting. The target audience for the

outreach efforts included the adjacent communities, employees, visitors, patients at NSA Bethesda and NIH, current or potential WMATA transit users, and travelers along MD 355.

MCDOT presented study information at three BIC meetings: January 19, 2010, May 11, 2010, and December 21, 2010. Each meeting included a study and schedule update. In addition, all of the study materials presented at these meetings were uploaded onto the County's BRAC website so those who did not attend the meeting could review them. Comments from the BIC meeting attendees and all who viewed the website were encouraged. At each meeting, the team took questions from the BIC members and others in attendance and provided immediate feedback to questions. A majority of the questions received at the BIC meetings focused on how the proposed improvements would benefit the surrounding communities and how they would enhance existing transit and pedestrian facilities. Below is a summary of the comments received at each meeting. For more detail, summaries of the three BIC meetings are included in **Attachment 14**.

a. BIC Meeting – January 19, 2010

The purpose of the January 19, 2010 meeting was to introduce the study to members of the BIC committee and interested members of the community and provide an overview of the NEPA process, the public involvement plan, the Draft Purpose and Need Summary, and the study scope and schedule. In general, there was a general sense of support for the project, with many comments focused on defining the purpose and need so that appropriate solutions could be developed. At this first meeting, there was concern from some participants that the County had already selected an interchange concept that was submitted as part of the TIGER Grant Application. The Director of the Montgomery County DOT assured the members that the NEPA study would consist of an evaluation of all reasonable and feasible alternatives that could meet the Purpose and Need. Other concerns about reallocating funding from other projects to this project were also expressed, and again the County DOT Director assured the audience that this was not the case. There was also strong support to include improvements to pedestrian safety and accessibility as components of this project.

b. BIC Meeting – May 11, 2010

The purpose of the May 11, 2010 meeting was to review the detailed Purpose and Need Statement, project goals and objectives, preliminary alternatives, next steps, and solicit feedback from attendees. Comments consisted of clarifying portions of the seven preliminary alternatives. In general, the BIC members and members of the public who attended the meeting were supportive of the alternatives under study. No formal opposition was expressed.

c. BIC Meeting – December 21, 2010

The purpose of the December 21, 2010 meeting was to provide project background, a detailed description of each of the four proposed ARDS, and a summary of the ARDS evaluation results. Details of the primary and secondary evaluation criteria were shared with the BIC members and members of the public who were in attendance.

d. Public Workshop – July 20, 2010

A public workshop was held on July 20, 2010 at Bethesda-Chevy Chase High School in Bethesda, Maryland. The meeting notice, comment card, and summary are included in **Attachment 14**. Approximately 85 people attended the meeting. The purpose of the public meeting was to present the elements of the study, including the project's purpose and need, goals and objectives, potential solutions, and to obtain input from the community. Many comments related to the alternatives components, traffic, transit enhancements, and other miscellaneous project concerns were received, tabulated, and submitted to stakeholders for consideration. Several refinements, such as the proposed shallow pedestrian underpass, the relocation of existing bus stops, recommended double-sided elevator designs, and placing more emphasis on providing improvements that would serve pedestrians and bicyclists have been incorporated into the preferred alternative based on input received from the public.

Environmental Effects

The study team conducted an environmental inventory and initiated coordination with various resource agencies to identify natural, socio-economic, and cultural resources that exist in the study area (**Attachment 15**). For the ARDS and the MCDOT Preferred Alternative, a series of environmental technical studies were conducted to identify potential contaminated hazardous sites, assess impacts on air quality, identify impacts of highway noise on noise sensitive areas, and assess the indirect and cumulative effects of the project.

a. Socio-Economic Resources

i. Right-of-Way and Easement Requirements

The construction of a pedestrian and bicycle underpass and deep elevator will extend beyond the existing right-of-way. A total of 1.13 acres of right-of-way will be required to construct the proposed improvements. The right-of-way required will be obtained from two property owners: NIH (0.60 acre) and NSA Bethesda (0.53 acre). In addition, 0.60 acre of temporary easements will be required from NSA Bethesda Historic District to construct the project. All right-of-way would be acquired following approval of the CE from the FHWA and prior to commencing with construction activities.

ii. Pedestrian and Bicycle Access

Pedestrian and bicycle access facilities will be maintained during and after construction for the preferred alternative, in configurations similar to existing conditions.

iii. Smart Growth

Smart Growth is characterized by compact, transit-oriented, bicycle-friendly land use, with neighborhood schools, walkable streets, mixed use development and a wide range of housing choices. Subsequent to the 1992 Planning Act, Maryland established the Priority Funding Act (1997) to direct state funded growth-related projects to areas designated by local jurisdictions as

Priority Funding Areas (PFAs). The project study area, located inside the Capital Beltway, is within the PFA, and is therefore consistent with Maryland's Smart Growth legislation. The current PFA encapsulates the entire Washington D.C metro area within the Capital Beltway, including NIH and NSA Bethesda.

iv. Conformance with Local/Regional Plans

The preferred alternative will improve access to mass transit facilities and encourage the use of transit to mitigate forecasted congestion levels in this area of Montgomery County associated with BRAC impacts. The project is consistent with *Montgomery County's General Plan* (1993).

v. Environmental Justice

In compliance with Executive Order (EO) 12898 "Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations," Montgomery County is taking steps to avoid disproportionate high and adverse effects on minority and low income communities. Both NSA Bethesda's 2008 BRAC Environmental Impact Statement (EIS)/Record of Decision (ROD) and NIH's Final EIS for the Master Plan 2003 Update (March 2005) determined that based on the population diversity and average incomes in the census tracts surrounding the NSA Bethesda and the NIH, the area does not contain an identifiable minority or low income community. Disproportionate impacts to such communities are therefore not anticipated with the preferred alternative.

vi. Indirect and Cumulative Effects

In accordance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations (40CFR 1508.25), the indirect and cumulative effects of this study were evaluated. The preferred alternative will not increase roadway capacity overall in the corridor and therefore does not provide a means to encourage new development in the study area. No indirect effects are anticipated on natural, cultural, or social resources with the preferred alternative.

The following planned projects in the study area are intended to enhance and improve access to mass transit facilities, improve pedestrian and bicyclist mobility and safety, and improve traffic operation.

The MD 355/Rockville Pike Crossing Project stands alone from these other projects:

- WMATA Medical Center Metrorail Station Access Improvement Study
- Maryland State Highway Administration (SHA) MD 355 Intersection Improvement Projects at Jones Bridge Road and Cedar Lane
- NSA Bethesda Gate Improvement Projects
- Montgomery County Facilities Study
- Maryland Transit Administration (MTA) Purple Line Study.

This project will address safety and capacity issues for those who access NSA Bethesda and NIH from the Metrorail station and the community.

b. Cultural Resources

Within the study's area of potential effects (APE), there are two historic resources. The first historic resource, "The Stone House," also known as the George Freeland Peter Estate (M: 35-9-1), is located within the 0.25 mile APE on the grounds of NIH. The George Freeland Peter Estate was determined eligible for listing in the NRHP in 1985. The property has been designated a "Master Plan Historic Individual Site" by the Montgomery County M-NCPPC. The historic site's boundaries include the south side of South Drive and the west side of Wisconsin Avenue, MD 355. The second historic resource, the NSA Bethesda Historic District, consists of 18 contributing buildings situated on 131 acres of land. This historic district was listed in the NRHP in 1998. The district's landscape fronts MD 355 and is identified in the NRHP nomination form as contributing to the historic character of the property.

Total direct impacts to the NSA Bethesda Historic District are 0.53 acre and 0.60 acre of temporary easement. There will be no direct impacts to the Stone House. On February 17, 2011, the Maryland Historical Trust (MHT) concurred that the preferred alternative will have no adverse effect on archeological and historic resources (**Attachment 16**). Although the impacts will involve relocating a portion of a fence surrounding NSA Bethesda, minor roadway improvements, and the construction of stairs, escalator, and elevators with a small-scale canopy, the MHT concurred that the impacts could be avoided through careful design. In addition, the areas on the Alternative 2B concept plan identified as potential sites for stormwater management facilities are not in the location that was identified as having any medium to high potential for archaeological resources.

The following consulting parties were copied on the MHT letter: SHA, NIH, NSA Bethesda, Montgomery County Historic Preservation Commission, and Montgomery Preservation, Inc. No comments were received from these parties.

c. Natural Environmental Resources

i. Wetlands and Waters of the U.S.

No impacts to Waters of the United States (WUS), including wetlands, would occur with the preferred alternative.

ii. Floodplains

No impacts to Federal Emergency Management Agency (FEMA) designated 100-year floodplains would occur with the preferred alternative.

iii. Section 4(f)

There are no publicly-owned parklands, recreation areas, wildlife and/or waterfowl refuges present in the study area.

There are two historic resources within the project area, which are considered Section 4(f) resources:

- "The Stone House," also known as the George Freeland Peter Estate (M: 35-9-1), is located on the grounds of NIH. The historic site's boundaries include the south side of South Drive and the west side of MD 355.
- NSA Bethesda Historic District, consisting of 18 contributing buildings situated on 131 acres of land. The district's landscape fronts MD 355.

Total direct impacts to the NSA Bethesda Historic District are 0.53 acre. There will be no direct impacts to the Stone House (M: 35-9-1). On February 17, 2011, the Maryland Historical Trust (MHT) concurred that the preferred alternative will have no adverse effect on archeological and historic resources (**Attachment 16**). Additional information regarding these historic resources can be found in Section b., Cultural Resources.

This project meets the requirements for a *de minimis* impact finding for historic resource impacts based on the following criteria:

- The SHPO, as part of the Section 106 process, determined that the project would have no adverse effect on historic properties (**Attachment 16**).
- The SHPO has been informed of FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination.
- The views of the consulting parties participating in the Section 106 consultation have been considered.

In addition, 0.60 acre of temporary easements will be required from NSA Bethesda Historic District to construct the project. In accordance with 23 CFR 774.13(d) and given that the improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply in this instance based on the following criteria:

- The duration of the impact will be temporary, i.e., less than the time needed for construction of the project.
- There will be no change in ownership of the land.
- The scope of work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal.
- There are no anticipated permanent adverse physical effects.
- The land being used will be fully restored, i.e., the resource will be returned to a condition, which is at least as good as that which existed prior to the project.

On February 17, 2011, MHT concurred that the use of the NSA Bethesda Historic District meets the Section 4(f) criteria of temporary use (**Attachment 16**).

iv. Forest Conservation and Specimen Trees

Significant and specimen trees have been identified in the project area. Significant trees are those having a diameter at breast height (DBH) of 24 inches or greater and specimen trees are those having a DBH of 30 inches or greater. The preferred alternative will affect nine significant trees and eight specimen trees. Any unavoidable impacts to trees within the publicly-owned right-of-way will require a Roadside Tree Permit from the Maryland Department of Natural Resources (MDNR) Forest Service. Land development in the project area is also subject to Forest Conservation Act (FCA) approval administered by M-NCPPC. Both FCA and Roadside Tree Permit authorizations will be obtained by the project owner.

v. Rare, Threatened, and Endangered Species

According to the US Fish and Wildlife Service (USFWS) (letter dated January 27, 2010) and the MDNR Natural Heritage Division (letter dated January 13, 2009), there are no known occurrences of federal or state listed rare, threatened, and endangered species in the project area. Copies of the letters from the USFWS and MDNR are included as **Attachments 17 and 18**. **Table 1** summarizes the potential natural environmental impacts for the preferred alternative.

Table 1: Natural Environmental Impacts

Features	Preferred Alternative 2B
Wetlands (acres)	0
Streams (linear feet)	0
Floodplains (acres)	0
Parks (acres)	0
Significant Trees (number)	9 ¹
Specimen Trees (number)	8 ¹

¹ Impacts to trees may be further reduced in final design because of more detailed engineering

d. Noise and Air Quality

Noise and air analyses are not warranted since the proposed project does not result in any significant capacity improvements. In addition, there are no noise sensitive areas located in the project area. This project is exempt from the requirement that a conformity determination be made (U.S. EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs or Projects-Final Rule).

This project will not result in any meaningful changes in traffic volumes, vehicular mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the No-Build Alternative. As such, this project will generate minimal air quality impacts for the Clean Air Act criteria pollutants and has not been linked with any special Mobile Source Air Toxics (MSAT) concern. Consequently, this project is exempt from an analysis for MSATs. The project identification number found in the Constrained Long Range Plan (CLRP) is No. 2817.

Moreover, the EPA regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a 64 percent increase in vehicle miles traveled (VMT), FHWA predicts MSATs will decline in the range of 57 percent to 87 percent, from 2000 to 2020, based on regulations now in effect, even with a projected 64 percent increase in VMT. This will both reduce the background level of MSATs as well as the possibility of even minor MSAT emissions from this project.

Projects which are exempt from project level conformity are also exempt from the PM_{2.5} project level conformity determination requirements, in accordance with 40 CFR 93.126. Exempt projects are listed in 40 CFR 93.126 in Table 2 and the proposed project is an example of a Safety-Railroad/highway crossing project. This project will improve safety and will not increase through traffic capacity.

e. Hazardous Materials

A Hazardous Materials Screening Assessment was completed for the preferred alternative. The assessment identified properties of concern based on a database search of regulatory files for potentially contaminated sites in and around the project area. A review of the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list revealed that there is one CERCLIS site within approximately 0.5 mile of NSA Bethesda. A review of the Resource Conservation and Recovery Act Corrective Action Activity (CORRACTS) list revealed that there are two CORRACTS sites within approximately one mile of NIH and NSA Bethesda. There are also two Resource Conservation and Recovery Act treatment, storage and disposal facilities (RCRA-TSDF) sites within approximately 0.5 mile of the project area. Within approximately 0.25 mile of NIH and NSA Bethesda, there are two RCRA-Large quantity generator (LQG) sites. There is one open case monitored by the Oil Control Program (OCPCASES) and one Land Restoration Program (LRP) site within 0.5 mile of NIH. One Underground Storage Tank (UST) is also located within approximately 0.25 mile of NIH. None of these sites would be impacted by the project.

f. Long-Term Maintenance Commitments

Mechanical elements, such as escalators and elevators would require regular maintenance by the facility owners for the preferred alternative. Ownership and maintenance responsibilities will be determined before the project proceeds through the design and construction phases.