

**LA 23 New Orleans & Gulf Coast Railway Relocation
Jefferson and Plaquemines Parishes, Louisiana**

RPC/FRA Grant # FR-RLD-0032-14-01-00

**United States Department of Transportation
Federal Railroad Administration (FRA)
and
Regional Planning Commission for Jefferson, Orleans, Plaquemines,
St. Bernard, St. Tammany and Tangipahoa Parishes (RPC)**

**Administrative Action
Finding of No Significant Impacts
and
Final Section 4(f) Evaluation**

**Submitted Pursuant to the
National Environmental Policy Act
42 U.S.C. 4332 (2)(c)
and
Section 4(f) of the DOT Act
49 U.S.C. 303**

**Prepared in accordance with FRA's Environmental Procedures
(64 Fed. Reg. 28545 May 26, 1999)**

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1.0 GENERAL DESCRIPTION AND BACKGROUND INFORMATION

1.1 Project Description

The Project proposes the relocation of the New Orleans and Gulf Coast (NOGC) Railway from Louisiana Highway 23 (LA 23/Belle Chasse Highway) to the Peters Road corridor as shown in **Figure A-1 in Appendix A** (Project). The NOGC Railway is a 32-mile shortline railroad that operates on the “Westbank” of New Orleans, Louisiana serving Jefferson and Plaquemines Parishes. The NOGC interchanges with the Union Pacific Railroad (UPRR) in Westwego, Louisiana. The NOGC serves over 20 switching and industrial customers and is the only railroad operating on the Westbank of New Orleans. Currently, there is no funding or Project sponsor identified for construction of the Project. The future Project sponsor is most likely the Rio Grande Pacific Corporation (RGPC).

1.2 Project Background

In the 2002 Plaquemines Parish Intermodal Feasibility Study, the Regional Planning Commission for Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes (RPC) examined the feasibility of rail alternatives from West Bridge Junction near Avondale Yard to prospective Millennium Port sites located in lower Plaquemines Parish near Myrtle Grove. The Harvey Canal/Peters Road corridor was one of the alternative routes examined within that study. In 2011, RGPC completed conceptual engineering and preliminary environmental reports for the relocation of a substantial portion of the NOGC Railway. In 2012, a Transportation Investment Generating Economic Recovery IV (TIGER) Grant Application was prepared for the Project. The Project is included in the 2012 Plaquemines Parish Comprehensive Master Plan.

1.3 Procedural History and NEPA Compliance

In 2015, the Federal Railroad Administration (FRA) and the RPC entered into a grant agreement to prepare an environmental document for the Project. The FRA is the lead Federal agency for the oversight of the environmental process. The Naval Air Station/Joint Reserve Base New Orleans (NAS JRB) and U.S. Coast Guard are Federal cooperating agencies, and the U.S. Army Corps of Engineers (USACE) is a Federal participating agency. The FRA and the RPC published the environmental assessment (EA) and draft Section 4(f) and Section 6(f) evaluation on the RPC’s website on April 16, 2018¹. The EA and this Finding of No Significant Impact (FONSI) were prepared in accordance with the National Environmental Policy Act (NEPA) and conform with Council on Environmental Quality (CEQ) guidelines² regarding the implementation of NEPA, as well as FRA’s Procedures for Considering Environmental Impacts³ and the Federal Highway Administration (FHWA) Environmental Guidebook.⁴

¹ <http://www.norpc.org/>

² 40 C.F.R. Parts 1500-08. <https://ceq.doe.gov/index.html>

³ Federal Railroad Administration’s Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999). <https://www.fra.dot.gov/eLib/Details/L02561>

⁴ <https://www.environment.fhwa.dot.gov/guidebook/index.asp>

2.0 STATEMENT OF PURPOSE AND NEED

2.1 Project Purpose

Vehicular and train traffic is projected to increase within the Study Area (see **Figure A-1** in **Appendix A** for Study Area Overview) due to normal growth in population and NOGC-projected increases in level of industry.⁵ Highway-rail traffic conflicts have an adverse impact on the Westbank community including both residential and employment populations (see photo of a rail-vehicle incident in Gretna below). These impacts include safety, congestion, mobility, and quality of life issues. The purpose of the Project is to improve safety and mobility by reducing the number of at-grade rail crossings in densely populated areas of Jefferson Parish and Plaquemines Parish.

2.2 Project Need

The Project is needed due to current and future congestion, safety, capacity, and livability issues in the region. The NOGC Railway relocation will improve the existing transportation network by creating much needed improvements along the existing rail corridor. The Project provides numerous safety benefits as well. The need for the Project includes:

- **Improve Safety**
 - Potentially eliminate the majority of the existing 120 highway-rail at-grade rail crossings (public and private) along the existing NOGC rail corridor within the segment that spans between the Harvey Canal and Walker Road. Most of the private at-grade crossings along the existing route have no active warning system and rely on passive crossbucks signage, train horn noise, and driver awareness.
 - Reduce potential public exposure to hazardous materials within residential and commercial areas.
- **Relieve Congestion**
 - Minimize congestion and delay especially along 4th Street in downtown Gretna, where in-street running of trains between Dolhonde Street and Amelia Street (approximately 0.46 miles) can block side street traffic from 12 minutes to 20 minutes, depending on the overall length of the train sets.
 - The in-street segment on Madison Street extends from Americus Street to Stumpf Boulevard (approximately 0.73 miles). Regular trains average about 25 cars in both directions and it takes about 13 minutes to clear this segment of roadway.
 - The process of train assembly and movement within in-street corridors results in blockage at numerous intersections and motorist delay documented by significant congestion and level of service F⁶ operations. This operating condition is a result of

⁵ Vehicular traffic projections based on LADOTD Historic Traffic Count Data and RPC Travel Demand Model 2040 and 2044 Network. Refer to the *Traffic Analysis Report – Existing Conditions*, July 2015 and *Traffic Analysis Report – No-Build Conditions (2040)*, December 2015 (available from the RPC upon request). Train traffic projections based on NOGC railway estimates.

⁶ See Glossary for definition of Level of Service.

the train's reduced speed combined with the longer length of time required for operations to clear.

- **Improve Emergency Access and Evacuation**

- Improve emergency and hurricane evacuation along LA 23, which is a designated hurricane evacuation route.
- Improve public safety access for fire, police, and ambulance response. Current railroad freight traffic along the existing rail corridor has a devastating effect on LA 18 and LA 23 by blocking access to adjacent roads, as well as access to public roadways and private businesses. Delay to emergency vehicles is a concern when trains as long as 1.3 miles could potentially block primary emergency response access along LA 18 and LA 23 or along routes that cross LA 18 and LA 23.

- **Enhance Quality of Life**

- Improve mobility for Westbank area motorists.
- Eliminate train noise in densely developed residential and commercial areas.

- **Improve Efficiency of Rail Operations**

- The average operating speed for NOGC trains along the existing rail alignment averages 10 miles per hour (mph), with actual speeds ranging from 2 mph to 4 mph within Gretna. Relocation of the NOGC Railway to an alternate location where development is not as dense would improve the efficiency of NOGC's freight rail operations, with operating speeds of 10 to 20 mph projected.

3.0 ALTERNATIVES CONSIDERED

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §4321 et seq., requires that all of the reasonable alternatives that could achieve the purpose and need for the Project be considered. As part of the tiered Alternatives Analysis process, alternatives were evaluated during various stages of development that consisted of the following stages:

- Review of prior studies pertaining to the development and feasibility of rail realignment alternatives
- Tier I – conceptual alignment options
- Tier II – preliminary alternatives
- Tier II – refinement of preliminary alternatives
- Selection of the Preferred Alternative

The Alternatives Analysis involved the interaction of several government agencies, officials, stakeholders, the Project Management Committee (PMC), and the public in order to compare and contrast the alternatives developed for the Project. These entities assisted in the development of Project alternatives, identified additional alternatives, and provided guidance in the evaluation of alternatives.

3.1 Conceptual Alignment Options

One of the initial tasks for the EA was to conduct an Alternatives Analysis on an initial set of alternatives that were defined as the conceptual alignment options. Four conceptual alignment options were derived from prior studies within Jefferson and Plaquemines Parishes pertaining to the development and feasibility of rail alignment alternatives. The four conceptual alignment options include:

- **Option 1** – West of the Harvey Canal generally along Destrehan Avenue Tier I – conceptual alignment options
- **Option 2** – East of the Harvey Canal following the Hooper Spur track along Peters Road to Lapalco Boulevard
- **Option 3** – East of the Harvey Canal following the Hooper Spur track along Peters Road then merging into vacant parcels south of US 90B, continuing south to Lapalco
- **Option 4** – Same as Option 3 except follows St. Joseph Lane from 4th Street to US 90B instead of Peters Road

The four conceptual alignment options were then evaluated to identify potential fatal flaws (e.g. routes that were not geometrically or engineeringly feasible) and to screen out the options that showed the least amount of promise, or were deemed unreasonable upon further analysis. Based on the analysis of potential impacts, the outcome of this task resulted in the elimination of Options 1 and 4, as described in the EA. These options were eliminated, using predetermined screening criteria, due to greater numbers of residential impacts, higher construction costs (three required movable bridges), and engineering factors such as greater structural impacts

and potential modifications to both existing roadway infrastructure (Harvey Canal tunnel) and flood control structures. Options 2 and 3 were retained because they best met the purpose and need and were further evaluated and modified to become the Tier II preliminary alternatives A and B, respectively.

3.2 Preliminary Alternatives

The major differences between Preliminary Alternatives A and B, as described in the EA, include:

- Potential impacts on residential areas – Preliminary Alternative B is located further east compared to Preliminary Alternative A and would impact more residential homes near Paillet Avenue between US 90B and Lapalco Boulevard, in addition to several residential neighborhoods located between Lapalco Boulevard and Bayou Barataria.
- At-grade crossings – Preliminary Alternative B would result in 21 new public at-grade crossings compared to 5 for Preliminary Alternative A.
- Crossing US 90B – Preliminary Alternative A would cross under US 90B within the existing UPRR Hooper Spur ROW, while the alignment for Preliminary Alternative B would result in a three-level crossing that would include an alignment over the Harvey Canal tunnel.
- Crossing Lapalco Boulevard – Preliminary Alternative A would cross Lapalco Boulevard within the existing UPRR Hooper Spur ROW, while Preliminary Alternative B would require an extensive embankment/bridge structure approximately 6,500 feet in length to span Lapalco Boulevard and the proposed Jefferson Parish West Bank Animal Shelter property.

Alternative B was eliminated because it had a greater number of residential impacts, greater number of at-grade crossings, and engineering factors, such as higher structural complexity and cost. Since Alternative B was eliminated, only Alternative A was carried forward. As part of the continuous Alternatives Analysis process, Preliminary Alternative A was further refined and new alignment options were introduced within specific segments of the Project corridor. These modifications were based on additional data and analysis, as well as stakeholder and PMC input. At the end of the Alternatives Analysis process, the PMC reached consensus on alignment modifications to Preliminary Alternative A to comprise the Preferred Alternative for evaluation in the EA. The No-Build Alternative was also evaluated as part of the EA.

3.3 No-Build Alternative

The No-Build Alternative would not construct any improvements to either existing rail facilities or the existing roadway network beyond any projects that are currently planned or programmed by their respective owners including the Louisiana Department of Transportation and Development (LADOTD), UPRR, NOGC, and Study Area parishes (Jefferson and Plaquemines parishes). The existing alignment utilized by the NOGC would remain in its current location, without any rail improvements. The existing Gouldsboro Yard in Gretna and the existing NOGC

Maintenance Yard in Belle Chasse would also remain. Although the No-Build Alternative does not satisfy the Project's purpose and need, because it maintains the status quo and fails to remedy the Study Area problems associated with safety, congestion, emergency access, quality of life, and rail operational inefficiencies, it is required to be brought forward for further analysis and evaluation pursuant to the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR §§ 1502.14(d) and 1508.25(b)). The No-Build Alternative, as required by NEPA, serves as the basis for comparison of the environmental impacts associated with the Preferred Alternative.

4.0 PREFERRED ALTERNATIVE

The Preferred Alternative was identified as part of the refinement of the preliminary alternatives and has been evaluated within the EA along with the No-Build Alternative. The Preferred Alternative alignment is shown in orange in **Figure A-2** in **Appendix A**. The Preferred Alternative extends from 4th Street (LA 18) to LA 23 for approximately 9.3 miles. From north to south, the Preferred Alternative generally follows a southeastern route along and parallel to existing Peters Road and the proposed Peters Road extension. After crossing the Gulf Intracoastal Waterway (GIWW), the route curves around the southern end of the NAS JRB and then crosses LA 23 to meet up with the existing NOGC track. Connection to the Belle Chasse Subdivision would occur on the east side of LA 23 with a wye⁷ connection. Benefits associated with the Preferred Alternative include potentially eliminating 97 at-grade crossings on the existing NOGC route and reducing the number of public at-grade crossings from 73 to 6.

The Preferred Alternative alignment would require the realignment and reconstruction of Peters Road between Lapalco Boulevard and Murphy Canal (shown in green in **Figure A-2** in **Appendix A**). A 6,000-foot (1.14-mile) segment of Peters Road would be reconstructed from Lapalco Boulevard to the south side of the proposed Harvey Boulevard Extension, a separate project that is not part of the Preferred Alternative. A shorter segment of Peters Road would be constructed on new alignment. The limits of new construction extend from just south of the proposed Harvey Boulevard Extension to just south of the Murphy Canal crossing; a distance of approximately 2,700 or 0.51 miles. The total length of the Peters Road reconstruction is estimated at 1.65 miles. Reconstruction of Peters Road as part of the Preferred Alternative for this Project should not be confused with the Peters Road Extension Project, which is a separate project. For that project, plans are underway to extend Peters Road into Plaquemines Parish via a bridge over the GIWW. On its southern end, the Preferred Alternative parallels the Peters Road Extension project.

⁷ Railway tracks arranged in the form of a “Y” that are used for turning locomotives and rail cars in the opposite direction.

5.0 RESULTS OF ENVIRONMENTAL ANALYSIS

Table 1 summarizes the potential environmental impacts associated with the Preferred Alternative for the Project, along with a list of sections in the EA where the impacts are described in more detail. The table also summarizes proposed mitigation, if applicable.

Table 1. Summary of Impacts for the Preferred Alternative

Section of EA	Summary of Impacts	Proposed Mitigation
3.1 Air Quality	Positive Impact. Reduced traffic delay and idling would decrease criteria pollutant motor vehicle related emissions.	Not applicable.
3.2 Water Quality	Minor Impact. Construction of the Project is unlikely to result in adverse impacts to water quality within the Study Area, because Federal and state stormwater regulations require railroads and other industrial facilities to take steps to prevent stormwater pollution. Localized water quality could be temporarily affected during construction, but use of BMPs would minimize potential water quality impacts.	The future Project sponsor must prepare a Stormwater Pollution Prevention Plan as part of Best Management Practices (BMPs) and obtain a Section 401 Permit (Water Quality Certification) from the Louisiana Department of Environmental Quality (LDEQ) Office of Environmental Services prior to construction.
3.3 Water Bodies and Waterways and 3.4 Navigation	Minor Impact. The Project includes bridge crossings to avoid impacts to waterways at Murphy Canal, Bayou Barataria, the GIWW, and Bayou Barriere. The GIWW crossing requires a moveable (swing span) bridge to avoid impacts to navigation. The proposed rail bridge would be designed to minimize impacts to maritime navigation. The existing NOGC rail bridge parallel to the LA 23/Belle Chasse Highway Judge Perez Bridge would no longer be used and would likely be removed; removal of the existing bridge is not part of the Project. If the Project is constructed, maritime traffic would largely continue to navigate the GIWW under existing conditions.	The future project sponsor must obtain a U.S. Coast Guard (USCG) permit for the GIWW crossing. A USCG permit may be required for the Murphy Canal, Bayou Barriere and Bayou Barataria depending on the types of vessels that use these waterways. The future project sponsor must conduct a navigation study of these waterways at the time of the permit application to determine current and prospective vessel use. Final determinations on mitigation would be made as part of the permitting process.
3.5 Floodplains and Flood Zones	Minor Impact. The Project would be constructed and operated within the 100-year floodplain having low to high flood zone risk levels. Potential impacts to floodplains include filling, grading, new bridges and culverts, and other activities.	Impacts to the 100-year floodplain typically require coordination and approval from the local floodplain administrator(s) and FEMA. The local entities with review and/or approval authority in the Relocation Corridor include Jefferson Parish, Plaquemines Parish, and FEMA. During the

Section of EA	Summary of Impacts	Proposed Mitigation
		permitting process, the future Project sponsor should contact the floodplain administrators for the review and possible permit requirements for the Project.
3.6 Wetlands and 3.7 Coastal Zones	Minor Impact. The Project could potentially impact 53 acres of wetlands located within the coastal zone. Potential impacts include 52.3 acres of freshwater forested/shrub wetland, 0.1 acre freshwater pond, and 0.8 riverine wetlands. The riverine impacts are at Bayou Barataria and the GIWW. The other impacts are all located south of the GIWW.	Impacts to waters of the United States require mitigation to compensate for adverse effects in accordance with Clean Water Act Section 404(b)(1) Guidelines (40 CFR 230). The future Project sponsor will be required to obtain a Coastal Use Permit/Section 404 Permit with compensatory mitigation to be determined during the permitting process.
3.8 Soils and Prime Farmland	Minor Impact. The Project has no impacts on prime farmlands. Soils in the right-of-way would be disturbed and built up with a variety of fill. While these soils would be impacted during the construction process, the overall impact would be minimal considering these soils have already been heavily altered by previous man-made construction, especially north of the GIWW.	Not applicable.
3.9 Noise and Vibration	Moderate Noise Impact. Based on the FTA General Noise Assessment methodology, the Project would have 107 moderate noise impacts and no severe noise impacts. If the Project is built, it would relocate a portion of existing freight trains from the existing alignment, which travels through densely developed residential neighborhoods in Gretna. Reducing freight train activity in residential areas is a net benefit attributable to the Project. The number of residences experiencing train noise and vibration would decrease. No Vibration Impact. Results of this General Vibration Assessment show that vibration impacts are expected to occur at single family residences if they are between the rail line and distances 210 feet from the rail line. Analysis results	FTA/FRA guidance does not require noise mitigation for moderate noise impacts; however, the future Project sponsor may implement strategies for reduction of noise impacts (e.g. noise walls, wheel truing, etc.) during final design if determined to be cost effective. Vibration mitigation measures are unnecessary for this Project due to a lack of vibration impacts.

Section of EA	Summary of Impacts	Proposed Mitigation
	<p>show that there are no residences within that distance.</p> <p>Analysis results also show that the farthest vibration impact distance of 230 feet is associated with land uses where vibration will interfere with interior operations. A review of land use in the Relocation Corridor did not find any vibration-sensitive land uses within 230 feet. Therefore, analysis results indicate that vibration impacts are not expected to occur.</p>	
<p>3.10 Threatened and Endangered (T/E) Species and Essential Fish Habitat</p>	<p>Not Likely to Adversely Affect determination for the Atlantic sturgeon and pallid sturgeon per USFWS consultation October 19, 2016.</p> <p>No Effect determination for all other federally-listed species protected by the Endangered Species Act of 1973.</p> <p>No significant direct or indirect impacts to state listed T/E species are expected to occur. Due to the presence of undeveloped wooded habitat near open water, the Study Area may contain suitable habitat for the bald eagle, which is a state-listed species and protected by the federal Bald and Golden Eagle Protection Act.</p> <p>No Impact on essential fish habitat.</p>	<p>If nesting bald eagles are discovered at the time of construction, the future Project sponsor must follow federal and state guidelines for avoidance and minimization. If Project activities will occur within a 660-foot radius of a nest site, the future Project sponsor must cease construction activities in that area and coordinate with the Louisiana Department of Wildlife and Fisheries.</p> <p>The future Project sponsor may need to consult with resource agencies during the permitting phase prior to construction to confirm that there would be no impacts, since changes to habitat and listed species could occur prior to construction.</p>
<p>3.11 Transportation Systems</p>	<p>Positive Impact to Rail Transportation. Trains would operate in a corridor with fewer public at-grade crossings reducing congestion and safety issues allowing more trains and more efficient operations.</p> <p>Minor Impact to Regional Roadway Network. The relocation would increase rail traffic in the Peters Road corridor as well as associated delays created when trains cross through the at-grade crossings on Peters Road. Traffic flow through</p>	<p>Not applicable.</p>

Section of EA	Summary of Impacts	Proposed Mitigation
	<p>Gretna and along the LA 23 corridor would generally improve.</p> <p>Minor Impact to Local Vehicular Transportation. Trains passing along the Relocation Corridor would create delay for those entering/exiting businesses along the corridor; however, the Project would eliminate numerous sources of congestion along the Belle Chasse Highway corridor.</p>	
3.11 Parking and Access	<p>Minor Impact. Open areas or private UPRR Hooper Spur ROW would no longer be available as overflow parking for businesses on Peters Road. A few businesses would lose access to the Hooper Spur as a parking area, however, the area is not an official parking lot or parking zone and its current use for such remains inconsistent with its purpose as a rail transportation corridor.</p>	Not applicable.
3.12 Residential and Industrial Structure Relocations and 2.7.3 Right-of-Way and Relocations	<p>Minor Impact. The Project would require a total of 12 relocations (10 industrial and 2 residential structures). Approximately 118 acres of right-of-way would be required to build the Project including Hero Yard.</p>	<p>During future phases of the Project, the future Project sponsor will undertake property appraisals and must compensate property owners for fair market value. The future Project sponsor may negotiate easements with some landowners near the GIWW crossing. Business/industrial and residential relocations will be performed in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646).</p>
3.13 Utilities	<p>Minor Impact. The Project may require the relocation of existing underground and overhead utilities with the possibility of short-term interruptions to service during construction; however, overall impacts to public utilities are anticipated to be low.</p>	<p>The future Project sponsor will perform utilities location and coordination during final design and right-of-way acquisition phases.</p>
3.14 Flood Control Projects	<p>Minor Impact. Levees are located along both sides of the GIWW (also referred to as the Algiers Canal in this area). The Project crosses the GIWW and requires a</p>	<p>The future Project sponsor must coordinate with USACE to ensure it does not impact the GIWW/Algiers Canal levees. Given</p>

Section of EA	Summary of Impacts	Proposed Mitigation
	movable bridge. Impacts to the Boomtown Floodwall and Mississippi River levee will be avoided because the relocated rail right-of-way is greater than 15 feet from the floodwall/levees.	the Project's proximity to Federal levees, the USACE has indicated that the Project requires a Section 408 (alteration of USACE civil works projects) review by the USACE. The Southeast Louisiana Flood Protection Authority-West (SLFPA-W) also requires a levee permit for any construction involving major excavation within 1,500 feet of any levee within SLFPA-West's jurisdiction.
3.15 Land Use and Zoning	<p>No Impact in Jefferson Parish. The Project would have no impact on current industrial zoning applied within the Jefferson Parish portion of the Relocation Corridor.</p> <p>Minor Impact in Plaquemines Parish. The Project could stimulate changes in the zoning applied in the Plaquemines Parish portion of the Relocation Corridor as there is disconnect between current zoning (rural/single family residential) and the planned future land use (business park and industrial).</p>	Not applicable.
3.16 Community Facilities	No Impact. Fewer community facilities are located along the more industrial Relocation Corridor than along the existing rail alignment that would be relocated. All community facilities are outside of potential noise and vibration impact area.	Not applicable.
3.17 Demographics and Environmental Justice	No Impact. No disproportionately high or adverse effects to the identified low-income or minority populations in the Relocation Corridor are anticipated.	Not applicable.
3.18 Public Health and Safety	Positive Impact. The Project would reduce the number of public at-grade crossings from 73 to 6. Each of the new public at-grade crossings would have signs and traffic control devices to improve train visibility to motorists and pedestrians, reducing the potential for vehicle/train or pedestrian/train incidents.	Not applicable.
3.19 Contaminated Sites	Positive Impact. Recognized environmental conditions (primarily	Prior to right-of-way acquisition, the future Project sponsor must

Section of EA	Summary of Impacts	Proposed Mitigation
	contaminated soil) would be addressed and remediated. By remediating the recognized environmental conditions, the Project would have a positive effect on the Relocation Corridor and the potential for future development. The majority of the RECs identified do not require a Phase II investigation, but will have costs associated with disposal of contaminated soil and solid waste.	perform a Phase II investigation on the Former Amsted-Plexco Lay-down Yard and Oil/Gas Wells RECs based on the likely presence of asbestos contaminated soil, naturally occurring radioactive materials, petroleum, heavy metals, and reserve pit contaminants.
3.20 Cultural Resources	Adverse Effect. FRA determined the Project, if constructed with financial assistance from FRA, will have an adverse effect on the Hero Park/River Oaks Academy site due to the destruction of five oak trees associated with Hero Park and a former plantation and demolition of one of the two River Oaks Academy buildings.	In accordance with Section 106 of the NHPA, a Memorandum of Agreement (MOA) among the FRA and the State Historic Preservation Office (SHPO) documenting the mitigation for the Adverse Effect has been developed and is included in this FONSI which includes specific mitigation for impacted historic sites. The MOA is included in Appendix B. FRA will forward a signed copy of the MOA to the Advisory Council on Historic Preservation.
3.21 Recreational Resources	Positive Impact. In general, the Project would improve access to existing parks and recreational facilities. Parks and recreational activities would benefit through the removal of many of the existing at-grade crossings within Harvey, Gretna, unincorporated Jefferson Parish and Plaquemines Parish. The Project would not adversely impact any existing parks or recreational facilities.	Not applicable.
3.22 Energy Resources	Positive Impact. The Project would generally have a positive impact on energy resources because it is a 6-mile shorter, more efficient route than the existing route with fewer at-grade public road crossings and would therefore have lower fuel consumption. Lower motor vehicle fuel consumption could also be expected due to reduced idling at fewer at-grade public road crossings.	Not applicable.
3.23 Visual Resources	Minor Impact. Rail relocation would not significantly change the overall aesthetics	The future Project sponsor commits to developing a

Section of EA	Summary of Impacts	Proposed Mitigation
	of the industrial Relocation Corridor; however, the Project would visually impact the residential area in the first few blocks south of 4th Street on St. Joseph Lane.	neighborhood park that would be located just south of 4th Street to the east of the proposed curve in the rail alignment. Depending on cost effectiveness to be determined in the design phase, the future Project sponsor may build a 10-foot noise wall to separate the neighborhood from the track, which would block views of the passing trains. If the noise wall is not cost effective, the park would have a decorative wall or landscape screening to dampen the visual and audible effect of passing trains. Jefferson Parish will be responsible for maintaining the park (e.g., mowing and pruning).
3.24 Construction Impacts	Minor Impact. The Project would result in temporary construction period impacts, which may include temporary impacts to transportation (traffic) routes, utility service, solid waste accumulation, use of energy resources, air and water quality, and noise and vibration.	The future Project sponsor will control, minimize, or mitigate construction impacts using established construction methods or staging of improvements. All construction activities must occur in a manner consistent with applicable Federal, state and local laws governing safety, health, sanitation, erosion control, and site security. These activities include measures which are reasonably necessary to protect workers and the general public from harm during the process of project construction.

Section of EA	Summary of Impacts	Proposed Mitigation
3.25 Secondary and Cumulative Impacts	<p>Minor Secondary Impacts. The re-introduction of rail service within the industrial area along Peters Road could lead to an increase in property acquisition along the Peters Road corridor to support the growth in industrial activities. The effect of increased land occupancy and industrial development in the corridor would be a change in the density of employment in the area, along with an associated increase or change in vehicle traffic associated with the movement of employees, goods and services.</p> <p>Minor Cumulative Impacts. The resources determined to have the highest potential for contributing to cumulative impacts in the EA were cultural resources, noise and vibration, wetlands, and floodplains.</p>	Mitigation associated with cultural resources, noise and vibration, wetlands, and floodplains was previously described above. Refer to rows for EA Sections 3.5, 3.6, 3.7, 3.9, and 3.20.

6.0 PUBLIC AND AGENCY COORDINATION

6.1 Circulation of the Environmental Assessment (EA)

The EA for the Project was approved and signed by FRA on April 2, 2018. FRA and the RPC published the EA and draft Section 4(f) and Section 6(f) evaluation on the RPC's website on April 16, 2018.⁸ Comments on the EA were accepted by the RPC through May 15, 2018.

6.2 Agency Comments Received on the EA

Agency comments were received from four Federal agencies, one State agency, and one parish. Comments and comment responses are included in **Appendix D**. All comment responses were coordinated by FRA and RPC.

The Department of the Navy, Naval Air Station Joint Reserve Base (NAS JRB) New Orleans commented that they are generally supportive of the Project but had concerns related to right-of-way on Navy land, design of the rail bridge over the GIWW, and seek assurances of continued fuel barge access to the navy's Fuel Wharf. The letter requested that the Navy be involved in the final design discussions regarding the proposed GIWW rail bridge and its southeast bank landing location.

The United States Coast Guard, Eighth Coast Guard District provided comments regarding permitting requirements for the bridge crossings.

The Department of the Interior, Office of Environmental Policy and Compliance has no objection to Section 4(f) approval of this project contingent on the subsequent full execution of the requirements identified in the MOA.

The U.S. Fish and Wildlife Service, Louisiana Ecological Services Office recommended that their online tool be used to determine whether the Project does or does not have the potential to affect particular federally listed species.

The Louisiana Department of Agriculture and Forestry, Office of Soil and Water Conservation, State Soil and Water Conservation Commission had no comment.

Jefferson Parish considers relocation of the LA 23 Railway outside of the Gretna City Limits and the LA 23 (Belle Chasse Highway) Corridor to be of vital importance to the continued economic development of the West Bank of Jefferson Parish.

6.3 Public Comments Received on the EA

Public comments were received from three businesses, four residents, and one non-governmental organization. Comments and comment responses are included in **Appendix D**. All comment responses were coordinated by FRA and RPC.

⁸ <http://www.norpc.org/>

The Chevron Oronite Company supports the broader intent of the Project to relieve railway congestion and to improve vehicular safety but opposes proposed routing that bisects its property. The Seatrax Marine Cranes Louisiana and Dixie Services had concerns about loss of property/land/dock space. The Harvey Canal Limited Partnership supports the Project.

Residents had concerns about coal trains passing through their community or recommended that cargo be shipped on the river rather than by rail. The Gulf Restoration Network had concerns about impacts to wetlands, stormwater drainage, wildlife habitat, noise, air pollution, emergency vehicle traffic, and environmental justice.

6.4 Errata

This section includes a revision to the LA 23 New Orleans & Gulf Coast Railway Relocation PE/NEPA Project Environmental Assessment, RPC/FRA Grant #FR-RLD-0032-14-01-00. This revision is subsequent to the signed approval by the FRA on April 2, 2018.

Page ES-1 lists the U.S. Coast Guard as a participating agency rather than a cooperating agency. The last sentence of the first paragraph under Project Overview should read:

The Federal agencies that agreed to participate in the development of this environmental document as cooperating agencies include the Naval Air Station/Joint Reserve Base New Orleans (NAS JRB) and U.S. Coast Guard. The Federal agency that agreed to participate in the development of this environmental document as a participating agency is the U.S. Army Corps of Engineers.

7.0 FINAL SECTION 4(F) AND SECTION 6(F) EVALUATION

7.1 Introduction

This section describes the existing Section 4(f) (49 U.S.C. §303) and Section 6(f) (36 CFR §59) resources within the Study Area (see **Figure A-1** in **Appendix A** for Study Area Overview) as well as the potential impacts on these resources resulting from the Preferred Alternative. Data reviewed for this evaluation came from the previous chapters/sections of the EA, as well as the *Tier I Alternatives Analysis Screening Evaluation*, *Tier II Alternatives Analysis Screening Evaluation* and the *Phase I Cultural Resources Survey* and *NRHP Research for the LA 23 New Orleans Gulf Coast Railway Relocation PE/NEPA Document*.

7.2 Section 4(f) Regulatory Context⁹

Under the policy established in the U.S. Department of Transportation Act, 49 U.S.C. § 303 (c), the Secretary of Transportation may approve a transportation program or project (other than any project for a park road or parkway under 23 U.S.C. §204) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if

1. There is no feasible or prudent alternative to such use and the project includes all possible planning to minimize harm to the resource resulting from such use; or
2. A finding can be made that the project as a whole has a *de minimis*, or minimal, impact on the Section 4(f) resource. This provision allows avoidance, minimization, mitigation and enhancement measures to be considered in making a *de minimis* determination, which is defined in 23 CFR §774.17 as:
 - a. For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)
 - b. For historic sites, *de minimis* impact means that the FRA has determined, in accordance with 36 CFR 800 that no historic property is affected by the project or the project would have “no adverse effect” on the property in question¹⁰

A Section 4(f) use is defined and addressed in 23 CFR § 774.17. A use of Section 4(f) property occurs:

- When land is permanently incorporated into a transportation facility;
- When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in §774.13(d); or

⁹ Definitions in Section from Section 4(f) Tutorial, U.S. Department of Transportation, Federal Highway Administration, https://www.environment.fhwa.dot.gov/section4f/use_types.aspx#2

¹⁰ Section 303, Policy on lands, wildlife and waterfowl refuges, and historic sites, 49 U.S.C. §303 (c) (Subtitle I – Department of Transportation, Chapter 3 – General Duties and Powers, Subchapter I – Duties of the Secretary of Transportation).

- When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

7.2.1 Permanent Use

With this type of use, the Section 4(f) property is permanently incorporated into the proposed transportation facility. This use could occur as a result of full or partial acquisition or through easements for transportation-related purposes. Although within the easement the underlying ownership of the land may remain with the original owner, the transportation owner or operator acquires a permanent interest in the use or maintenance of some portion of the property that disrupts its Section 4(f) function.

7.2.2 Temporary Use

During the construction of a transportation project, a temporary occupancy of a Section 4(f) property may be necessary for activities such as regrading slopes or to provide staging or access areas. Depending upon conditions, such activities, even though temporary in nature, may be considered adverse in terms of the Section 4(f) statute's preservation purpose, and therefore would be considered a Section 4(f) use. Examples of temporary uses include contour alterations, removal of mature trees and other vegetation, or disruption of facilities or activities on the property. Once the easement is no longer needed, the Section 4(f) property must be restored to the condition in which it was originally found. This restoration may involve re-grading or re-vegetating the area.

7.2.3 Constructive Use

Constructive use involves an indirect impact to the Section 4(f) property of such magnitude as to effectively act as a permanent incorporation. The Project does not physically incorporate the resource but is close enough to it to severely impact important features, activities or attributes associated with it, and to substantially impair it. Constructive uses include impacts such as noise, access restrictions, vibration, ecological intrusions and visual impacts.

7.2.4 Section 4(f) Applicability

A historic site on, or eligible for the NRHP, qualifies for protection under Section 4(f) and a use may occur if land from the site is permanently or temporarily incorporated into the Project. If a project does not physically take (i.e. permanently incorporate) historic property but causes an adverse effect, FRA must evaluate the proximity impacts if they will substantially impair the features or attributes that contribute to the NRHP eligibility of the historic site.

7.3 Section 6(f) of the Land and Water Conservation Fund¹¹

Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act contains provisions to protect Federal investments and the quality of assisted resources. The law recognizes the

¹¹ Title 36, Chapter 1, Part 59, US Code of Federal Regulations, Land and Water Conservation Fund Program of Assistance to States

likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost—a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.¹² Conversion of park and recreation facilities purchased using LWCF funds to non-recreation uses must include coordination with the National Park Service (NPS) and mitigation that includes replacement of the quantity and quality of lands used.

7.4 Purpose and Need

Vehicular and train traffic is projected to increase within the Study Area due to normal growth in population and NOGC-projected increases in level of industry.¹³ Highway-rail traffic conflicts have an adverse impact on the Westbank community including both residential and employment populations. These impacts include safety, congestion, mobility, and quality of life issues. A full description of the purpose and need is presented in Section 1.0 Purpose and Need of the EA and Section 2.0 of this FONSI.

The Project's purpose and need is to:

- Improve safety
- Relieve congestion
- Improve emergency access and evacuation
- Enhance quality of life
- Improve efficiency of rail operations

7.5 Definition of Alternatives

7.5.1 No-Build Alternative

The No-Build Alternative includes all existing rail facilities utilized by the NOGC, without any rail improvements. This includes the existing Gouldsboro Yard in Gretna and the existing NOGC Maintenance Yard in Belle Chasse, connected with existing track within the Westwego Subdivision, parallel to 4th Street (LA 18) and the Belle Chasse Subdivision, parallel to Belle Chasse Highway (LA 23), with its 119 at-grade rail crossings. Under the No-Build Alternative, construction of a new rail line would not occur and all existing facilities would remain in-use.

¹² <https://www.nps.gov/ncrc/programs/lwcf/protect.html>

¹³ Vehicular traffic projections based on LADOTD Historic Traffic Count Data and RPC Travel Demand Model 2040 and 2044 Network. Refer to the *Traffic Analysis Report – Existing Conditions*, July 2015 and *Traffic Analysis Report – No-Build Conditions (2040)*, December 2015 (available from the RPC upon request). Train traffic projections based on NOGC railway estimates.

7.5.2 Preferred Alternative

The Preferred Alternative extends from 4th Street (LA 18) to LA 23 for approximately 9.3 miles. From north to south, the Preferred Alternative generally follows a southeastern route along and parallel to existing Peters Road and the proposed Peters Road extension. After crossing the GIWW, the route curves around the southern end of the NAS JRB and then crosses LA 23 to meet up with the existing NOGC track (**Figure A-2 in Appendix A**). Connection to the Belle Chasse Subdivision would occur on the east side of LA 23 with a wye¹⁴ connection. Benefits associated with the Preferred Alternative include potentially eliminating 97 at-grade crossings on the existing NOGC route and reducing the number of public at-grade crossings from 73 to 6.

The Preferred Alternative alignment would require the reconstruction of a 1.65-mile section of Peters Road between Lapalco Boulevard and Murphy Canal. A 6,000-foot (1.14-mile) segment of Peters Road would be reconstructed from Lapalco Boulevard to the south side of the proposed Harvey Boulevard Extension. A shorter segment of Peters Road would be constructed on new alignment. The limits of new construction extend from just south of the proposed Harvey Boulevard Extension to just south of the Murphy Canal crossing; a distance of approximately 2,700 feet or 0.51 mile.

7.5.3 Overview of Preliminary Alternatives

As outlined in the *Tier I and Tier II Alternatives Analyses*, the Project started with a wye connection to maintain connection with the existing NOGC Railway parallel to LA 23. The wye included a single track extending north to the Belle Chasse Yard, and a single track extending south to tie into the existing NOGC railway continuing south to Myrtle Grove, LA. Options identified in the Tier I and Tier II analyses focused on defining locations for the rail corridor which would minimize impacts across the Relocation Corridor.

As shown on **Figure A-3 in Appendix A**, the *Tier I Alternatives Analysis* identified four conceptual alignment options. The Tier I analysis resulted in the elimination of Options 1 and 4, and the portion of Option 3 from 4th Street south of Lapalco Boulevard where it connects to Option 2, for the following reasons:

- High cost is the primary fatal flaw associated with Option 1. The high cost is a result of the three required movable bridges on the GIWW, Harvey Canal, and Bayou Barataria. Option 1 also has the highest number of potential total impacted or intersected properties and business/industrial relocations.
- The impact to the residential area along St. Joseph Lane is the primary fatal flaw associated with Option 4. The Option 4 alignment traverses St. Joseph Lane for approximately 2,200 feet or 0.4 miles.
- A portion of Option 3 from 4th Street to south of Lapalco Boulevard, where it connects to Option 2, was eliminated because it traverses near a residential area from US 90B to Lester Street and then requires extensive grade separation and a bridge structure starting near St. Joseph Lane extending to south of the West Bank Animal Shelter tract.

¹⁴ Railway tracks arranged in the form of a “Y” that are used for turning locomotives and rail cars in the opposite direction.

Eliminating these options left Option 2 in its entirety and the southern portion of Option 3 starting near the Peters Road and Murphy Canal crossing. The commonality between Options 2 and 3 allowed them to be recombined and refined into two preliminary alternatives in the *Tier II Alternatives Analysis*.

As outlined in the *Tier II Alternatives Analysis*, two preliminary alternatives, shown in **Figure A-4** in **Appendix A**, were evaluated. The alignment associated with Preliminary Alternative A is depicted in yellow, while Preliminary Alternative B is shown in magenta. Both contain the wye rail intersection introduced in the *Tier I Alternatives Analysis* options, with an acknowledgement that a decision to grade-separate LA 23 at the rail line intersection might occur in the future. A brief description of each of the preliminary alternatives follows:

Preliminary Alternative A:

- Located on the west side of Peters Road following the abandoned Union Pacific Railroad (UPRR) Hooper Spur track until Lapalco Boulevard.
- Crossing Peters Road immediately south of Lapalco Boulevard and continuing south through undeveloped parcels of land adjacent to Murphy Canal.
- Crossing the GIWW and continuing to LA 23 south of the NAS JRB.

Preliminary Alternative B:

- Located on the east side of Peters Road on new alignment southward to US 90B.
- Crossing into an undeveloped, utility corridor parallel to Paillet Avenue extending south to Lapalco Boulevard.
- Continuing south through undeveloped parcels of land adjacent to Murphy Canal.
- Crossing the GIWW on a different alignment compared to Alternative A and continuing to LA 23 south of the NAS JRB.

An initial assessment of the preliminary alternatives, presented to the public on September 22, 2015 included the identification of the following general analysis outcomes that led to identification of Alternative A as the corridor with potentially less impacts and the basis for the Preferred Alternative.

- Potential impacts on residential areas – Alternative B would have a greater impact on residential homes near Paillet Avenue between US 90B and Lapalco Boulevard, as well as on several subdivisions located between Murphy Canal and Bayou Barataria. At-grade crossings – Alternative B would create 21 new highway-rail at-grade crossings at public streets compared to 5 for Alternative A.
- Crossing US 90B – Alternative A would cross under US 90B within the existing UPRR Hooper Spur ROW, while Alternative B would result in a three-level crossing. Depending on the horizontal location and length of the Harvey Canal Tunnel crossing, the structural integrity of the Harvey Canal Tunnel may need to be evaluated.

- Crossing Lapalco Boulevard – Alternative A would cross under the Lapalco Boulevard bridge within the existing UPRR Hooper Spur ROW, while Alternative B would require an extensive embankment section/bridge structure (approximately 6,000-feet long) to cross over Lapalco Boulevard and the Westbank Animal Shelter property.

7.6 Section 4(f) Properties

This section identifies the Section 4(f) resources present within the Study Area. It includes a discussion of the potential impacts to these resources as a result of the Preferred Alternative. Mitigation for any impacts are discussed in Section 7.11, Measures to Minimize Harm.

7.6.1 Parks and Recreation Sites

As shown in Table 2 and Figure A-5 in Appendix A, the Study Area contains 15 parks and recreation facilities. Only one of these (Plaquemines Off-Road Park) is in the Relocation Corridor. It is approximately 2,100 feet south of the Preferred Alternative. There would be no apparent impact to the use of and access to this facility created by the Project.

Table 2. Parks and Recreational Resources

Parks and Recreational Resources	Located in Study Area	Located in Relocation Corridor
Bellevue Park*	Yes	No
Blackie Buras Park	Yes	No
Gretna Park	Yes	No
Harvey Park	Yes	No
Huey P Long Park	Yes	No
Martin Luther King Junior Park	Yes	No
Medal of Honor Park	Yes	No
Mel Ott Park	Yes	No
McDonoghville/Knights Corner Park	Yes	No
Oakdale Park*	Yes	No
Plaquemines Off Road Park	Yes	Yes
Richard Street Park*	Yes	No
JB Spencer Park	Yes	No
Terrytown Playground*	Yes	No
Woodlawn West Park*	Yes	No

Parks marked with an asterisk (*) locations where LWCF funding has been used, according to the U.S. Department of Interior National Park Service Land and Water Conservation Fund (LWCF) Listings by County, 3/13/2017, <http://waso-lwcf.nrcs.nps.gov/public/index.cfm>.

Source: Jefferson Parish GIS, Plaquemines Parish Comprehensive Plan and USGS GNIS Database, 2016.

7.6.2 Open Space

The Study Area contains one designated open space, 400 acres of land in Plaquemines Parish east of the NAS-JRB base in Belle Chasse. This property, purchased through cooperative

endeavor of the Trust for Public Land and the U.S. Navy, while in the Study Area, is outside of the Relocation Corridor.

7.6.3 Wildlife and Waterfowl Refuges

Both of the wildlife conservation areas located in Plaquemines Parish are outside levee-protected areas east of the Mississippi River and remain inaccessible except by boat. Both sites are outside of the Study Area and Relocation Corridor.

7.6.4 Cultural Resources

Archaeological Sites

A Phase I survey of the Preferred Alternative¹⁵ was performed in an effort to satisfy 36 CFR § 800.5 (a)(1) (Section 106 of the National Historic Preservation Act of 1966 as Amended 2000) requirements to identify and mitigate the effects that the Project may have on potential cultural resources. Prior to the initiation of fieldwork, comprehensive background research revealed that portions of the Preferred Alternative had been surveyed during previous investigations. Based on the results of the archaeological survey, the Project would have no effect on buried historic resources. One site, crossed by the Preferred Alternative, has been determined by the SHPO as eligible for the NRHP given the association with the eligible property on which it sits (Hero Park/River Oaks Academy site). Archaeological sites are not protected under Section 4(f) unless they warrant preservation in place (23 CFR §774.13(b)(1)).

Historic Resources

During the survey of cultural resources, one of the historic properties identified consists of two buildings older than 47 years that were part of the former River Oaks Academy (10911 LA 23) (Site 26-01501, shown in **Figure 1**). One building has a concrete masonry/sheet metal exterior and the other building has a solely sheet metal exterior. Both buildings are in poor condition. Part of the structure is within the ROW of the Preferred Alternative. In addition, the ROW passes through a grove of large live oak trees, which is part of Hero Park, a former private park site, on the property where the River Oaks Academy was constructed. The buildings and site are no longer open to use either as a school or as a private park. The buildings are currently occupied by Southern Arch, a local historic wood salvage and refinishing company. Some portions of the site are overgrown with vegetation. Refer to photos in **Figures 2 through 4**. Based on data collected during NRHP research, the Hero Park/River Oaks Academy site (i.e. the site within the 2016 revised boundary as shown in Figure 4-5) is eligible for nomination to the National Register. As such, the Project would result in an adverse effect to this historic resource, and a use of the resource under Section 4(f).

¹⁵ See *Phase I Cultural Resources Survey and NRHP Research for the LA 23 New Orleans Gulf Coast Railway Relocation PE/NEPA Project, Jefferson and Plaquemines Parishes, Louisiana*. Draft Report, prepared by Earth Search, Inc. for HDR, Inc., for submittal to the Regional Planning Commission and Federal Railroad Administration, March 2017.

Figure 1. Plan View of Hero Park/River Oaks Academy Site

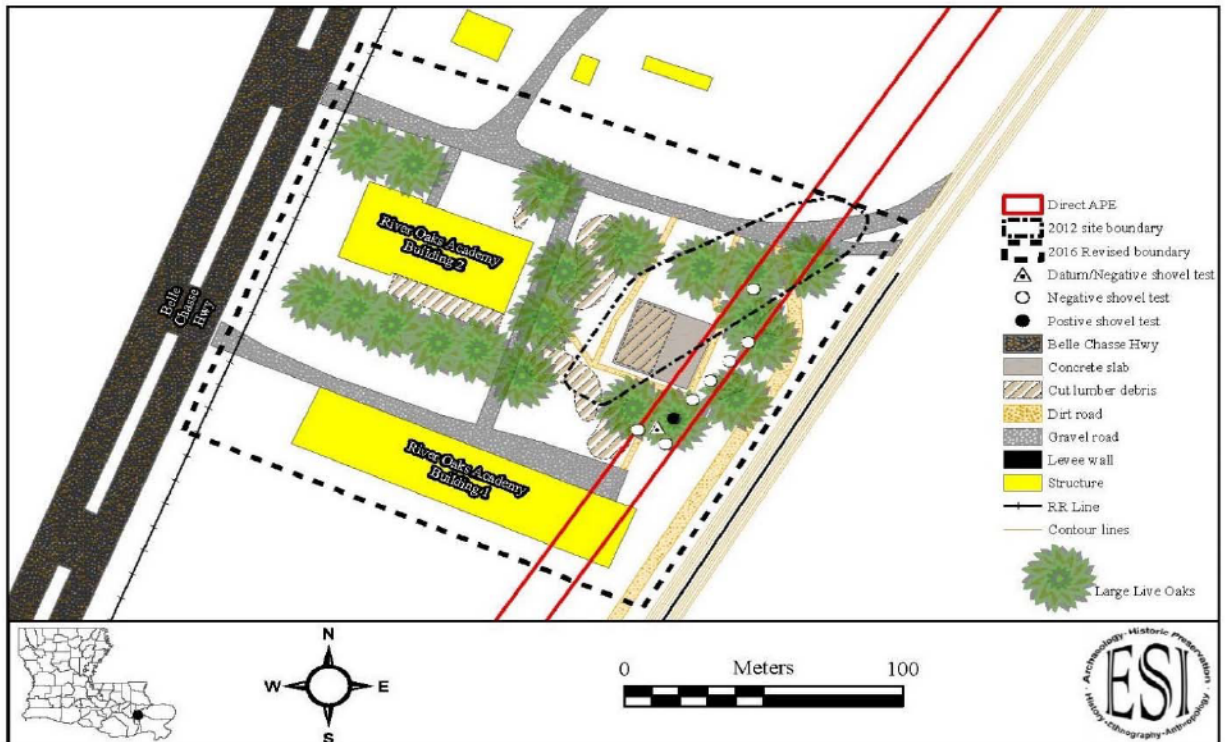


Figure 2. Former River Oaks Academy Building (now Southern Arch)



Figure 3. Large Piles of Lumber on Hero Park/River Oaks Academy Site



Figure 4. Several Large Historic Live Oaks on Hero Park/River Oaks Academy Site



7.7 Section 6(f) Resources

Section 6(f) resources are recreational lands purchased or improved with LWCF funds. As previously shown in **Table 2**, a full review of the available database at the National Park Service (NPS) website for projects in Louisiana indicates there are no recreation areas funded with LWCF in the Relocation Corridor. There are five park sites in the Study Area in Jefferson Parish with LWCF funding. None of these appear in the Relocation Corridor. Therefore, there would be no impact to Section 6(f) resources as a result of the Preferred Alternative.

7.8 Section 4(f) Use Assessment

The estimated acreages shown for the potential impacts to Section 4(f) resources come from a review of aerial photography, combined with site plans and property layouts developed as part of sites in connection with the Preferred Alternative. These potential acreages, which remain subject to further refinement based upon the outcome of Project design, are considered in the text evaluations below. The definitions of permanent and temporary use applied in this discussion come from Section 7.2.1 and 7.2.2 of this FONSI.

7.8.1 Archaeological Resource Impacts

The Preferred Alternative would have no effect on buried historic resources. One site identified during the archaeological survey (16PL249), crossed by the Preferred Alternative, exhibits no intact deposits within the ROW. In addition, intact deposits may exist beneath the River Oaks Academy site that would be discoverable during site prep or demolition activities at this location. These impacts would be created as part the permanent use of the area for the Preferred Alternative. It is possible that additional site preparation activities associated with the Project (i.e. grading, excavation, etc.) could lead to discovery of additional sites and create additional impacts to buried historic resources. Archaeological sites are not protected under Section 4(f) unless they warrant preservation in place (23 CFR §774.13(b)(1)).

7.8.2 Historic Resource Impacts

As noted previously, the Preferred Alternative extends through the Hero Park/River Oaks Academy site. The rear portion of one of the former River Oaks Academy buildings at 10911 LA 23 (26-01501) is in the direct APE in the southernmost portion of the Project ROW on LA 23. The remainder of this building and a second academy building are in the indirect APE. Extension of the ROW for the Build Alternative would require demolition of the former River Oaks Academy building (26-01501) shown in **Figure 2** and five oak trees, which adversely affects the features of the property that make it eligible for protection under Section 4(f).

Given the proposed rail replaces an existing active rail corridor on the east side of the site, there is a minimal potential for additional noise impacts associated with the rail operation. However, this would not impact the business on-site, given that it is light industrial in nature (i.e. wood salvage, millwork, interior design and lumber storage) and is not of a type that would be sensitive to noise impacts.

7.9 Avoidance Alternatives

FRA may not approve a use of a Section 4(f) property unless there is no feasible and prudent alternative that avoids the use of the resource (23 U.S.C. §138(a)). Under Section 4(f), an alternative is deemed feasible if it can be constructed as a matter of sound engineering. Typically, alternatives studied in an EA are feasible; otherwise they would not have been carried forward for detailed study. An alternative is prudent if it meets the test of 23 CFR §774.17 which includes the following factors:

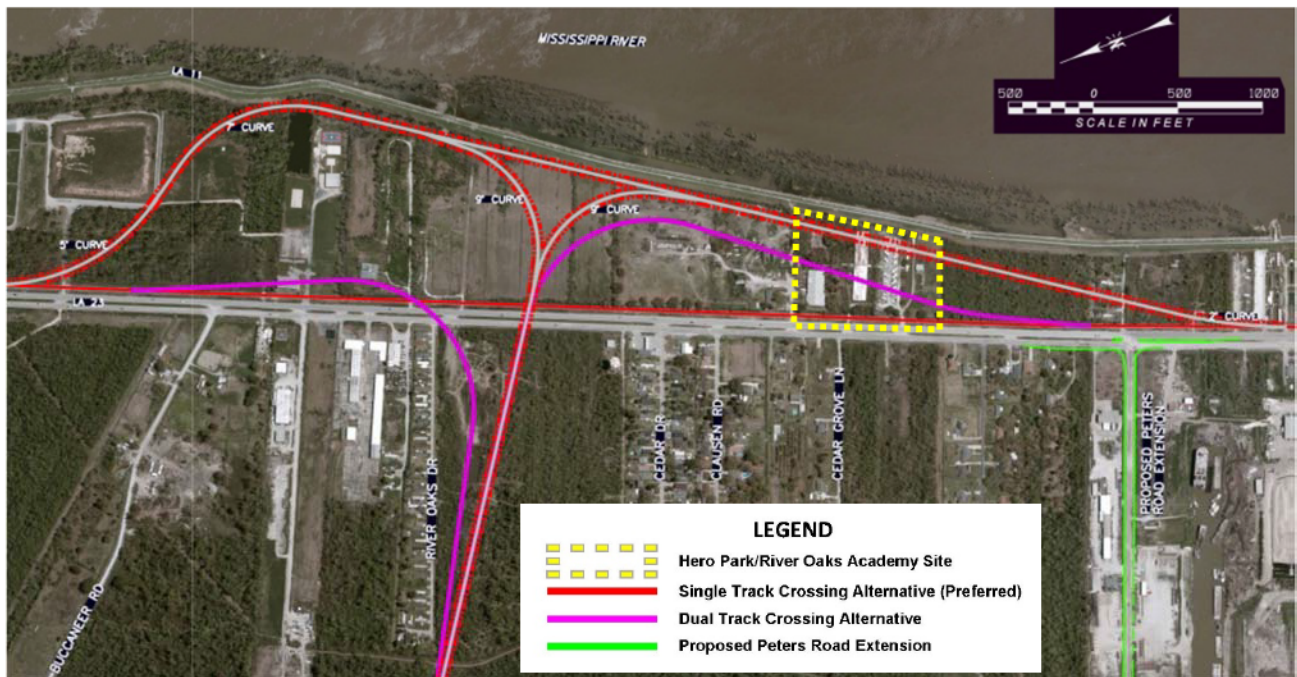
- Assessing safety or operational problems;
- How well the alternative meets the project purpose and need;
- The severity of social, economic or environmental impacts;
- The severity of impacts to environmental resources protected under other Federal statutes.

The Preferred Alternative has been identified as a result of technical review that included an evaluation of conceptual alternatives through a Tier I and Tier II analysis, using a documented series of evaluation factors that included review by the PMC and the public. An initial set of four conceptual alignment options for the Project were analyzed for potential impacts to the physical, human and natural environment. The analysis, documented within the Tier I analysis, included opportunities for input from the PMC and public in order to refine the alternatives or identify potential impacts. The result of this analysis was the definition of two preliminary alternatives modified and examined in more detail within a Tier II analysis. Refinements occurred during the Tier II analysis based on commentary from the PMC and community. A summary of these adjustments, presented north to south, follow in **Table 3** with their corresponding location shown in **Figure A-6** in **Appendix A**.

Table 3. Summary of Rail Alignment Refinements Preferred Alternative

Refinement Location	Description of Rail Alignment Refinements
No. 1	Curve from double track mainline along 4th Street to Peters Road.
No. 2	Rail alignment along the west side of Peters Road – 4th Street to south of Lapalco Boulevard.
No. 3	Rail alignment along the east side of Peters Road – 4th Street to south of Lapalco Boulevard.
No. 4	Rail alignment along Peters Road south of Lapalco Boulevard.
No. 5	Rail alignment within undeveloped parcels south of Lapalco Boulevard.
No. 6	Rail alignment along the west side of Peters Road parallel to USACE floodwall including Peters Road reconstruction.
No. 7	Rail alignment crossing the Murphy Canal.
No. 8	Rail alignment within undeveloped parcels between Murphy Canal crossing and GIWW.
No. 9	Rail alignment crossing the GIWW.
No. 10	Movable bridge type crossing the GIWW and proximity to NAS JRB.
No. 11	Rail alignment crossing LA 23 and connection to existing track at LA 23.

It is within the Tier II analysis that refinements in the alternatives resulted in an evaluation of the potential rail crossing options at LA 23, southwest of the Belle Chasse community (Refinement Location 11 in **Figure A-6** in **Appendix A**). Initially, Project concepts consisted of a dual crossing of LA 23 (magenta lines on **Figure 5**) in order to minimize both track length and property impacts. However, this created two at-grade crossings of LA 23, which did not have the support of PMC members from the local jurisdiction (Plaquemines Parish), LADOTD and the NOGC. The proposal, while functionally sufficient, did not allow for smoother transitions across LA 23 seen as critical by LADOTD and local officials to minimizing potential delays encountered by motorists on the corridor during train crossing periods. The decision to replace the dual track crossing (magenta lines on **Figure 5**) with a single track crossing alternative (double red lines on **Figure 5**) comes as a benefit to long range plans to elevate a short segment of LA 23 over the rail crossing in a manner that does not significantly disrupt adjacent property access. Such a crossing, which has not been funded, remains a local priority for implementation of the Project as funding becomes available.

Figure 5. Rail Alignment Crossing LA 23 through the Hero Park/River Oaks Academy Site

Incorporating a portion of the 4(f) site into the Project ROW is unavoidable due to the location of the Preferred Alternative and requirement to connect the relocated line to the existing railway that extends south. As shown in **Figure 5**, the River Oaks 4(f) site extends from the Mississippi River levee to LA 23 leaving no room to fit the southern portion of the wye east of LA 23 without impacting the 4(f) site. Given this action is unavoidable, minimization of impacts would be a logical course of action. The creation of the wye intersection using a single crossing of LA 23 offers an opportunity to provide minimal impacts to the Hero Park/River Oaks Academy site, as well as to provide an option that is both feasible and prudent from a rail engineering perspective.

Creating a single track crossing of LA 23 as part of the proposed wye intersection pushes the rail line from its current position along the LA 23 corridor closer to the Mississippi River levee. In doing so, approximately 6,700 feet (+/- 1.2 miles) of the current NOGC railway track along LA 23 would need to be curved east and then west back to the existing rail corridor parallel to LA 23 (see **Figure 5**) as part of the wye. At its closest point to the levee, the relocated track would maintain a 15 foot clearance of the Mississippi River levee to meet USACE requirements.

The dual crossing option as shown with the magenta lines in **Figure 5** would bisect the Hero Park/River Oaks Academy site, impact two structures from the former River Oaks Academy, impact additional live oak trees, and likely require acquisition of the entire site since portion of the site may be undevelopable in the future. The two crossing solution was discussed and deemed not feasible with technical analysis including the input from key agencies and other stakeholders including representatives of RPC, NOGC, LADOTD, Plaquemines Parish and USACE participating in the PMC process.

Finally, the single track wye provides a more generous turning radius helping reduce travel time through the LA 23 crossing. In addition, it supports stated local objectives to elevate LA 23 in the future over the rail crossing as funds become available.

In summary, there are no feasible or prudent alternatives to crossing the 4(f) site, so there is no other course of action other than mitigation.

7.10 Section 4(f) Finding

Based on the level of analysis completed, the Preferred Alternative would result in the use of one resource protected by Section 4(f): the Hero Park/River Oaks Academy site. Completion of this additional investigation at the site, as reviewed and confirmed with the SHPO, indicate that the River Oaks Academy is eligible for listing on the NRHP under Criterion A due to the academy's association with the Civil Rights Act of 1964 and the local impact of Federal mandated desegregation in Plaquemines Parish, Louisiana and Criterion B due to the property's association with Leander Perez, Sr. while Hero Park would be eligible for listing on the NRHP under Criterion A due to its contribution to the local history (36 CFR §60.4).

7.11 Measures to Minimize Harm

The Preferred Alternative would create an adverse effect on the Hero Park/River Oaks Academy site. As required through the general consultation process, appropriate mitigation measures were determined including documenting the historic property in accordance with Historic American Building Survey standards and installation of a historical marker (see Memorandum of Agreement in **Appendix B**).

In the future, design and construction phases of the Project would include coordination with the SHPO and Louisiana Division of Archaeology in case of unanticipated discovery of intact cultural deposits.

7.12 Section 6(f) Finding

There are no locations developed with Section 6(f) resources in the Relocation Corridor or Preferred Alternative. Therefore, there would be no impact to Section 6(f) resources as a result of the Preferred Alternative.

7.13 Agency Coordination

49 U.S.C. §303(b) requires consultation with the Secretary of the Interior and the State of Louisiana (State Historic Preservation Officer with the State of Louisiana, Office of Cultural Development, Division of Historic Preservation) in the development of this Project. **Table 4** provides a summary of this coordination.

Table 4. Summary of Agency Coordination

Date	Form	Participants	General Topics
May 4, 2015	Letter – Solicitation of Views	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • RPC 	Opening of coordination and opportunity for agency commentary on the Project as presented with purpose and need and initial Study Area definition
May 7, 2015	Letter – Solicitation of Views Response	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • RPC 	Notation that Section 106 review could not occur due to submittal of insufficient information. Request for additional information made as part of this letter
April 19, 2017	Letter with Cultural Resources Report (<i>Draft</i>)	<ul style="list-style-type: none"> • FRA • Plaquemines Parish • Allen Hero (property owner) • RPC 	Transmittal of draft Cultural Resources Report to consulting parties
May 12, 2017	Letter with Cultural Resources Report (<i>Draft</i>)	<ul style="list-style-type: none"> • FRA • State of Louisiana, State Historic Preservation Officer • RPC 	Transmittal of draft Cultural Resources Report to the State Historic Preservation Officer
May 24, 2017	Letter	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • RPC • FRA • Earth Search, Inc. (Cultural Historian) 	Confirmation of draft Cultural Resources Report receipt, along with outline of comments on draft report
May 26, 2017	Email	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • Earth Search, Inc. (Cultural Historian) 	Confirmation of potential mitigation strategy for impact to River Oaks Academy structure in ROW
June 20, 2017 (July 12, 2017 Approval)	Letter and SHPO Response	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • FRA 	SHPO accepted the Final Cultural Resources Report on July 12, 2017. By accepting the Final Report, they also accepted any decisions made in the report which would include eligibility determinations.
July 18, 2017	Conference Call	<ul style="list-style-type: none"> • State of Louisiana, State Historic Preservation Officer • RPC • FRA • Earth Search, Inc. (Cultural Historian) • Hero Lands Company 	Section 106 Consulting Party consultation discussion about mitigation measures and the Draft Memorandum of Agreement between FRA and SHPO

LA 23 New Orleans & Gulf Coast Railway Relocation – Finding of No Significant Impacts

Date	Form	Participants	General Topics
September 12, 2018	Letter	<ul style="list-style-type: none"> • U.S. Department of the Interior • FRA 	Letter of no objection to Section 4(f) approval of the project contingent on the subsequent full execution of the requirements identified in the MOA.

8.0 ENVIRONMENTAL COMMITMENTS

During the NEPA process, commitments are made to avoid, minimize, or mitigate project impacts. Commitments result from public comment or through the requirements of, or agreements with, environmental resource and regulatory agencies. If FRA funding is used to construct the Project, FRA would require the future Project sponsor to comply with the commitments and mitigation measures outlined below. These would be implemented during future implementation phases of the Project including permitting, design, construction, and post-construction phases. Compliance with all commitments and mitigation measures would be monitored by FRA through a mitigation monitoring plan that would be developed by FRA and the future Project sponsor prior to the start of construction.

Air Quality. To minimize potential air quality impacts, particularly related to control of particulate matter, the construction contractor shall comply with all relevant Federal, state, and local laws and regulations.

Stormwater. As noted by LDEQ in its response to the Solicitation of Views (SOV), all precautions to control nonpoint source pollution from construction activities and to protect the groundwater of the region must be observed. The future Project sponsor must implement best management practices to control soil erosion.

Wetland Mitigation. Prior to permitting and design activities, the future Project sponsor will be required to conduct an on-site field investigation to delineate the full extent of waters of the United States within the Project's right-of-way in the southern portion of the Study Area generally between the GIWW and the Mississippi River Levee/Highway 11 and to make a proposed jurisdictional determination. The USACE will make the final jurisdictional determination for waters of the United States and define the appropriate mitigation requirements for the Project.

Noise and Vibration. FTA/FRA guidance does not require noise mitigation for moderate noise impacts; however, the future Project sponsor may implement strategies for reduction of noise impacts (e.g. noise walls, wheel truing, etc.) during final design if determined to be cost effective. In order to minimize the potential for impacts of construction noise on local residents, all construction equipment used in the construction phase of the Project will be properly muffled and all motor panels shut during operation. Whenever possible, the contractor will operate during regular daytime working hours. To minimize vibration impacts, peak particle velocities due to pile driving operations will be monitored with a seismograph at critical structures, pavements and utilities during all pile driving operations.

Plant and Wildlife Habitats. During the permitting phase, regulatory agencies will be consulted to determine whether monitoring and/or site specific measures to protect sensitive species or habitat during construction are warranted (such as protective fencing). Locations of any sensitive plant and wildlife species will be mapped on construction drawings. If nesting bald eagles are discovered at the time of construction, the future Project sponsor must follow

federal and state guidelines for avoidance and minimization. If Project activities will occur within a 660-foot radius of a nest site, the future Project sponsor must cease construction activities in that area and coordinate with the Louisiana Department of Wildlife and Fisheries. Areas where vegetation needs to be temporarily removed or disturbed for construction will be re-vegetated as quickly as possible with native vegetation.

Traffic and Public Safety. The future Project sponsor will develop traffic management plans during the final design phase of the Project to address and minimize public safety risks and potential traffic delays. Temporary traffic control zones and devices must be implemented in accordance with FHWA's *Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways* to adequately and safely accommodate all local and through traffic. Construction operations must be scheduled and sequenced to minimize traffic and rail delays. Prior to construction, the future Project sponsor will provide information on construction schedules throughout the Study Area to local emergency response organizations.

Relocations. Business/industrial and residential relocations will be addressed in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646).

Contaminated Sites. If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the Project, notification to LDEQ's Single-Point-of-Contact is required. Additionally, precautions must be taken to protect workers from these hazardous constituents during construction. The Project's right-of-way includes a vacant wooded parcel that was once used as a lay-down yard for a former asbestos pipe coating facility that included an asbestos disposal site. Asbestos contaminated soil was abated in 1986; however, it is likely that there is residual asbestos contaminated soil that will require special handling and disposal procedures.

Cultural Resources. FRA determined that the Hero Park/River Oaks Academy site is eligible for listing in the National Register of Historic Places (NRHP), and SHPO concurred with FRA's determination on July 12, 2017 (**Appendix C**). FRA determined the Project, if constructed with financial assistance from FRA, will have an adverse effect on the Hero Park/River Oaks Academy site due to the destruction of five oak trees associated with Hero Park and a former plantation and demolition of one of the two River Oaks Academy buildings. Appropriate mitigation measures and a guiding Memorandum of Agreement (**Appendix B**) were developed through consultation among the FRA, SHPO, and the impacted property owner. Mitigation measures include documenting the historic property in accordance with Historic American Building Survey standards and installation of a historical marker.

Visual Resources. To improve the views for the residential area in the first few blocks south of 4th Street on St. Joseph Lane, RGPC commits to developing a neighborhood park that would be located just south of 4th Street to the east of the proposed curve in the rail alignment. Depending on cost effectiveness to be determined in the design phase, a 10-foot noise wall may be built to separate the neighborhood from the track, which would block views of the

passing trains. If the noise wall is not cost effective, the park would have a decorative wall or landscape screening to dampen the visual and audible effect of passing trains. Jefferson Parish will be responsible for maintaining the park (e.g., mowing and pruning).

9.0 CONCLUSION

FRA finds that the impacts of the Preferred Alternative, as assessed in the LA 23 New Orleans & Gulf Coast Railway Relocation PE/NEPA Project Environmental Assessment, RPC/FRA Grant #FR-RLD-0032-14-01-00 (April 2, 2018) and this Finding of No Significant Impact satisfy the requirements of FRA's Procedures for Considering Environmental Impacts, and that the Project will not have a significant impact on the quality of the human or natural environment following the implementation of mitigation measures.



Jamie P. Rennert
Director, Office of Program Delivery
Federal Railroad Administration

10/18/2018
Date

Appendix A – Project Maps

Figure A-1. Study Area Overview

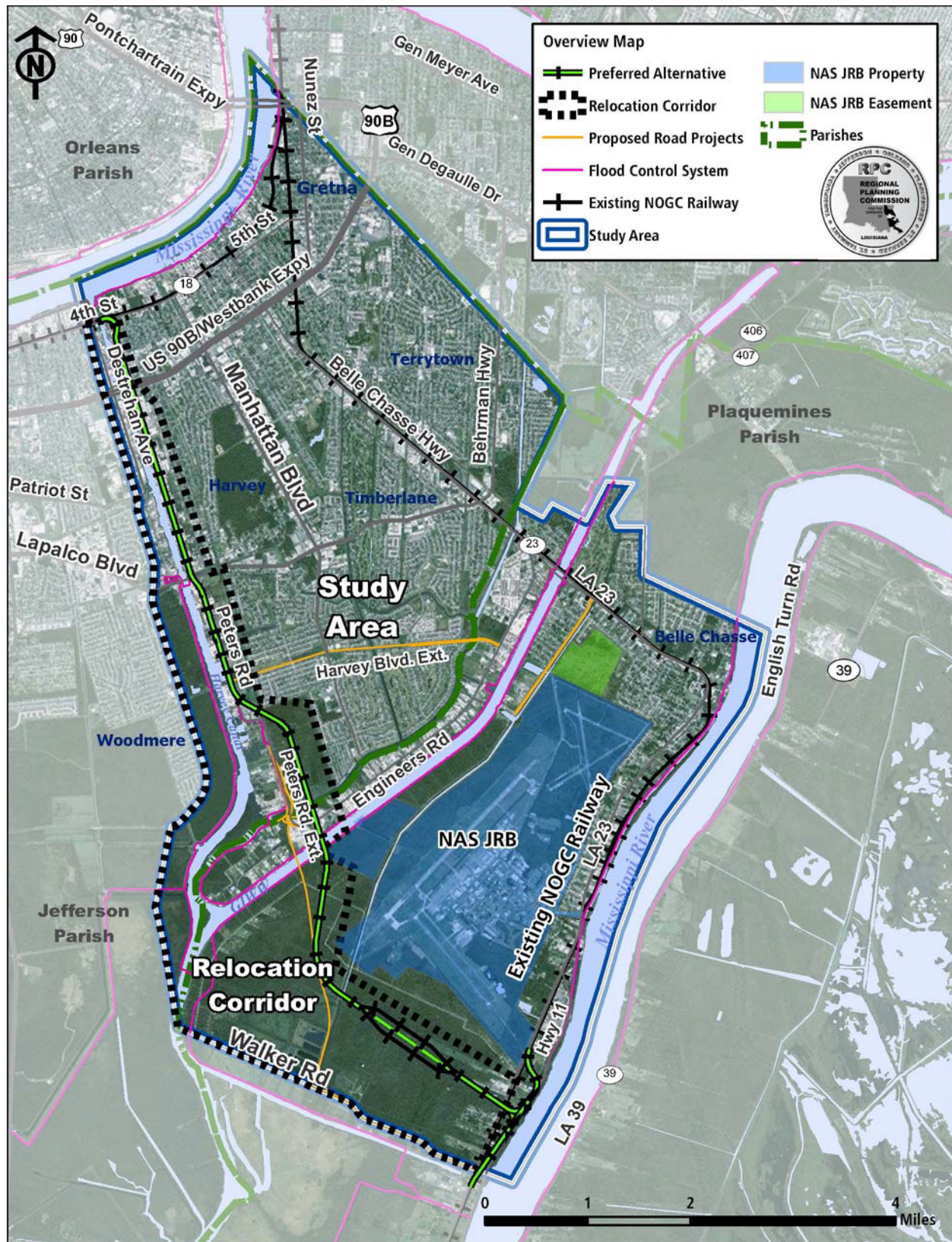


Figure A-2. Preferred Alignment

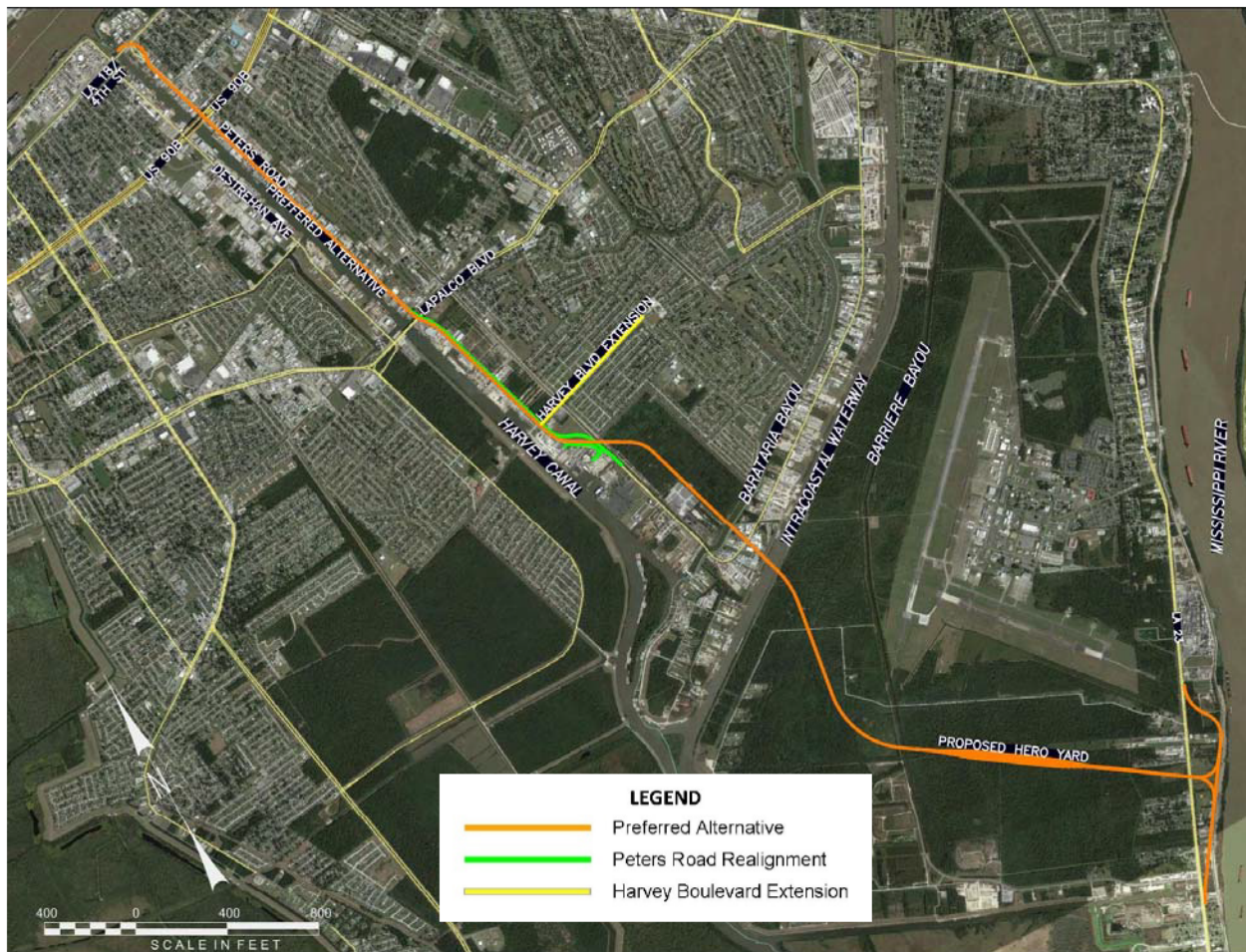


Figure A-3. Conceptual Alignment Options

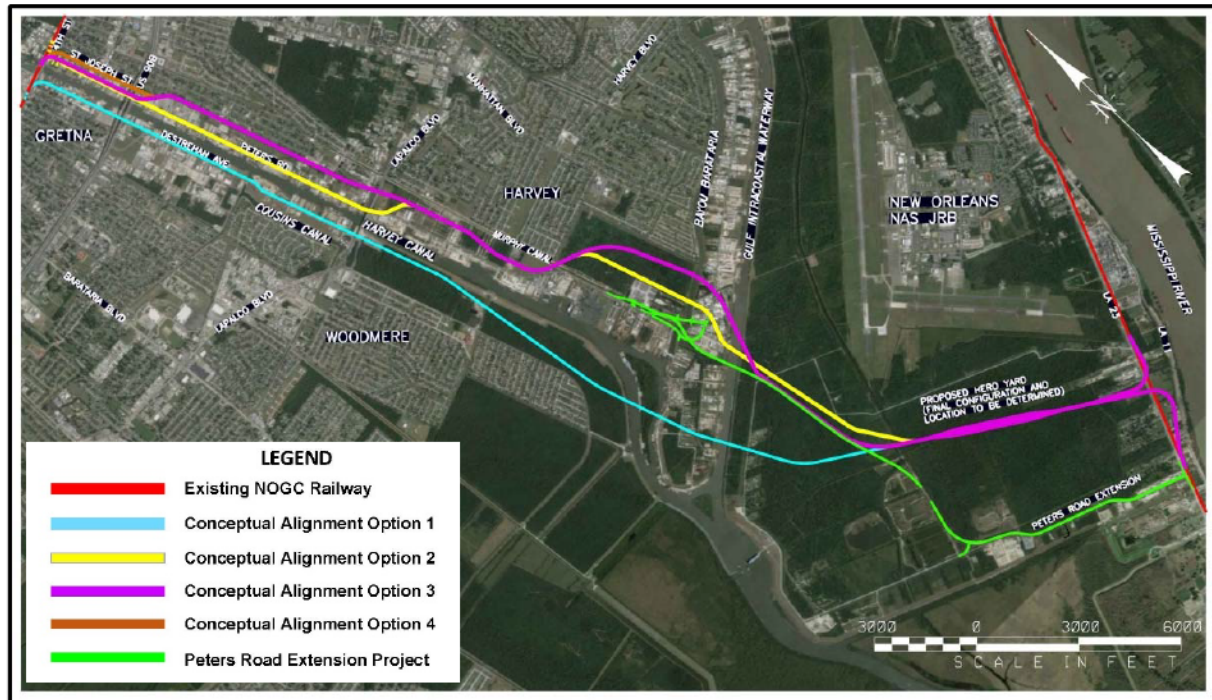


Figure A-4. Preliminary Alternatives A and B (North and South)

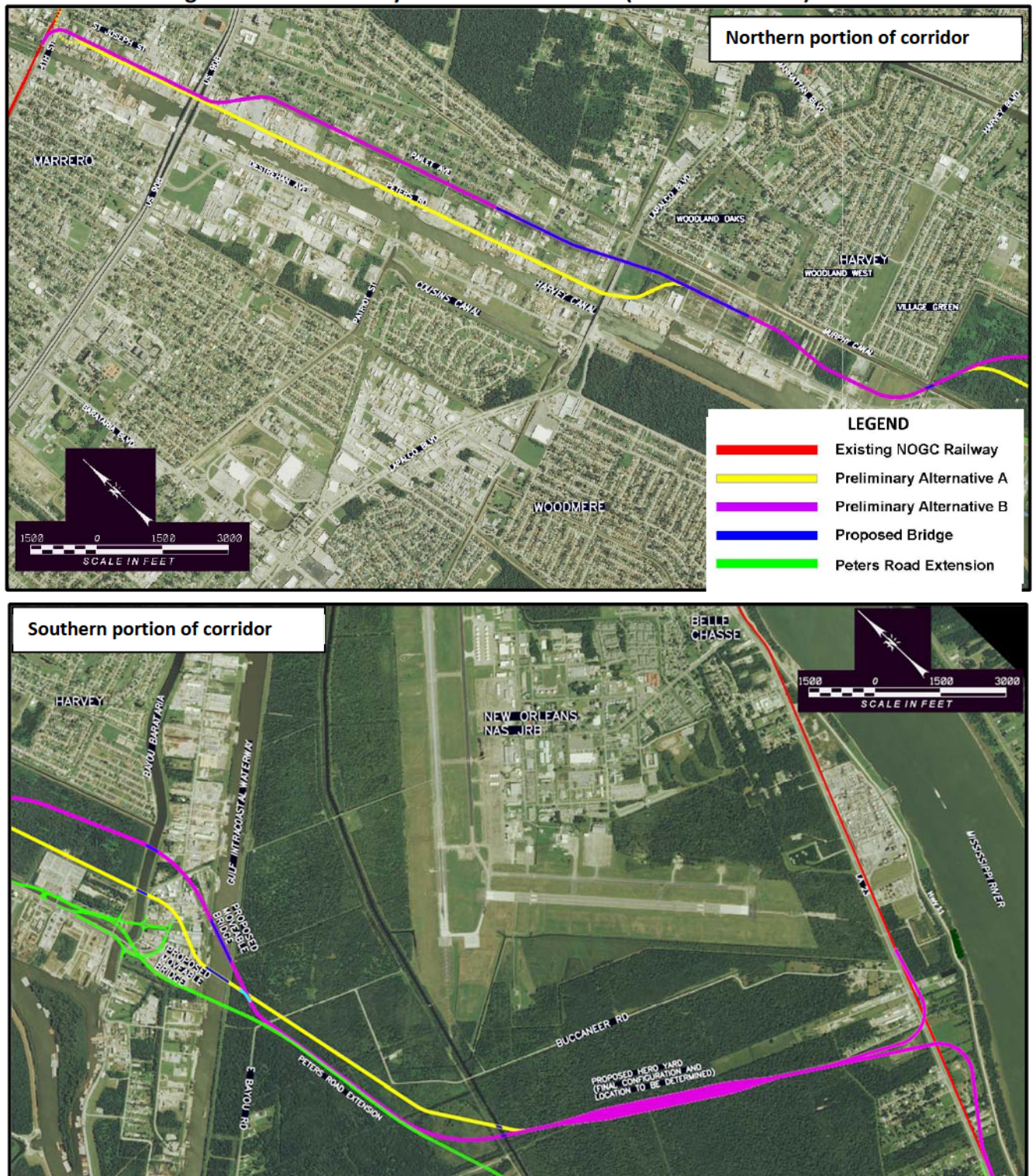


Figure A-5. Parks and Recreational Resources

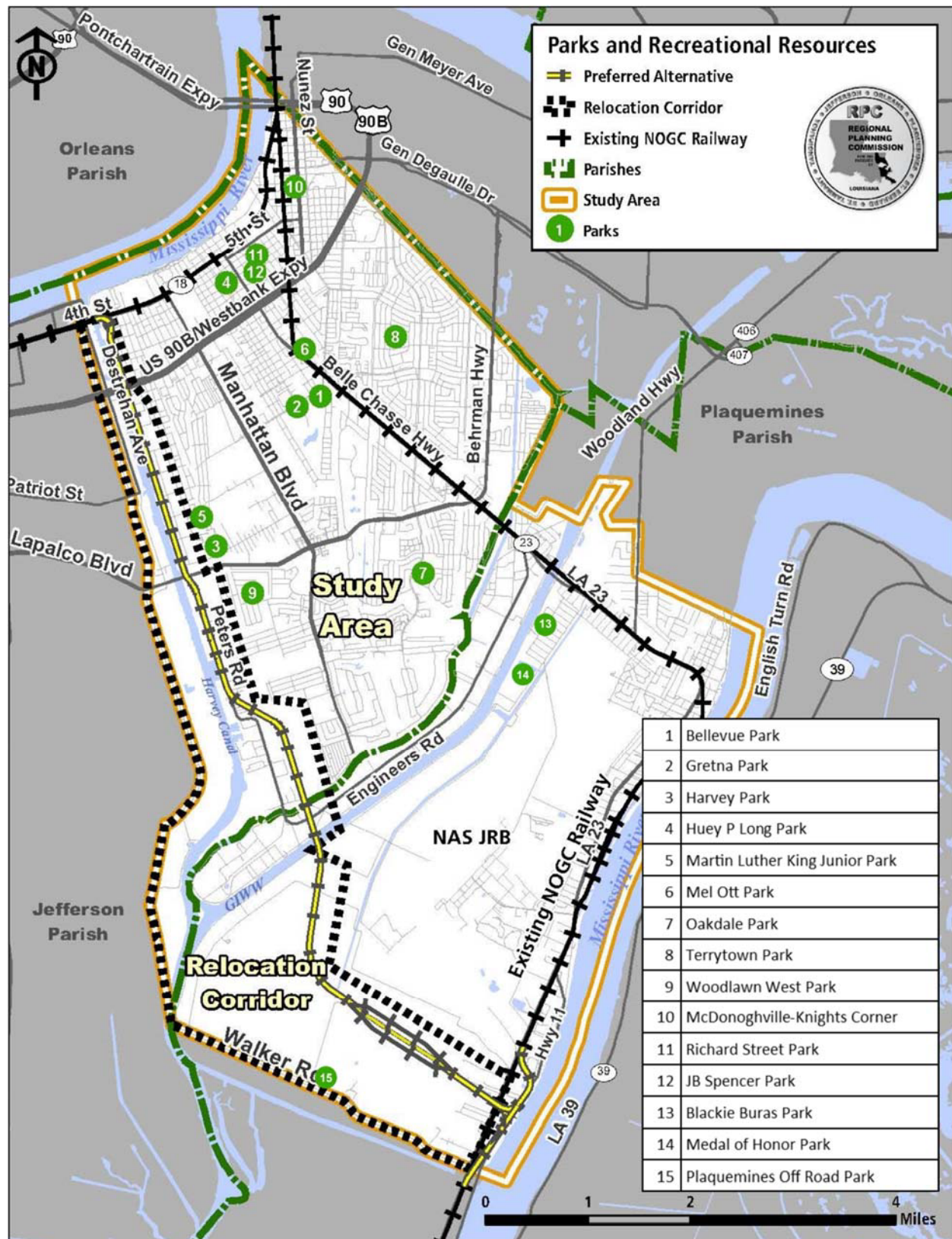
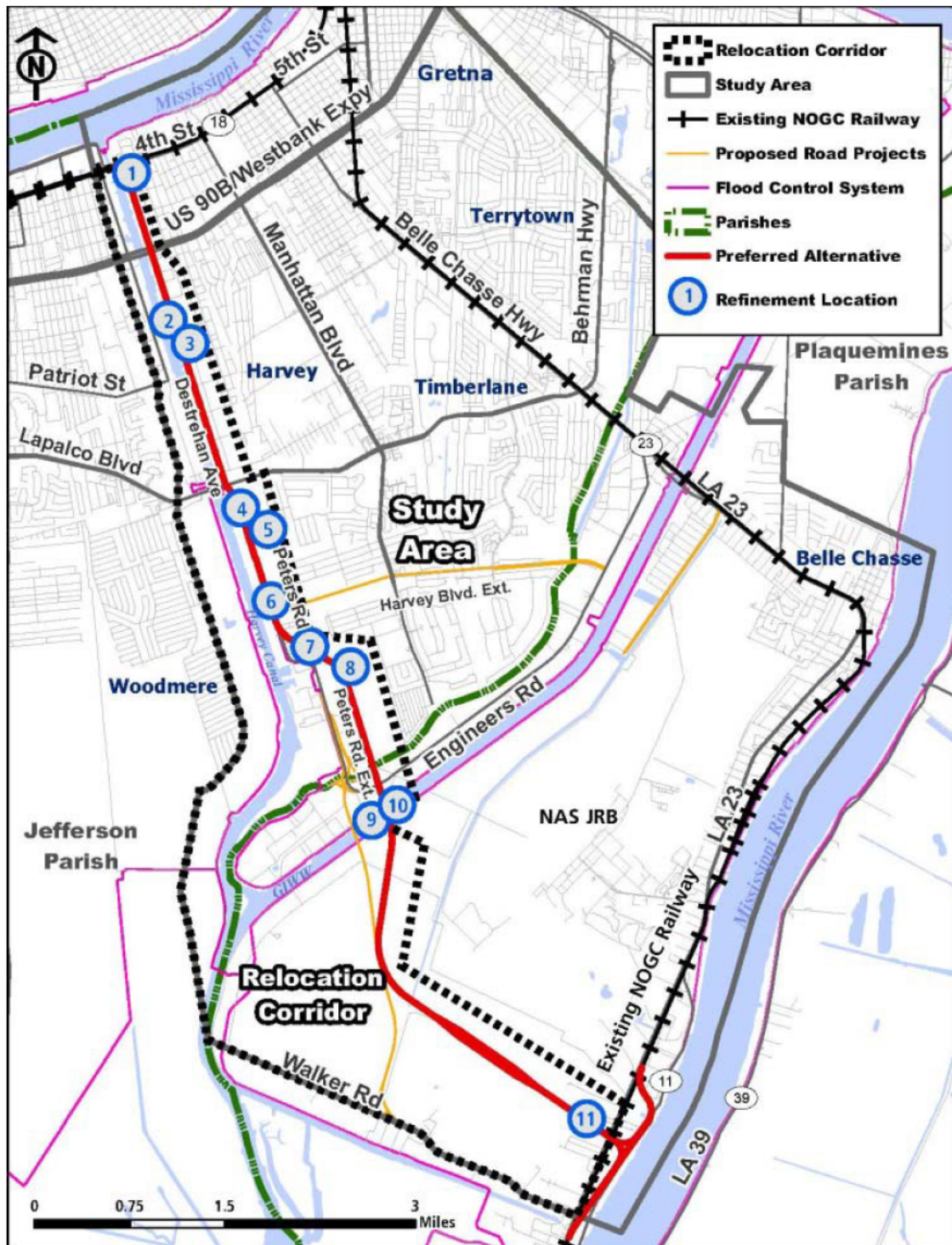


Figure A-6. Refinement Locations Preferred Alternative



Appendix B –
Memorandum of Agreement between FRA and SHPO

MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL RAILROAD ADMINISTRATION
AND
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE DEMOLITION OF A RIVER OAKS ACADEMY BUILDING
PLAQUEMINES PARISH, LOUISIANA

WHEREAS, the Federal Railroad Administration (FRA) is administering Fiscal Year 2009 grant funding (Grant #FR-RLD-0032-14-01-00) for preliminary engineering (PE) and environmental analysis in accordance with the National Environmental Policy Act (NEPA) for the Louisiana Highway (LA) 23 Railway Relocation Project (Project);

WHEREAS, the Regional Planning Commission (RPC) for Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes in Louisiana is the grant recipient for the PE/NEPA funding because the “Study Area” for the Project is located in two parishes and will have regional impacts and benefits; and

WHEREAS, the purpose of the Project is to relieve automobile traffic congestion, improve safety, improve emergency access and evacuation, enhance quality of life by reducing noise and improving mobility, and improve efficiency of rail operations by removing numerous at-grade crossings; and

WHEREAS, in accordance with NEPA, FRA and RPC prepared an Environmental Assessment (EA) to evaluate alternative alignments for relocating the NOGC rail line, operated by the New Orleans & Gulf Coast Railway Company (NOGC), and the Preferred Alternative evaluated in the EA consists of extending rail track from 4th Street to LA 23 along Peter’s Road in Jefferson and Plaquemines Parishes, approximately 9.3 miles long, and reconstruction of Peters Road between Lapalco Boulevard and Murphy Canal; and

WHEREAS, as of the date of execution of this Memorandum of Agreement (MOA) no federal funding or Construction Project Proponent has been identified to advance the Project through final design and construction; and

WHEREAS, the Project would be an FRA “Undertaking” under Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C § 306108) (Section 106) in the event FRA provides financial assistance in the future for construction of the Project; and

WHEREAS, FRA would be the federal agency responsible for compliance with Section 106 if the Project becomes an Undertaking; and

WHEREAS, FRA consulted with the Louisiana State Historic Preservation Office (SHPO) pursuant to the Section 106 regulations at 36 CFR Part 800; and

WHEREAS, FRA defined the Project's area of potential effect (APE) depicted in Attachment A, as defined in 36 CFR 800.16(d); and

WHEREAS, SHPO concurred with the APE on July 12, 2017; and

WHEREAS, FRA determined that the Hero Park/River Oaks Academy site located within the APE is eligible for listing in the National Register of Historic Places (NRHP) and SHPO concurred with FRA's determination in a letter dated July 12, 2017; and

WHEREAS, the Hero Park/River Oaks Academy site located at 10911 LA 23, Plaquemines Parish, Louisiana hereafter is referred to as the "historic property" in this MOA, and consists of two buildings constructed in 1966 as the River Oaks Academy surrounded by large oak trees; and

WHEREAS, FRA determined the Project, if constructed with financial assistance from FRA, will have an adverse effect on the historic property due to the destruction of five (5) oak trees associated with Hero Park and a former plantation and demolition of one (1) of the two (2) River Oaks Academy buildings; and

WHEREAS, FRA, in a letter dated June 16, 2017, invited Plaquemines Parish to be a Consulting Party in the Section 106 process and Plaquemines Parish declined to participate; and

WHEREAS, in an email dated August 31, 2017, FRA invited RPC to be an invited signatory to this MOA and RPC declined because, although RPC is the recipient of PE/NEPA grant funding, it is not known at the time of execution of this MOA what entity may advance the project to construction; and

WHEREAS, in an email dated September 25, 2017, FRA invited Hero Lands Company, as the owner of the historic property that would be adversely affected if the Project were to be constructed, to be an invited signatory to this MOA and Hero Lands Company accepted in a response email dated December 14, 2017; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), on October 23, 2017 FRA notified the ACHP of its adverse effect determination with specified documentation via the ACHP's e106 system, and the ACHP responded to FRA in a letter dated November 6, 2017 that it has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW, THEREFORE, FRA and SHPO (each a Signatory and together the Signatories) agree that the Project, if it becomes an Undertaking, will be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

FRA will ensure that the following measures are carried out:

I. APPLICABILITY

- A. This MOA would apply to FRA's Undertaking and would only bind FRA if FRA provides financial assistance for construction of the Project.
- B. This MOA may apply should another Federal agency have an Undertaking as part of the Project; that agency may agree to comply with the terms of this MOA and become a Signatory to fulfill its Section 106 responsibilities as provided for in Stipulation VIII.
- C. If the Project becomes an Undertaking, this MOA would be amended in accordance with Stipulation VII to add the Construction Project Proponent (i.e., the recipient of future FRA financial assistance) as a Signatory to this MOA, and the Construction Project Proponent would be responsible for assisting FRA in ensuring the stipulations herein are fulfilled.

II. PERSONNEL QUALIFICATION STANDARDS

- A. FRA will require that all historic preservation and documentation work identified in Stipulation III to be performed by the Construction Project Proponent pursuant to this MOA is carried out by or under the direct supervision of a person or persons meeting at a minimum of a person or persons meeting, at a minimum, the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44738-9) in the disciplines of History or Architectural History.
- B. Prior to the commencement of any historic preservation and documentation work stipulated in this MOA, FRA will determine if the individual(s) selected by the Construction Project Proponent to perform the work meet the qualifications in Stipulation II and provide SHPO with the résumé(s) of the individual or individuals that will perform or supervise the performance of the photographic recordation and the narrative history. If SHPO does not concur that the individuals selected to perform the photographic recordation and narrative history meet the Secretary of the Interior's Professional Qualification Standards, FRA and the Construction Project Proponent will consult with SHPO to resolve the areas of concern. If SHPO does not provide comments to FRA on the qualifications within 15 business days following FRA's e-mail forwarding the résumés and any additional background information, the Construction Project Proponent, under direction of FRA, may proceed with producing the recordation and the narrative history specified in Stipulation III.

III. MITIGATION MEASURES

A. HABS Recordation

FRA will ensure that the Construction Project Proponent records the historic property in accordance with the following:

1. FRA and the Construction Project Proponent will consult with the National Park Service (NPS) Heritage Documentation Programs - Southeast Regional Office to determine the extent of the documentation (e.g., format and length of narrative, quantity of photographs, and extent of documentation using historic or new measured drawings) prior to beginning the work.
2. The Construction Project Proponent will complete the photo-recordation described in this Stipulation prior to demolition of the historic property.
3. The Construction Project Proponent will produce Large Format Photographs (see NPS Guidelines for Architecture and Engineering Documentation, Federal Register/Vol. 68, no. 139/Monday, July 21, 2003) of the historic property's exterior elevations and character-defining interior and landscape features.
4. The Construction Project Proponent will record the historic property to Historic American Building Survey (HABS) Documentation Level II standards, as outlined in the publication, *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards*, available at <http://www.nps.gov/hdp/standards/standards.pdf>. Documentation Level II includes a narrative with the history and description of the resource, archival photographs, copies of selected existing historic drawings and/or measured drawings to the extent it is necessary to document the historic property. Research should draw upon information about the historic property in the *Phase I Cultural Resources Survey, LA 23 New Orleans Gulf Coast Railway Relocation Project, Jefferson and Plaquemines Parishes, Louisiana* (June 2017).
5. The Construction Project Proponent will provide the draft documentation to NPS and SHPO, with a copy to FRA, for review and comment as described in Stipulation IV.
6. Following approval of the draft documentation by NPS and SHPO, the Construction Project Proponent will prepare five (5) final archival copies of the recordation materials including: 8x10 black and white copies of the large format photographs, the historic narrative, the original presentation drawings, and six (6) archival CDs with the digital images and narrative. FRA will forward two (2) copies of the recordation materials to SHPO,

and SHPO will forward one (1) copy to the State Library and one (1) copy to the State Archives. FRA will transmit one (1) archival copy of the recordation materials to NPS Heritage Documentation Programs for inclusion in the HABS Collection at the Library of Congress.

B. Historical Marker

1. The Construction Project Proponent will develop draft content for a historical marker (marker) to commemorate the historic property. The Construction Project Proponent will submit the draft content of the marker to FRA, SHPO, and Hero Lands Company for review and comment as described in Stipulation IV.
2. Once the content of the marker is agreed upon among the Construction Project Proponent, FRA, SHPO, and Hero Lands Company, the Construction Project Proponent will file an application for a historical marker with the Louisiana Historical Marker Program in accordance with *La. R.S. 48:271(A)*. The Louisiana Historical Marker Program guidelines and application are available at:
https://www.crt.state.la.us/Assets/Tourism/industry-partners/LAHistoricalMarkerGuidelines&Application2017_ext.pdf.
3. If the Louisiana Historical Marker Program approves the application, the Construction Project Proponent will incur all costs for production, installation, maintenance, and repair of the marker.
4. The Construction Project Proponent will coordinate with FRA and Hero Lands Company regarding an appropriate location to install the marker, taking into account such factors as safety and public visibility.
5. The property owner, Hero Lands Company, agrees to allow the Construction Project Proponent access to the historic property to install, maintain and/or repair the marker in accordance with the Louisiana Historical Marker Program guidelines.
6. The Construction Project Proponent will coordinate with and receive permission from Hero Lands Company prior to accessing the historic property for any installation, repair and/or maintenance activity.

IV. PREPARATION and REVIEW OF DOCUMENTS

FRA, SHPO, and Hero Lands Company agree to provide comments to the Construction Project Proponent on all studies, reports, and other documentation arising from this MOA within thirty (30) calendar days of receipt of complete information. If the Construction Project Proponent does not receive comments from the other signatories and concurring party within the thirty (30) calendar day review period, the Construction Project Proponent may assume that the non-responding

party(ies) has no comments. The Construction Project Proponent will consult with responding parties as appropriate to ensure that all comments received within the thirty (30) calendar-day review period are considered and the documentation revised accordingly before being finalized.

V. EFFECTIVE DATE

This MOA will be effective as of the date of obligation of Federal financial assistance to construct the Project after this MOA has been executed by all Signatories and a copy filed with the ACHP. Within 30 days of the date of obligation of Federal financial assistance, FRA will begin the process of amending this MOA in accordance with Stipulation VII in order to specify the Construction Project Proponent and add that entity as a signatory to the MOA.

VI. DURATION

This MOA will expire if its terms are not carried out within five (5) years from its effective date. Prior to such time, FRA may consult with the other Signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII.

VII. AMENDMENTS

- A. In the event that a Construction Project Proponent is identified and FRA is providing financial assistance for construction of the Project, FRA will inform all Signatories and amend this MOA. The Construction Project Proponent will become a Signatory to the MOA.
- B. Any Signatory to this MOA may request that it be amended. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

VIII. ADOPTABILITY

In the event that a Federal agency other than FRA is considering providing financial assistance, permits, licenses, or approvals for the Project, such Federal agency may become a Signatory to this MOA as a means of satisfying its Section 106 compliance responsibilities. To become a Signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA, and identifying the lead Federal agency for the Undertaking. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within 30 days or the approval will be considered implicit. Any other modifications to the MOA will be considered in accordance with Stipulation VII.

IX. POST-REVIEW CHANGES

If the Construction Project Proponent proposes changes to the Project that may result in additional or new effects on historic properties, the Construction Project Proponent will notify FRA and SHPO of such changes. Before the Construction Project Proponent takes any action that may result in additional or new effects on historic properties, FRA, SHPO, the Construction Project Proponent, and other consulting parties as appropriate, must consult to determine the appropriate course of action. This may include, as appropriate, revision to the APE, assessment of effects to historic properties, and development of additional mitigation measures to resolve adverse effects.

X. POST-REVIEW DISCOVERIES

If properties are discovered during Project construction that may be historically significant or unanticipated effects on historic properties are identified, FRA and the Construction Project Proponent will comply with 36 CFR § 800.13 by consulting with SHPO and, if applicable, federally recognized tribal organizations that may attach religious and/or cultural significance to the affected property; and by developing and implementing avoidance, minimization, or mitigation measures with the concurrence of SHPO and, if applicable, federally recognized tribal organizations.

XI. MONITORING AND REPORTING

If the Project receives federal assistance for construction and therefore becomes an Undertaking, the Construction Project Proponent will provide FRA, SHPO and Hero Lands Company with a summary report detailing work undertaken pursuant to the MOA's terms each year following the effective date of this MOA until it expires or is terminated. This report will include any scheduling changes proposed, any problems encountered, and any disputes or objections received in the Construction Project Proponent's efforts to carry out the terms of this MOA.

XII. DISPUTE RESOLUTION

Should any Signatory to this MOA object at any time to any actions proposed or the manner in which the terms of the MOA are implemented, FRA will consult with such Signatory to resolve the objection. If FRA determines that such objection cannot be resolved within thirty (30) days, FRA will:

- A. Forward all documentation relevant to the dispute, including FRA's proposed resolution, to the ACHP with a copy to the other Signatories to this MOA, and request that the ACHP provide FRA with its advice on the resolution of the objection within thirty (30) calendar days of receiving the documentation.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, FRA may make a decision on the dispute and proceed accordingly.
- C. FRA will document this decision in a written response to the objection that takes into account any timely comments regarding the dispute from the Signatories and provide the ACHP and Signatories with a copy of such written response.
- D. FRA may then proceed according to its decision.
- E. The Signatories remain responsible for carrying out all other actions subject to the terms of the MOA that are not the subject of the dispute.

XIII. TERMINATION

If any Signatory to this MOA determines that its terms will not or cannot be carried out, that Signatory will immediately consult with the other Signatories to attempt to develop an amendment per Stipulation VII. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories. Once the MOA is terminated, and prior to work continuing on the Undertaking, FRA must either (a) execute a new MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR§ 800.7. FRA will notify the Signatories as to the course of action it will pursue.

Execution of this MOA by FRA and SHPO and implementation of its terms evidence that FRA has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL RAILROAD ADMINISTRATION
AND
LOUISIANA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LOUISIANA HIGHWAY (LA) 23 RAILWAY RELOCATION PROJECT
PLAQUEMINES PARISH, LOUISIANA

FEDERAL RAILROAD ADMINISTRATION - SIGNATORY

By: *for Joanna Dine* Date *9/4/2018*

Marlys Osterhues
Chief, Environmental and Corridor Planning Division
Office of Railroad Policy and Development

MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL RAILROAD ADMINISTRATION
AND
LOUISIANA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LOUISIANA HIGHWAY (LA) 23 RAILWAY RELOCATION PROJECT
PLAQUEMINES PARISH, LOUISIANA

LOUISIANA STATE HISTORIC PRESERVATION OFFICER - SIGNATORY

By: Kristin P. Sanders Date 8/29/2018

Kristin P. Sanders
State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL RAILROAD ADMINISTRATION
AND
LOUISIANA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LOUISIANA HIGHWAY (LA) 23 RAILWAY RELOCATION PROJECT
PLAQUEMINES PARISH, LOUISIANA

HERO LANDS COMPANY - INVITED SIGNATORY

By:  Date 
Allen Hero, Manager
Hero Lands Company

Attachment A

Area of Potential Effects (APE) Map

(Excerpted from the June 2017 Cultural Resources Report prepared by Earth Search, Inc.)

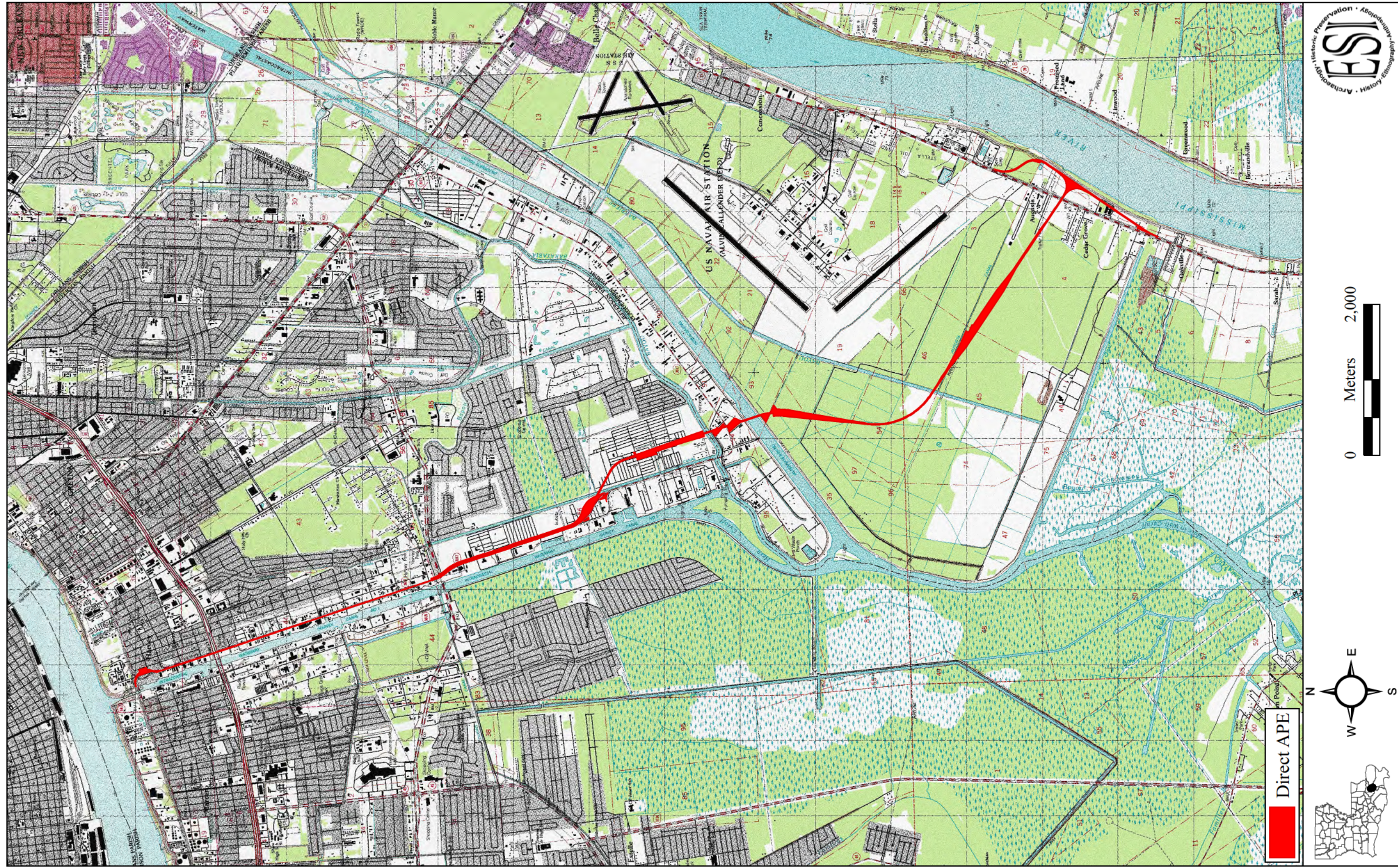


Figure 1-1. Excerpt from the USGS 1992 *New Orleans East and Bertandville, LA* 1:24,000 quadrangle showing the location of the Direct APE. (1:62,500 scale)

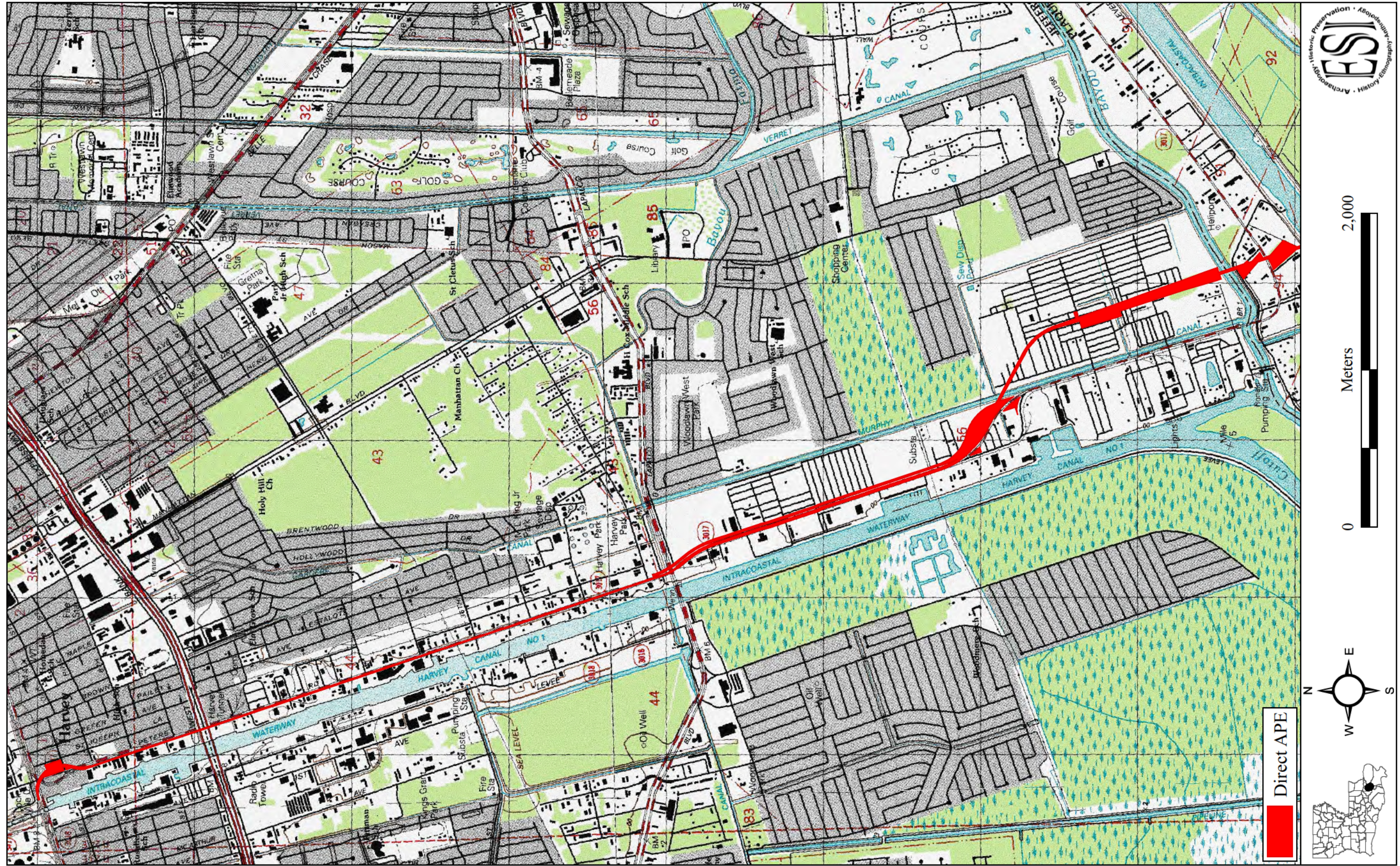


Figure 1-2. Excerpt from the USGS 1992 *New Orleans East and Bertandville, LA 1:24,000* quadrangle showing the northern portion of the Direct APE from 4th Street to the ICWW.

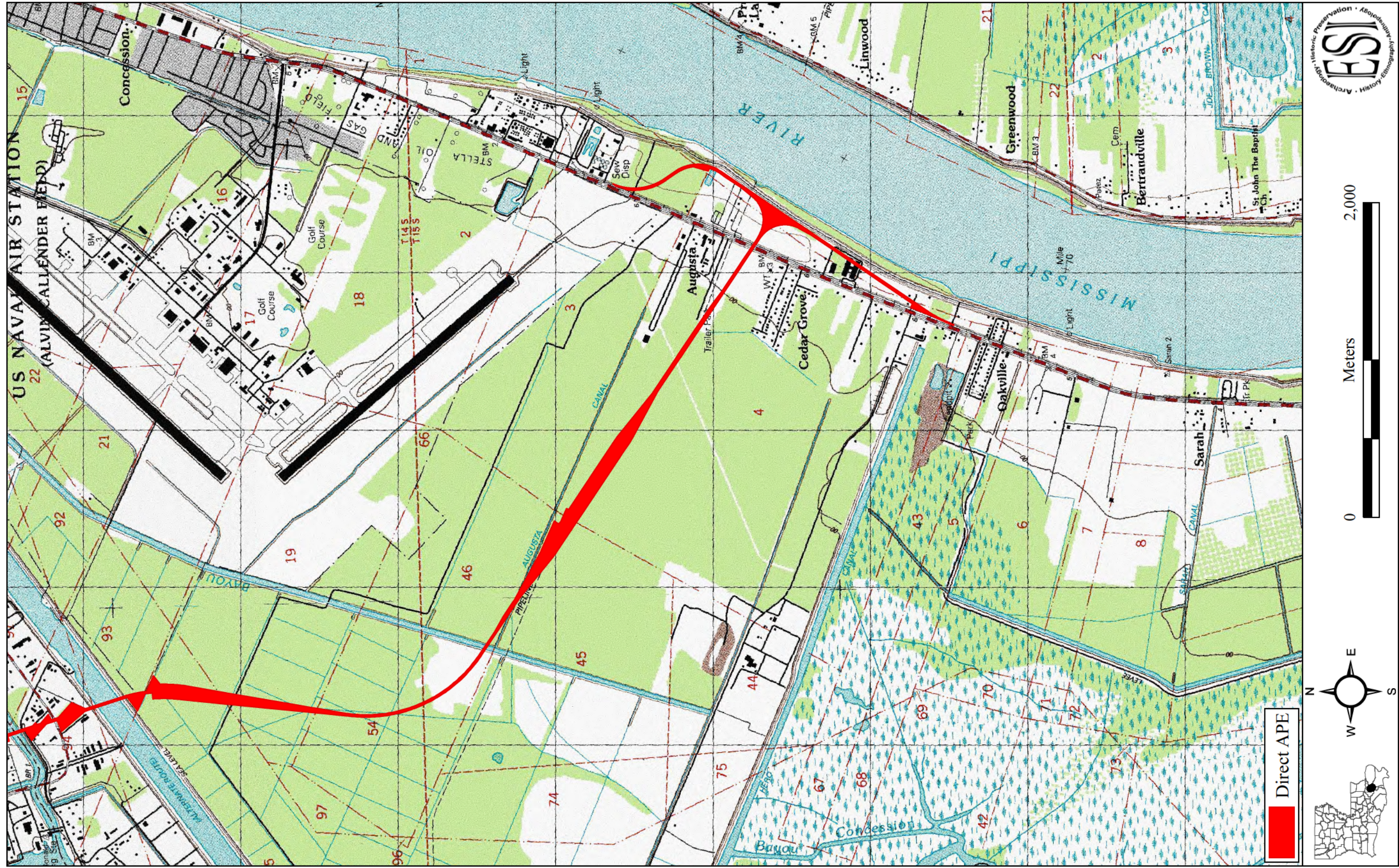


Figure 1-3. Excerpt from the USGS 1992 *New Orleans East and Bertrandville, LA* 1:24,000 quadrangle showing the southern portion of the Direct APE between the ICWW and the Mississippi River.

Appendix C – Section 106 and Section 4(f) Correspondence



BILLY NUNGESSER
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT
DIVISION OF ARCHAEOLOGY

RENNIE S. BURAS, II
DEPUTY SECRETARY

May 24, 2017

Rhonda Smith
Earth Search, Inc.
P.O. Box 770336
New Orleans, LA 70177

Re: Draft Report

La Division of Archaeology Report No. 22-5581

*Phase I Cultural Resources Survey and NRHP Research for the LA 23 New Orleans Gulf Coast
Railway Relocation PE/NEPA Project, Jefferson and Plaquemines Parishes, Louisiana*

Dear Rhonda Smith:

We acknowledge receipt of your letter dated May 15, 2017 and two copies of the above referenced report.

In reference to historic standing structures, we concur with your evaluation that the River Oaks Academy buildings are eligible for listing in the National Register of Historic Places (Register) under Criterion A for its association with the Civil Rights Act of 1964 and the local impact of Federal mandated desegregation in Plaquemines Parish, Louisiana and under Criterion B for its association with Leander Perez, Sr. However, we are of the opinion that Hero Park is eligible for listing in the Register only for its history under Criterion A and not eligible under Criterion B for its association with George Hero, Sr. As such, we concur with your assessment that construction of the Project's preferred alternative would result in an Adverse Effect on the River Oaks Academy/Hero Park site.

Also as prescribed in the Division of Historic Preservation's Historic Standing Structures Guidelines, please submit archival paper and PDF digital copies of the Louisiana Historic Resource Inventory forms and an archival paper map delineating the location of the 23 historic standing structures recorded in the project survey.

We are unable to concur that the portion of archaeological site 16PL249 is ineligible for inclusion in the National Register of Historic Places (NRHP). The phrase on Pg. 6-35 stating that "there is no evidence of intact archaeological deposits" within the right of way is insufficient justification for a "not eligible" determination for a site or a portion of a site. The site should be discussed more explicitly in terms of each the NRHP criteria, particularly given its association with the NRHP-eligible property on which it sits. Given our recommendation that Hero's Park is eligible for NRHP listing under Criterion A for local history, we suggest that 16PL249 should not be uncoupled from the historic properties with which it is associated.

In addition to the above, we are unable to determine if there are intact deposits beneath the River Oaks Academy itself. If this building is demolished as part of this undertaking, we would request additional monitoring.

In Chapter 6, Pg. 1, please Provide a definition of high vs. low probability for an area to yield archaeological sites, and include a map of the direct APE with the high and low probability areas indicated.

We look forward to receiving a revised draft of the report addressing our above comments. If shapefiles are available for the survey area, we request those as well. If you have any questions, please contact Emily Dale at the Division of Archaeology by email at edale@crt.la.gov or by phone at 225-342-8166.

Sincerely,

A handwritten signature in blue ink that reads "Kristen P. Sanders". The signature is written in a cursive, flowing style.

Kristen Sanders,
Deputy State Historic Preservation Officer



Earth Search, Inc.
PO Box 770336
New Orleans, LA 70177-0336
504-947-0737
504-947-1714 (FAX)
esi@earth-search.com
www.earth-search.com

The Final Report has been reviewed and accepted.

Report # 22-5581

June 20, 2017

Phil Boggan
State Historic Preservation Officer
Office of Cultural Development
P.O. Box 44247
Baton Rouge, LA 70804-4247

Kristin P. Sanders
Deputy State Historic Preservation Officer

Date 7/12/17

Re: *Phase I Cultural Resources Survey, LA 23 New Orleans Gulf Coast Railway Relocation Project, Jefferson and Plaquemines Parishes, Louisiana.* (Report No. 22-5581)

Dear Mr. Boggan:

Please find enclosed two hard copies of the Final Report for the above-cited project. We have also enclosed original LHRI forms, LHRI map, and a CD with a PDF of the report and associated GIS survey data. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Rhonda L. Smith, M.A., RPA
Vice President and Senior Project Manager
504-947-0737 ext 227 (direct)

RECEIVED

JUN 26 2017

ARCHAEOLOGY

Cc Ms. Karen Parsons, Regional Planning Commission
Ms. Doree Mageria, HDR



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1849 C Street NW - MS 5538 - MIB
Washington, DC 20240

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Michael Johnsen
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen:

The Department of the Interior (Department) has reviewed the additional information that was provided for the Environmental Assessment (EA) and Section 4(f) Evaluation for the State Route 23 New Orleans and Gulf Coast Railway Relocation, Jefferson and Plaquemines Parishes, Louisiana. In this regard, we are providing the following comments for your use.

General Comments

We welcome this opportunity to cooperate with the Federal Railroad Administration (FRA) and the New Orleans Regional Planning Commission (NORPC) in evaluating the proposed rail relocation alternatives consisting of a new rail line for the New Orleans and Gulf Coast railway operations east of its current location. As detailed in the March 2018 EA and Section 4(f) evaluation, the purpose of the proposed project is to improve safety, relieve congestion, improve emergency access and evaluation, enhance quality of life, and improve efficiency of rail operations.

Section 4(f) Comments

The Section 4(f) evaluation adequately describes a range of avoidance alternatives, the affected Section 4(f) resources, and discloses potential project impacts to those resources. The Section 4(f) evaluation identifies one National Register of Historic Places (NRHP) eligible resource within the Preferred Alternatives' proposed Area of Potential Effects. It is the Hero Park/River Oaks Academy Site.

The Section 4(f) evaluation discusses an ongoing coordination effort with the State of Louisiana Department of Culture, Recreation & Tourism, Office of Cultural Development (SHPO) in compliance with Section 106 of the National Historic Preservation Act. The evaluation notes that the SHPO has concurred with these findings and that a Memorandum of Agreement (MOA)

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

to address measures to mitigate impacts to the Hero Park/River Oaks Academy Site was signed by the FRA, The Hero Lands Company, and the SHPO on September 4, 2018.

Summary Comments

The Department has no objection to Section 4(f) approval of this project contingent on the subsequent full execution of the requirements identified in the MOA.

The Department has a continuing interest in working with the FRA and NORPC to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f) comments, please coordinate with Steven M. Wright, National Park Service, Southeast Regional Office, Planning and Compliance Division, at 404-507-5710, or at [Steven M Wright@nps.gov](mailto:Steven_M_Wright@nps.gov).

Thank you for the opportunity to review and comment on this EA/Section 4(f) evaluation.

Sincerely,



Michaela E. Noble
Director, Office of Environmental Policy
and Compliance

Electronic distribution: Michael Johnsen, FRA: Michael.johnsen@dot.gov

Appendix D – Agency and Public Comments and Responses

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Agency and Public Comment Summary Table
 LA 23 New Orleans Gulf Coast Railway Relocation PE/NEPA Project
 Jefferson and Plaquemines Parishes, LA
 PC/FRA Grant # FR-RLD-0032-14-01-00; RPC Task LA23RR1

No.	Date Received	Name	Title	Agency/Company/Resident	Address	City	St.	Zip	Email	Comment Method (e.g. email, letter, etc.)	Comment	Comment Response
1	4/17/2018	Joseph Ranson	Field Supervisor	U.S. Dept. of the Interior / Fish and Wildlife Service / Louisiana Ecological Services Office	646 Cajundome Blvd., Ste. 400	Lafayette	LA	70506	N/A	letter	Use online tool via https://www.fws.gov/southeast/lafayette/project-review to determine whether the project does or does not have the potential to affect particular federally listed species.	Informal Endangered Species Act consultation was undertaken between the FRA and the USFWS Louisiana Field Office regarding effects to Federal resources under USFWS jurisdiction including those resources that are currently protected by the Endangered Species Act of 1973. On October 19, 2016, the USFWS made the determination that the project is not likely to adversely effect those resources. If nesting bald eagles are discovered, federal and state guidelines for avoidance and minimization will be followed. If Project activities will occur within a 660-foot radius of a nest site, coordination with the Louisiana Department of Wildlife and Fisheries will be required.
2	4/13/2018	Reid McLellan, CFP	Financial Advisor	Edward Jones	8451 Highway 23, Ste. 3	Belle Chase	LA	70037	reid.mclellan@edwardjones.com	email	When will another meeting/forum be held to further discuss this important project?	No other public meetings are planned for the project. Comments received by the public on the environmental assessment are the last step in public involvement for the project.
3	4/19/2018	Donald C. Burnham	N/A	Resident	5500 Sutton Pl.	New Orleans	LA	70131	N/A	letter	Concerned about coal exports through communities along the rail route.	There are no plans to build the RAM Terminal coal export facility and prior permits issued for the facility by the USACE and Department of Natural Resources were not renewed in 2017. Currently, the NOGC Railroad does not transport coal and does not have any plans to do so.
4	4/12/2018	Cecile Caronna	N/A	Resident	2133 Titan St.	Harvey	LA	70058	cecile.caronna@gmail.com	email	To have a coal train pass within a mile of our subdivision (Woodland West in Harvey) will be devastating to our quality of life, not to mention potential health hazards to us and our children.	Currently, the NOGC Railroad does not transport coal and does not anticipate to transport coal in the future. An alternative analysis that evaluated different routes and alignments was performed as part of the environmental assessment, and Peters Road was determined to be the preferred alternative.
5	4/24/2018	Bradley E. Spicer	Assistant Commissioner / Executive Director	LA Department of Agriculture and Forestry / Office of Soil and Water Conservation - State Soil and Water Conservation Commission	5825 Florida Blvd., Ste. 7000	Baton Rouge	LA	70806	brad_s@lad.state.la.us	email	No comments at this time.	Comment noted.
6	5/2/2018	Michael S. Yenni	President	Jefferson Parish	1221 Elmwood Park Blvd., Ste. 1002	Jefferson	LA	70123		letter	Jefferson Parish considers relocation of the LA 23 Railway outside of the Gretna City Limits and the LA 23 (Belle Chasse Hwy.) Corridor to be of vital importance to the continued economic development of the West Bank of Jefferson Parish.	Comment noted.
7	5/14/2018	Fredrick Walker	Americas Regional Manager	Chevron Oronite Company, LLC	Oak Point Plant, 10283 Highway 23	Belle Chase	LA	70037	Marshall.Mahoney@chevron.com	letter / email	Chevron Oronite Company opposes proposed routing that bisects its property and impacts its use and value to Chevron Oronite. Chevron Oronite Company supports the broader intent of the project to relieve railway congestion and improve vehicular safety. Requests to work with the Regional Planning Commission on alternatives that would be less impactful to operations and business growth.	The future Project sponsor will reevaluate the rail alignment crossing LA 23 during the future design phase of the project. The reanalysis will identify alternatives to minimize, or avoid, impacts to planned operations and growth at Chevron Oronite.
8	5/14/2018	Marshall G. Hebert	Chief Financial Officer	Seatrax Marine Cranes Louisiana and Dixie Services	10283 Highway 23, Belle Chasse LA 70037	Belle Chase	N/A	N/A	mhebert@dixieserv.com	email	Option 1 would be the best alternative for Seatrax, Dixie and all businesses located on Gunther Lane. However, the conclusions from the Tier 1 Alternatives Analysis eliminates Options 1 and 4. If the conclusions are final and Options 1 and 4 are eliminated, then Option 3 becomes the only remaining viable alternative for Seatrax, Dixie and other properties on Gunther Lane. Request to remove Option 2 from consideration due to loss of property/land/dock space.	An alternatives analysis that evaluated different routes and alignments was performed as part of the EA. In the Tier II analysis, the alignment for Conceptual Alignment Option 2 was carried forward and renamed Preliminary Alternative A. Preliminary Alternative A was refined to remove the horizontal curves between Bayou Barataria and the GIWW and to cross the GIWW on a straight alignment. With the refinements, this alternative became the Preferred Alternative. The Preferred Alternative is located approximately 1,000 feet west of Gunther Lane and does not impact property on either side of Gunther Lane or the dock located on the GIWW.
9	5/14/2018	Scott Eustis	Community Science Director	Gulf Restoration Network	330 Carondelet Street, 3rd Floor	New Orleans	LA	70130	scott@healthyeulf.org	email	We have serious concerns about the FONSI and EA, based on impacts to fastland wetlands, stormwater drainage, wildlife habitat, and environmental racism, particularly for African American and Native American populations. Need to protect coastal communities such as Oakville and Ironton from disproportionate rail impacts. Impacts such as noise, air pollution, and impact on emergency vehicle traffic, are significant in our linear coastal communities. Forced to consider Option 1, on the west side of the Harvey Canal, as the better option that complies with Executive Orders and Environmental Justice. Appreciates consideration of floodplain forest wetlands.	Response to Wetlands Comment: The future Project sponsor will be required to mitigate impacts to wetlands located within the coastal zone in accordance with the Clean Water Act Section 404(b)(1) Guidelines (40 CFR 230). A Coastal Use Permit/Section 404 Permit will be required. Type of mitigation will be defined by permitting agency. Response to Stormwater Drainage Comment: The future Project sponsor will design storm drainage systems in accordance with local jurisdictional standards. During construction, Best Management Practices (BMP) will minimize potential water quality impacts. A Stormwater Prevention Plan will be prepared as part of the BMPs. In addition, a Section 401 Permit (Water Quality Certification) will be required. Response to Wildlife Habitat Comment: Informal Endangered Species Act consultation was undertaken between the FRA and the USFWS Louisiana Field Office regarding effects to Federal resources under USFWS jurisdiction including those resources that are currently protected by the Endangered Species Act of 1973. On October 19, 2016, the USFWS made the determination that the project is not likely to adversely effect those resources. If nesting bald eagles are discovered at the time of construction, federal and state guidelines for avoidance and minimization will be followed. If Project activities will occur within a 660-foot radius of a nest site, coordination with the Louisiana Department of Wildlife and Fisheries will be required. Response to Environmental Justice Comment: For the defined study area, as presented during scoping and throughout the study duration, no disproportionately high or adverse effect to low-income and minority populations are anticipated.
10	5/15/2018	Ray Fuenzalida	General Manager	Harvey Canal Limited Partnership	P.O. Box 187	Harvey	LA	70058	rayf@harveycanal.com	email	As a landowner on the Harvey Canal and a stakeholder in the future of the Westbank as a whole, the rail relocation project is an easy project to support. The EIS shows no limitation on the relocation.	Comment noted.
11	5/15/2018	Roy P. Dwyer and Nancy S. Dwyer, MSW	N/A	Resident	542 First Avenue	Harvey	LA	70058	psalm19guy@bellsouth.net	email	If the Western Bypass is not implemented, then we recommend the "No Build" alternative, and that cargo be shipped on the river.	Response to Overall Comments: 1) The maximum train operating speed along Peters Road will be 10 mph or less, similar to existing operating conditions. The proposed 10.5 degree curve from 4th Street to Peters Road would allow trains to safely maneuver the curve at a reduced speed of 5 to 7 mph. At these speeds, train derailments are unlikely. 2) Improve Public Safety Access: The number of public at-grade crossings will be reduced with the preferred alternative located along Peters Road. Emergency vehicle access to local businesses, specifically those that are located along the west side of Peters Road (east side of the Harvey Canal), may experience temporary delays when trains are present. Private driveways to these businesses would be temporarily blocked. 3) Improve Emergency Evacuation: Improvements to emergency access and evacuation would occur if trains are relocated from LA 23, LA 18 and other public roadways in Gretna, Harvey and Belle Chasse. Throughout the 9.3 mile relocation corridor, six new public highway-rail at-grade crossings would occur, which is a significant decrease from the existing 73 public at-grade crossings that exist along the current rail alignment route. Currently emergency vehicles may be blocked by trains passing through a public at-grade crossing/intersection, especially along LA 23. With the relocation, these critical movements would be eliminated entirely. 4) Fuel Consumption and Air Quality: Cannot comment on the 5,000 foot long trains with double-stacked cargo containers as referenced in the 2002 Plaquemines Parish Intermodal Feasibility Study, however double stacked railcars are not proposed. The preferred alternative shortens the rail route (from approximately 16 to 9 miles) and also would minimize train switching operations that currently occur at the Gouldsboro yard. Train delays within downtown Gretna would also be minimized. This would result in a decrease in both train operating time and fuel consumption, thus reducing train emissions of air pollutants, while improving air quality. Motor vehicle emissions would be reduced by minimizing and/or eliminating traffic idling at the public at-grade intersections along the current rail alignment route when a train passes. 5) Manhour Costs: An analysis of operating costs associated with Harvey Canal marine traffic was not conducted as it would be considered beyond the scope of work associated with the preparation of an EA. Annual operating costs for the NOGC Railway were not evaluated either as this information is proprietary. Furthermore, it may be difficult for the NOGC Railway to segregate operating costs associated with trains waiting for marine traffic to pass through the Harvey Canal. Marine traffic was evaluated for the GIWW, however this analysis was limited to the frequency of bridge openings and the height of vessels, in order to identify the conceptual design requirements for the proposed movable bridge over the GIWW. 6) Quality of Life: When trains pass along Peters Road, fewer vehicles are projected to travel along this corridor compared to traffic on LA 23 and no vehicular delays are anticipated. Therefore air quality impacts such as fumes from idling trains and vehicles would be less. There are few community facilities located along Peters Road because of existing land use and zoning, which is industrial and commercial. Visually the overall corridor aesthetics would likely remain unchanged. However, just south of 4th Street, a parcel of land on the east side of Peters Road would be purchased for the required track alignment between 4th Street and Peters Road. However, the entire parcel is not necessary for the required 50-foot wide right-of-way for the proposed railroad tracks, thus leaving a portion of the parcel vacant. The vacant portion of the parcel could remain undeveloped in the future, however during the analysis of alternatives, the Project Management Committee (PMC) decided on the alignment of the track curve at this location (which complies with freight rail design standards), and associated mitigation and context sensitive solutions at this location. As a way to improve the visual appearance of the corridor and to mitigate impacts, the PMC agreed that a portion of this parcel could be developed as a neighborhood park / green space, which could include a decorative or noise wall and landscaping thereby becoming an amenity to nearby residents. The green space area would front St. Joseph Street and would be physically separated from the track by the decorative wall. Details of the green space/neighborhood park, wall type and location will be evaluated during future phases of the project. 7) Environmental Justice: Based on study area characteristics, there is no disproportionately high or adverse effect to low-income and minority populations associated with the project. Within the smaller relocation corridor limits, land use immediately adjacent to Peters Road and continuing along the preferred alternative alignment, is primarily industrial, commercial or undeveloped in Jefferson Parish and relatively undeveloped in Plaquemines Parish. Thus any impacts to low-income and minority populations would be similar or not any greater. Context sensitive solutions to mitigate potential visual impacts are proposed via the proposed neighborhood park / green space. 8) Forecasted Capacity Demands: Cannot comment on the Western Bypass Alternative described in the 2002 Plaquemines Parish Intermodal Feasibility Study or the projected 13-21 trains daily that would serve Port Plaquemines. The Western Bypass Alternative was not considered during the alternatives analysis for this EA. The NOGC Railway does not transport coal and does not anticipate to transport coal in the future.
12	5/11/2018	M.B. Sucato	Captain, U.S. Navy, Commanding Officer	Department of the Navy, Naval Air Station Joint Reserve Base	400 Russell Ave, Building 46	New Orleans	LA	70143-5012		letter	NAS JRB New Orleans is generally supportive of the proposed project. Concerns include 1) 2 acres of Navy land/right-of-way required when the project is built; 2) the railroad bridge over the GIWW would need to be the horizontal swing bridge type; and continued (fuel) barge access to the Navy's Fuel Wharf just upstream of the railroad bridge. Requests that the Navy be involved in the final design discussions regarding the proposed GIWW rail bridge and its southeast bank landing location.	Right-of-way (ROW) Impacts: The future Project sponsor will better define ROW impacts during the future design phase of the project. The future Project sponsor will coordinate with NAS JRB during the ROW phase of the Project to determine if easements could be obtained within the Preferred Alternative alignment right-of-way, and specifically for the movable bridge piers, that will be located on Navy property. Property acquisitions and relocations will be performed in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Movable Bridge Type: Due to height restrictions associated with NAS JRB flight paths/air space restrictions, a swing span movable bridge is proposed; no impacts are anticipated. A US Coast Guard permit will be required.
13	9/12/2018	Michaela E. Noble	Director, Office of Environmental Policy and Compliance	United States Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance	1849 C Street NW - M5 5538 - MIB	Washington	DC	20240		letter	The Department has no objection to Section 4(f) approval of this project contingent on the subsequent full execution of the requirements identified in the MOA.	Comment noted. The MOA is located in Appendix B of the FONSI.
14	9/10/2018	Doug Blakemore	Chief, Bridge Administration Branch	U.S. Department of Homeland Security, United States Coast Guard, Eighth Coast Guard District	500 Poydras Street, Room 1313	New Orleans	LA	70130-3310	DDPBRALL@uscg.mil	letter	The Coast Guard provided comments regarding permitting requirements for the bridge crossings.	Comment noted. Permit requirements are shown in Table 1 of the FONSI.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.

Suite 400

Lafayette, Louisiana 70506

September 21, 2017

To Whom It May Concern,

The Louisiana Ecological Services Office of the Fish and Wildlife Service is pleased to announce project screening revisions to our online pre-development self-assessment tool. This revised tool allows project proponents/representatives the ability to more accurately self-assess their projects for potential impacts to federally listed threatened and endangered species. The tool will provide feedback on whether a project does, or does not, have the potential to affect particular federally listed species. We believe that you will find this online tool helpful in meeting your environmental clearance needs. **Our office is no longer able to dedicate staff and time to provide individual review and response to all project proposals sent to us. Therefore, we encourage you to take advantage of this online tool to determine potential effects to our trust resources. If, through this online process, you are instructed to continue to coordinate with us, please then provide us with the necessary information for our review.**

The web link for this tool is <https://www.fws.gov/southeast/lafayette/project-review>. If you determine through this process that the project would not be expected to impact a listed species, no further coordination with this office is necessary, and you will be given the option to generate a pre-development report form that documents this determination for your records.

In addition to providing guidance on imperiled species coordination, the self-assessment tool provides migratory bird guidance for cell tower projects. Because of the ephemeral nature of colonial nesting wading birds and shorebirds, we are not able to provide online "clearance" on those taxa. However, our website does provide suggested buffer distances should nesting colonies be encountered in the vicinity of the project area. A link is also provided to offer additional instructions in determining disturbance to nesting bald eagles. That information is found on our webpage under Migratory Birds or through the project review process.

We hope that you find this online guidance helpful with your project planning and permitting needs. If you have any questions or comments regarding our website features, please contact Amy Trahan (337-291-3126) or David Oster (337-291-3121).

Sincerely,

Joseph Ranson
Field Supervisor

Louisiana Ecological Services Office

REGIONAL PLANNING COMMISSION

JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES, ST. JOHN THE BAPTIST,
ST. TAMMANY AND TANGIPAHOA PARISHES

4/12/18

U.S. Fish & Wildlife Service
Louisiana Ecological Services
646 Cajundome Blvd., Ste. 400
Lafayette, LA 70506



RE: LA 23 Rail Relocation PE/NEPA Project
Jefferson and Plaquemines Parishes
RPC/FRA Grant # Fr-RLD-0032-14-01-00
Environmental Assessment Availability - 30 day comment period

Dear Sir or Madam:

You are receiving this notice because you were a member of the Project Management Committee, recipient of the Solicitation of Views, or are a concerned citizen that has provided us your contact information in relation to the LA 23 Rail Relocation PE/NEPA Project. We are following up with you to initiate the 30 day public comment period mandated by the Regional Planning Commission following the completion of the Environmental Assessment (EA).

The New Orleans Regional Planning Commission (RPC) conducted an EA of freight rail on the West Bank in Jefferson and Plaquemines Parishes, Louisiana using federal funds administered by the Federal Railroad Administration (FRA) and the expertise of the planning and engineering team led by HDR Engineering, Inc. and the FRA. The project identified a preferred alternate route for the New Orleans Gulf Coast (NOGC) railway currently operating within Gretna, LA and along LA Highway 23 (Belle Chasse Highway) and then analyzed the impacts of the alternate route. The EA report documents the findings.

The Environmental Assessment report and supporting documents are now available for your review at the website of the New Orleans Regional Planning Commission www.norpc.org/railroad.html. Please visit the website and follow directions to leave any comment you may have. Comments will be summarized and included in the Finding of No Significant Impact (FONSI).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey W. Roesel".

Jeffrey W. Roesel, AICP
Executive Director
Regional Planning Commission

Subject: LA 23 Rail Relocation PE/NEPA Project - Notice of 30 Day Comment Period


From: McLellan, Reid <Reid.McLellan@edwardjones.com>
Sent: Friday, April 13, 2018 9:22 AM
To: Karimah Stewart <kstewart@hawthorneagency.com>
Subject: RE: LA 23 Rail Relocation PE/NEPA Project - Notice of 30 Day Comment Period


Thanks for the info.

When will another meeting/forum be held to further discuss this important project?

Reid McLellan, CFP®
Financial Advisor

Text "Connect" to 31268 for branch texting

[Connect with me on LinkedIn](#) 

[Connect with me on Facebook](#) 

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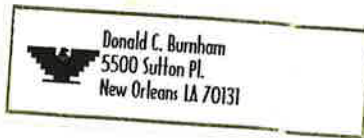
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NEW ORLEANS LA 700

20 APR 2018 PM 3 L



Regional Planning Commission
10 Veterans Boulevard
New Orleans, Louisiana
70124-1162

70124-116210



19 April 2018, 5500 Sutton Pl.

New Orleans, LA 70131

RE: New Orleans & Gulf Short Line Railroad Relocation

Regional Planning Commission:

Thank you for offering me the opportunity to comment on the subject matter.

My understanding is that for many years, a low-quality coal, not usable in the US and destined only for export, has been surface mined from the Federal lands of the Powder River Basin. The coal is transported by rail to be loaded on barges and shipped down the Mississippi River to coal export facilities. One facility is on the "East Bank" (left descending bank) near Davant, the other on the "West Bank" (right descending bank) below Belle Chasse.

Each movement of the coal is a source of pollution, both to the air and to the ground and water. But then a new plan arose, to avoid the use of barge; to transport this low-quality export coal in open coal cars all the way from the Powder River Basin of South Dakota to a new facility, RAM, up river from the present West Bank facility at a site approved by the US Corps of Engineers which, ironically, the site had also been approved by the Corps for a Mississippi River water divergence project to replenish and restore the vital wetlands. . The RAM location would also effectively destroy the historically black community of Ironton.

Communities along the rail route were understandably up in arms, not wanting these polluting, hazardous coal trains passing near to their homes. Gretna loudly objected, because the trains would make **two** passes through town. The first pass is to down to alongside Perry Street Wharf and the second up the middle of Madison Street to the route alongside LA Highway 23

To answer the protests of Gretna's citizens, the New Orleans & Gulf Short Line Railroad has proposed an elaborate plan to completely bypass Gretna with a new railway alongside Peters Road up to near the Boomtown Casino where it will cross the Federal Intracoastal Waterway Alternative Access, commonly called the "Algiers Canal". The bridge there must be so constructed as to not block water

traffic on this Federal waterway and low enough to not interfere with air traffic to the nearby military base, a complex requirement.

This proposal is a very expensive plan to answer Gretna's complaints but to completely ignore the concerns of all the citizens of the other communities along the long rail route from South Dakota where these polluting, hazardous trains will pass.

It now appears that the RAM coal export terminal is currently a dead project and so this discussion of relocating the rail line apparently is only for the benefit of the New Orleans & Gulf. And if the previous project of rebuilding the railway in the middle of Madison Street in Gretna is any guide, the NO&G will only pay less than 10% of the cost. I for one am strongly opposed to this project going forward, for my tax dollars being used for this project. I want to add that I am a longtime resident of Algiers, Louisiana and am not personally affected by the railroad. I am a concerned citizen who has many friends who are so affected and an environmentalist.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Donald C. Burnham".

Donald C. Burnham

504-433-3882

From: Cecile Caronna <cecile.caronna@gmail.com>
Sent: Thursday, April 12, 2018 8:35 PM
To: LA23publicinfo
Cc: Dominick Caronna
Subject: LA 23 Rail Relocation PE/NEPA Project

To Whom It May Concern:

My parents moved to Woodland West in Harvey in 1970. My husband and I have raised our family here since 1993.

To have a coal train pass within a mile of our subdivision will be devastating to our quality of life, not to mention the potential health hazards to us and our children. Many families reside in this area and will be at risk as well.

I understand that Gretna does not want it, but there must be a better alternative than using Peter's Road? Surely we rate the same consideration given to Gretna and Terrytown?

I look forward to your response.

Sincerely,

Cecile Caronna
2133 Titan Street
Harvey, LA 70058

Tel: 504-812-8646

From: Brad Spicer <brad_s@ldaf.state.la.us>
Sent: Tuesday, April 24, 2018 10:28 AM
To: LA23publicinfo
Cc: kmaggio@ldaf.state.la.us
Subject: LA 23 Rail Relocation PE/NEPA Project

Thanks for the opportunity to review and comment on the above referenced project and I have no comments at this time.

Bradley E. Spicer, Assistant Commissioner,
Louisiana Dept. of Agriculture and Forestry
Office of Soil and Water Conservation
Executive Director,
State Soil and Water Conservation Commission
5825 Florida Blvd., Suite 7000
Baton Rouge, LA 70806
Phone: 225-922-1269
Cell: 225-266-4487
Fax: 225-922-2577
Email: brad_s@ldaf.state.la.us

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From: Anita Freeman <AnitaFreeman@jeffparish.net>
Sent: Thursday, May 10, 2018 10:10 AM
To: LA23publicinfo
Cc: Council At Large B; Council At Large A; CounDist #1; CounDist #2; CounDist #3; Keith Conley; Natalie Newton; Jose Gonzalez; Mark Drewes; Terri Wilkinson
Subject: FW: LA 23 Railway Relocation PE/NEPA Project Jefferson and Plaquemines Parishes, PRC/FRA Grant #FR-RLD-0032-14-01-00, Environmental Assessment Availability - 30 day comment period
Attachments: doc00638420180510095234.pdf

Mr. Roesel,

Please note attached with regard to the above referenced subject.

Thank you,
Anita Freeman

Anita Freeman
Executive Assistant
Parish President Michael S. Yenni
Joseph S. Yenni Bldg.
1221 Elmwood Park Blvd., Suite 1002
Jefferson, LA 70123
(504) 736-6405
(504) 736-6638 fax
AFreeman@jeffparish.net

Please be advised any information provided to Jefferson Parish Government may be subject to disclosure under the Louisiana Public Records Law. Information contained in any correspondence, regardless of its source, may be a public record subject to public inspection and reproduction in accordance with the Louisiana Public Records Law, La. Rev. Stat. 44:1 et seq.



JEFFERSON PARISH

Office of the President

May 2, 2018

Michael S. Yenni
President

Mr. Jeff Roesel, AICP
Executive Director
Regional Planning Commission
10 Veterans Blvd.
New Orleans, LA 70124

Re: LA 23 Railway Relocation PE/NEPA Project
Jefferson and Plaquemines Parishes
RPC/FRA Grant # FR-RLD-0032-14-01-00
Environmental Assessment Availability – 30 day comment period

Via E-mail: LA23publicinfo@hdrinc.com

Dear Mr. Roesel:

With regard to your solicitation of comments regarding the Environmental Assessment of the LA 23 Rail Relocation PE/NEPA Project, please be advised that Jefferson Parish considers relocation of the LA 23 Railway outside of the Gretna City Limits and the LA 23 (Belle Chasse Hwy.) Corridor to be of vital importance to the continued economic development of the West Bank of Jefferson Parish. The existing railway in Gretna parallels 4th Street and runs down the center of Madison Street, cutting off densely developed neighborhoods and creating significant delays in emergency response services. The railway segment running in the LA 23 Corridor intersects several major arterial roadways (US 90B, Terry Parkway, and Behrman Hwy.), creating significant vehicle congestion and delay on a daily basis. Relocation of the railway within the Peters Road Corridor as detailed in the Environmental Assessment will provide the following significant benefits: 1) improvements to vehicle safety, to traffic flow, and to emergency response time in the City of Gretna and within the LA 23 Corridor, thereby providing an impetus for economic growth in these areas, 2) re-establishment of rail service to the Harvey Canal Industrial Corridor from 4th Street to Bayou Barataria, allowing for potential re-development and re-investment in the Corridor, and 3) improvement to the movement of railway freight servicing the Port of Plaquemines, thereby providing increased opportunities for port expansion and economic growth.

Joseph S. Yenni Building – 1221 Elmwood Park Blvd – Suite 1002 – Jefferson, LA 70123 – PO Box 10242 – Jefferson, LA 70181-0242

Office 504.736.6400 – Fax 504.736.6638

General Government Building – 200 Derbigny St – Suite 6100 – Gretna, LA 70053 – PO Box 9 – Gretna, LA 70054

Office 504.364.2700 – Fax 504.364.2828


Email: MYenni@jeffparish.net Website: www.jeffparish.net

D-11

The Jefferson Parish Engineering Department also agrees with the location of the Preferred Alternative detailed in the Environmental Assessment which addresses the following major concerns of the Parish: 1) placement of the railway on the west side of Peters Road between 4th Street and Lapalco Blvd. provides as much separation as possible from the residential areas located on the east side of Peters Road and maintains the free flow of traffic at the intersection of the West Bank Expressway (US 90B) and Peters Road; 2) placement of the railway under the Lapalco Blvd. Overpass of the Harvey Canal maintains the free flow of this heavily travelled urban arterial, 3) continuation of the railway on the west side of Peters Road between Lapalco Blvd. and proposed Harvey Blvd. will allow for free flow of traffic to this new east-west major arterial roadway and provide free flow of traffic on Peters Road between Harvey Blvd. and the West Bank Expressway, 4) placement of the proposed Hero Rail Yard in Plaquemines Parish south of the Belle Chasse Naval Air Station and North of Peters Road provides a buffer area for the Naval Air Station and locates the rail yard as far away as practical from residential properties.

Jefferson Parish is grateful for the efforts of the RPC in managing the Environmental Assessment process and will gladly provide assistance in continuing to advance the proposed improvements.

Sincerely,



MICHAEL S. YENNI

President

cc: Honorable Cynthia Lee-Sheng (e-mail)
Honorable Chris Roberts (e-mail)
Honorable Ricky Templet (e-mail)
Honorable Paul Johnston (e-mail)
Honorable Mark Spears (e-mail)
Mr. Keith Conley (e-mail)
Ms. Natalie Newton (e-mail)
Mr. Jose Gonzalez (e-mail)
Mr. Mark Drewes (e-mail)
Ms. Terri Wilkinson (e-mail)

REGIONAL PLANNING COMMISSION

JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES, ST. JOHN THE BAPTIST,
ST. TAMMANY AND TANGIPAHOA PARISHES

97-18

4/12/18

Hon. Michael S. Yenni
Jefferson Parish President
1221 Elmwood Park Blvd., Ste. 1002
Jefferson, LA 70123

RECEIVED
APR 17 2018

BY: _____

RE: LA 23 Rail Relocation PE/NEPA Project
Jefferson and Plaquemines Parishes
RPC/FRA Grant # Fr-RLD-0032-14-01-00

****NOTE: 30 Day comment period began
Monday, 4/16/18.****

Environmental Assessment Availability - 30 day comment period

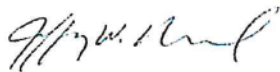
Dear Parish President Yenni:

You are receiving this notice because you were a member of the Project Management Committee, recipient of the Solicitation of Views, or are a concerned citizen that has provided us your contact information in relation to the LA 23 Rail Relocation PE/NEPA Project. We are following up with you to initiate the 30 day public comment period mandated by the Regional Planning Commission following the completion of the Environmental Assessment (EA).

The New Orleans Regional Planning Commission (RPC) conducted an EA of freight rail on the West Bank in Jefferson and Plaquemines Parishes, Louisiana using federal funds administered by the Federal Railroad Administration (FRA) and the expertise of the planning and engineering team led by HDR Engineering, Inc. and the FRA. The project identified a preferred alternate route for the New Orleans Gulf Coast (NOGC) railway currently operating within Gretna, LA and along LA Highway 23 (Belle Chasse Highway) and then analyzed the impacts of the alternate route. The EA report documents the findings.

The Environmental Assessment report and supporting documents are now available for your review at the website of the New Orleans Regional Planning Commission www.norpc.org/railroad.html. Please visit the website and follow directions to leave any comment you may have. Comments will be summarized and included in the Finding of No Significant Impact (FONSI).

Sincerely,



Jeffrey W. Roesel, AICP
Executive Director
Regional Planning Commission

From: Mahoney, William (MAWM) <Marshall.Mahoney@chevron.com>
Sent: Monday, May 14, 2018 2:49 PM
To: LA23publicinfo; 'kparsons@norpc.org'
Subject: Public Comment Letter -- LA23RR1 Environmental Assessment March 2018
Attachments: HW 23 RR Relocation Project Public Comment.pdf

Please find the attached public comment letter for the LA23 Rail Relocation PE/NEPA Project. Feel free to contact me with any questions.

Marshall Mahoney
Supervisor, Project Engineering
mawm@chevron.com

Chevron Oronite Company, LLC
Oak Point Plant
10283 Highway 23
Belle Chasse, LA 70037
Tel 504 391 6235
Fax 504 391 6358

ADDING UP™

Public Comment Letter

5/14/18

Dear Federal Railroad Administration and the Regional Planning Commission:

Chevron Oronite Company opposes the plan laid out for a certain portion of the railroad routing as described in the Environmental Assessment for the “LA 23 New Orleans & Gulf Coast Railway Relocation PE/NEPA Project” and shown in the picture below (from the Environmental Assessment as published online).



The proposed routing bisects Chevron Oronite’s property and in doing so, it impacts severely the use of the property and its value to Chevron Oronite. The land has been identified for use in the execution of a remediation project mandated by a Cooperative Agreement executed between Chevron Oronite and the Louisiana Department of Environmental Quality. This project is expected to extend through 2026. Beyond 2026, Chevron Oronite has evaluated this property for future plant expansion and development. The proposed routing would prevent the ability of Chevron Oronite to expand and develop as envisioned, and thus impacts Chevron Oronite’s business. It should be noted that Chevron Oronite would have no other economically viable alternatives for its expansion and development plans.

We would also like to note that Chevron Oronite supports the broader intent of the project to relieve railway congestion and improve vehicular safety, but requests to work with the Regional Planning

Commission on alternatives that would be less impactful to our operations and ability to grow our business.

In the expectation that we can work cooperatively to identify alternative routing(s) that do not present as dramatic an impact to Chevron Oronite as the current plan, we would like to have the opportunity to work with the Regional Planning Commission at its earliest convenience. To such end, please contact Marshall Mahoney at MAWM@chevron.com or 1(504) 391-6235 should you have any questions or to arrange logistics for a working session.

Fredrick Walker

Americas Regional Manager

Chevron Oronite Company, LLC

From: Marshall Hebert <mhebert@dixieserv.com>
Sent: Monday, May 14, 2018 4:25 PM
To: LA23publicinfo
Subject: LA 23 Rail Relocation Project
Attachments: 2018_05_14_15_58_32.pdf; 2018_05_14_15_59_35.pdf;
2018_05_14_16_01_38.pdf

Dear Regional Planning Commission Representative:

It is my understanding that public comments regarding the Environmental Assessment for the LA 23 Rail Relocation PE/NEPA Project for Jefferson and Plaquemines Parishes should be sent to the above email address by May 15, 2018.

To this end, I wish to comply by sending my comments via email on May 14, 2018.

My name is Marshall Hebert and I am the Chief Financial Officer for Seatrax Marine Cranes Louisiana and Dixie Services, 2 companies located on Gunther Lane that will be detrimentally impacted by the Rail Relocation Project as well as the Peters Road Project.

After reviewing the Environmental Assessment Report, it is clear to me that option 1 would be the best alternative for Seatrax, Dixie and all businesses located on Gunther Lane. However, the conclusions from the Tier 1 Alternative Analysis page 17 (attached) eliminates options 1 & 4. If the conclusions are final and options 1 and 4 are eliminated then option 3 becomes the only remaining viable alternative for Seatrax, Dixie and other properties on Gunther Lane.

Please allow me to explain why option 3 remains the only viable alternative. In order to do so I must provide you with a brief history relating to the Rail Project and Peters Road Project.

As early as October 2013, I started communications with the Louisiana DOTD and shortly thereafter with Plaquemines Parish Land Department and GCR, Inc. regarding the 2 projects. Ultimately, we were informed that we would lose 1.439 acres fronting Engineers Road and .143 acres on the far west side of the property for a total land loss of 1.582 acres (aerial overlay attached). One of the biggest problems with the loss of land on Engineers Road is that all marine cranes, parts and supplies must be relocated. These are marine cranes and not land cranes that have tracks and are mobile. Here are the issues. First, any land to be used for relocation must be stabilized and have appropriate drainage. Second, it must be able to hold the weight of marine cranes plus heavy equipment in addition to 18 wheeler trucks. Third, there must be a separate entry and exit to load and offload cranes from trucks as we currently have on Engineers Road. Fourth, there must be enough room to accommodate multiple 18 wheeler trucks that are required to transport cranes. Last but certainly not least, there is an enormous expense for labor, equipment and transportation associated with the disassembling and reassembling of marine cranes.

Another big problem is that our building located at 206 Gunther Lane (building #1) will no longer be suited to repair cranes because of the land loss and the highway right of way which will only be 15' from the corner of the building. We will not have any laydown yard for the repair of cranes.

If we relocate the cranes to the southwest corner of the property, we will not be able to expand our building at 230 Gunther Lane (building #6) as planned because the area will be needed for crane storage.

To solve this problem, the building located at 225/227 Gunther Lane was purchased as a replacement for 206 Gunther Lane.

If option #2 is selected, the railroad tracks will go through the 225/227 Gunther Lane building (attached). Losing that building with the loss of the intended use of building #1 in addition to the loss of the metal bulkhead and dock space on the Intracoastal Canal adjacent to 225/227 Gunther Lane will be devastating to the operations of Seatrax Marine Cranes. The company may be forced to relocate out of the area because there are no suitable buildings and land available that could satisfy all the needs of the marine crane business.

In conclusion, the repair, maintenance, storage and transportation of marine cranes is a unique and highly specialized industry. Gunther Lane provides an excellent venue for operations. The loss of the 225/227 building on Gunther Lane in addition to the loss of land and dock space on the Intracoastal Canal maybe an insurmountable barrier to overcome. For this reason and the reasons stated above, I respectfully request for option #2 to be removed from consideration. I do not think that any of the options will adversely affect any other business as much as option 2 will affect the operations of Seatrax.

I would appreciate a confirmation of receipt of this email.

Thank you for your time and consideration to this very important matter for Seatrax.

Kind Regards,

Marshall G. Hebert

504-394-4608 #266

mhebert@dixieserv.com

5.0 CONCLUSIONS

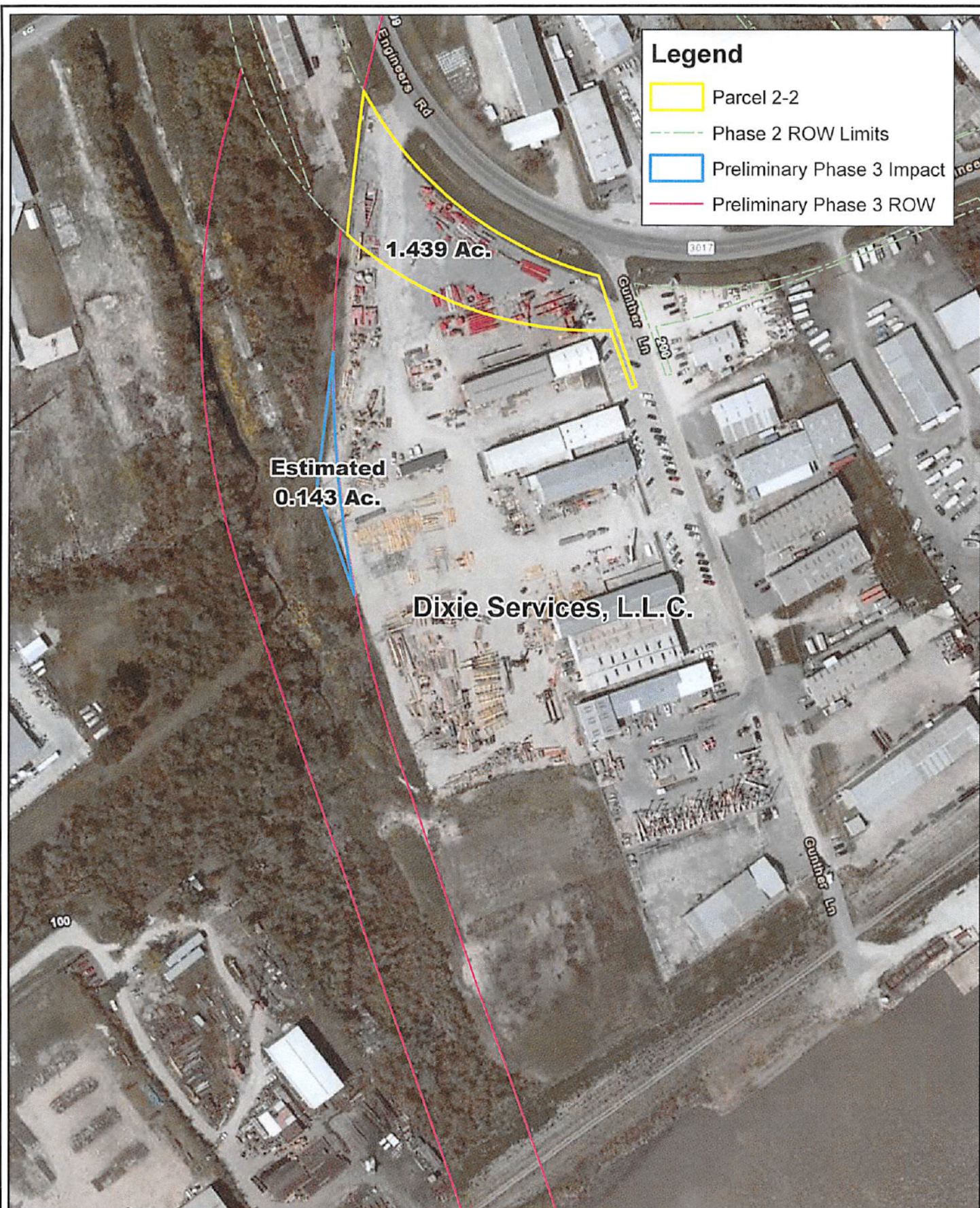
Conceptual Alignment Options 1, 4, and the portion of Option 3 from 4th Street to south of Lapalco Boulevard where it connects to Option 2 are recommended for elimination from further analyses in the tiered evaluation process.

The primary fatal flaw associated with Option 1 is its high cost resulting from the three required movable bridges on the GIWW, Harvey Canal, and Bayou Barataria. Option 1 also has the highest number of potential total impacted or intersected properties and business relocations.

The primary fatal flaw associated with Option 4 is the impact to the residential area along St. Joseph Street. The Option 4 alignment traverses St. Joseph Street for approximately 2,200 feet or 0.4 miles.

A portion of Option 3 from 4th Street to south of Lapalco Boulevard where it connects to Option 2 is recommended for elimination because it traverses near a residential area from US 90B to Lester Street and then requires extensive grade separation and a bridge structure starting near St. Joseph Lane extending to south of the West Bank Animal Shelter tract.

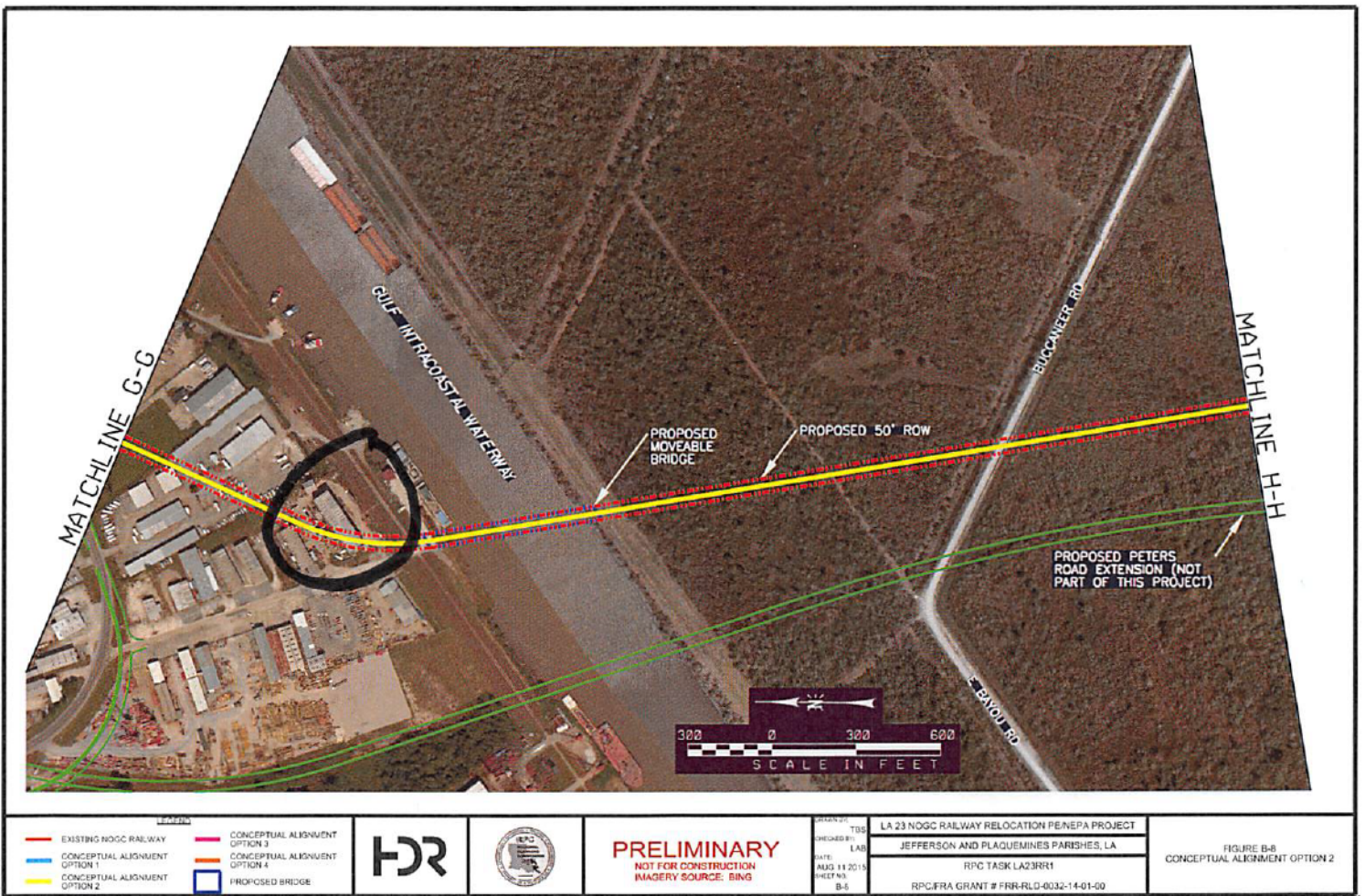
After eliminating Options 1, 4, and the northern portion of Option 3, the remaining options are Option 2 in its entirety and the southern portion of Option 3 starting near the Peters Road and Murphy Canal crossing. The commonality between Options 2 and 3 will allow them to be recombined and refined into more than two preliminary alternatives in the next phase of alternatives analysis. For example, the northern end of Option 2 could be combined with the southern end of Option 3.



**Aerial Overlay of Peters Road Phase 2 Right-of-Way
& Preliminary Phase 3 Right-of-Way
Dixie Services, L.L.C. Property**

1 inch = 200 feet

For Illustration Purposes Only



Option # 2
Building # 7



2. 11. 1940
1. 11. 1940

From: Scott Eustis <scott@healthygulf.org>
Sent: Monday, May 14, 2018 6:16 PM
To: LA23publicinfo; rpc@norpc.org
Cc: Nguyen, May; Matt Rota; Natalie Montoya; gutierrez.raul@epa.gov; Danley, Chelsea T
Subject: GRN comments on La 23 Rail Relocation Project Environmental Assessment
Attachments: GRN Comment LA 23 Rail Relocation NEPA Project; Grant # Fr-RLD-0032-14-01-00.pdf

RE: La 23 Rail Relocation Project Environmental Assessment Fr-RLD-0032-14-00 Grant # Fr-RLD-0032-14-01-00

See Attached for our comments on this project.

Thank you for your work and your time,

--

Scott Eustis
Community Science Director
Gulf Restoration Network

330 Carondelet St.
Suite 300
New Orleans, LA 70130
tel: [504-525-1528](tel:504-525-1528) x212
mobile: 504 484 9599

www.healthygulf.org
[GRN on facebook](#)
[@HealthyGulf](#)



UNITED FOR A HEALTHY GULF

330 Carondelet Street, 3rd, New Orleans, LA 70130
Phone: 504.525.1528 Fax: 504.525.0833

15 May 2018

RE: La 23 Rail Relocation Project Environmental Assessment

Fr-RLD-0032-14-00 Grant # Fr-RLD-0032-14-01-00

LA23publicinfo@hdrinc.com

rpc@norpc.org

Dear Mr Roesel, and To Whom It May Concern,

I am writing on behalf of Gulf Restoration Network ("GRN").¹ We have serious concerns about the FONSI and EA, based on impacts to fastland wetlands, stormwater drainage, wildlife habitat, and environmental racism, particularly for African American and Native American population. We have commented to the RPC during scoping on the need to protect coastal communities such as Oakville and Ironton from disproportionate rail impacts. These communities have a long history of voicing their concerns about the rail. These impacts, such as noise, air pollution, and impact on emergency vehicle traffic, are significant in our linear coastal communities. They have been left out of the scope of the current EA, despite our scoping comments.

The Preferred Alternative will have disproportionate impact to African American and Native American communities in Jefferson and Plaquemines Parish. We feel the study excluded downriver communities from the scope, unfairly, although these communities will clearly be impacted. Rail traffic has been projected to double by 2040. We cannot exclude Oakville and Ironton communities and their block groups from this analysis, because they are the *destination* of the increased rail traffic.

When we re-examine the block groups, based on who the rail traffic will actually impact, we are forced to consider Option 1, on the west side of the Harvey Canal, as the better option that complies with Executive Orders on Environmental Justice. We feel that the public would be better served and RPC could comply with the law if impacts to all affected EJ communities were considered, as we had requested during scoping, in an Environmental Impact Statement.

¹ GRN is a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the natural resources of the Gulf of Mexico.

We appreciate the applicant's consideration of floodplain forest wetlands. Protected Side Wetland Forest must be mitigated in-kind, and in-basin, as was done for the USACE hurricane protection system. Within the GNO polders, protected side floodplain forest provides rainwater retention that effectively increases the pumping capacity, and thus the ability of the drainage system in these parishes to reduce flood risk during "1 in 500" rains that are now happening nearly every year, as the Gulf of Mexico SST increases, and the air above Jefferson and Plaquemines Parishes holds more water as a result. Protected side floodplain forest protects suburban areas in Jefferson and Plaquemines, as well as the Airbase, from high winds and greater fetch. These areas are vital as the last consolidated areas for migrating birds that require non-fragmented canopy habitat. There is ample opportunity to preserve in-kind, in-place forest wetland function within coastal GNO forest, by preserving the remaining forest tracts around English Turn, and in New Orleans East.

We ask that the final mitigation plan, including a plan to compensate for these protected side floodplain forests, be included in an Environmental Impact Statement.

In order to keep us and the public properly informed, we request notification of withdrawals, approvals, and/or changes to this project.

We look forward to a written response.

For a healthy Gulf,
[sent via e-mail]



Scott Eustis,
Community Science Director

Gulf Restoration Network
330 Carondelet Street, 3rd Floor
New Orleans, LA 70130
(504) 525.1528 x212
Scott@healthygulf.org

Cc: Matt Rota, Senior Policy Director
Natalie Montoya, Wetland Analyst
May Nguyen, Tulane Environmental Law Clinic
Raul Gutierrez, U.S. EPA, Region 6

Grace Morris, Sierra Club

From: Ray Fuenzalida <rayf@harveycanal.com>
Sent: Tuesday, May 15, 2018 10:38 AM
To: LA23publicinfo
Subject: Railroad relocation

As a landowner on the Harvey Canal and a stakeholder in the future of the Westbank as a whole, the rail relocation is an easy project to support. The EIS shows no limitation on the relocation. Rail utilization has changed over the years. Consumer goods are no longer transported via rail. It appears that only heavy industrial items are (mostly) moved via rail. These include industrial inputs (such as flat steel or aluminum, bulk items (coal, ore etc.) and chemicals (liquid, gas, flammable, corrosive etc.).

The rail lines that serviced city centers now primarily service Heavy Industry. One of the leftovers of that bygone era are the rail lines that run through city centers. It is extremely dangerous to have trains carrying dangerous chemicals through crowded suburban areas. All it takes is one accident or act of terror and the cost of relocation will seem a bargain. I find it amazing that there is even debate about relocating the rail lines. You have to get these rail lines out of the cities. Not only will that solve the incredible life safety issue but it will position the industrial corridor to grow faster and safer than ever before. The entire Peters Road corridor, the extension into Plaquemines and the continuation to the existing chemical companies and the Port expansion along Highway 23 will benefit from this relocation. It's great for the business community and it's even better for the residential community that will no longer have the railroad in its backyard.

We strongly support this relocation. Thank you.

--

Ray Fuenzalida
General Manager
Harvey Canal Limited Partnership
P.O. Box 187
Harvey, La 70058
504-340-9098

From: Roy P. Dwyer

Nancy S. Dwyer, MSW

542 First Avenue

Harvey, La. 70058

To: LA 23 public info @ hdrinc.com

Subject: The proposed LA 23 Rail Relocation PE/NEPA Project Jefferson & Plaquemines Parishes

To: The Metropolitan New Orleans regional Planning Commission

We live in the St. Rosalie School neighborhood in Harvey, La and thank you that the proposed rerouting of the trains is not going down Destrehan Ave. in Harvey.

The March 2018 Environmental Assessment and the Plaquemines Parish 2002 Intermodal Feasibility Study state that the proposed railroad location would:

- Open areas for future industrial development.

- Improve public safety.

- Relieve congestion.

- Reduce fuel consumption.

- Improve emergency evacuation routes.

- Enhance the quality of life.

- Improve efficiency of rail operations.

- Reduce public exposure to some hazardous materials within residential and commercial areas.

- Improve public safety access for fire, police, and ambulance response.

- Increase employment.

- Increase revenue from taxes.

- Decrease community disruption by rail traffic.

Meet forecasted capacity demands.

Increase operating speed and decrease travel times.

Improve operating conditions.

Some of our concerns in the Harvey Canal residential and commercial areas include the needs to:

1) “Improve safety, “Increase railway operating speeds and decrease travel times,” and the potential for human error.

I have been told that trains speed on the tracks on 4th St. in the early morning hours. The sharp curve proposed at the intersection of Peters Rd. and 4th St. in Harvey would be very dangerous because of the potential for derailments of train cars carrying hazardous, poisonous, highly flammable, explosive substances. Very many of the cars are labeled with hazmat symbols. The tracks are relatively straight until the proposed sharp curve. If a train takes the curve too fast, derailment and spillage could result in explosion, fire, poisonous fumes, burns, injuries, death. St. Rosalie Kindergarten and St Rosalie outdoor swimming pool are about 1200 feet across the narrow Harvey Canal from the proposed track. The residences surrounding the periphery of the curve are much closer. This curve is an invitation to disaster, injuries, loss of life, and lawsuits.

Locomotives navigating a curve have to exert more power and cause damage to tracks, train wheels, puncture rail cars and can lead to derailments. Punctured rail cars can result in the spillage of hazardous contents. The high center of gravity on the planned use of double stack rail cars on a sharp turn can lead to spillage and derailments.

Gretna would be downwind the majority of the time from the proposed curve. An accident, derailment, explosion, flames, or poisonous vapors would have a high likelihood of being blown in the direction of the parish seat. Some emergency vehicles could be impeded from access. Please check the local hazmat directory for chemicals that are now being transported by rail through the corridor. Note especially the distances downwind that would have to be evacuated given the hazardous nature of some of the compounds.

2) Improve Public Safety access for fire, police, and ambulance response.

Historically, the railroad has been in Gretna and Belle Chasse since the 1800s. The towns grew up around the tracks. After the railroad was created, why did Gretna allow residences, businesses, community services, parks, a hospital (not in incorporated Gretna) built in the 1960s or 1970s to be built, and then decide that the railroad makes Gretna inaccessible to emergency vehicles? Gretna could build overpasses or underpasses at some of the major crossings. There is extra land around the

Gouldsboro yard where perhaps the rails could be elongated so long trains would not have to be backed up as much on Madison Street. The proposed “Northern terminus” area of Harvey has enough hazards, pollution, trains, tank farm emissions, chemical spills, toxic waste sites and industry already, without Gretna and Belle Chasse and Algiers attempting to further endanger Harvey residents and businesses by advocating for the rerouting of trains to Peters Road. Combining major marine, train and vehicle routes at a single point is dangerous for all concerned.

IMPORTANT: There are dangerous jobs on and along the Harvey Canal and on the river. Extremely dangerous substances come through the Harvey Canal and by truck and rail. If the trains use the exact present Peters Road abandoned NPRR Hooker Spur ROW track alignment, it would totally cut off some businesses along the east side of the Harvey Canal from Emergency Vehicle access. Please see figure 3-13 on p. 3-5 of the March 2018 EA. Emergency vehicle access is already restricted when the 4th Street Bridge and Lapalco Bridges are raised or closed for repair, the Harvey Tunnel is closed, as it frequently is, for maintenance, or when access on the elevated portion of the Westbank Expressway is blocked off, or limited because of accidents or rush hour traffic.

3) Improve Emergency Evacuation Routes.

When there is a hurricane approaching there is ample warning. The trains would not be running. They would not be in the way. Therefore, rerouting the trains would not improve Hurricane Evacuation routes. With the tank farms, hazardous jobs along the Mississippi River and the Harvey Canal, the potential for terrorism and injuries, plus all the hazardous material being transported through the Harvey Canal by boat, barge, and via train in our Northern Harvey proposed “terminus” area; if any community needed safe evacuation routes, and the need for emergency services to get through, it is ours. The expected lengthy trains would cut off workers and residents near the river, the Harvey Canal, 4th Street and Peters Road from emergency access, and from evacuation.

4) Reduce public exposure to some hazardous materials within residential and commercial areas, reduce fuel consumption, and improve air quality.

In our northern Harvey community, we are already at greater risk to being exposed to hazardous materials in our residential and commercial areas. The Plaquemines Parish proposed port plans to need 1.3-mile-long trains pulled by at least two locomotives each, coming through Harvey 13-21 times daily by 2040. The 2002 Plaquemines Intermodal Feasibility analysis indicated the need to transport double-stack containers on 5,000’ long trains. Locomotives have to use much more power to negotiate a curve. With that much weight and multiple locomotives per train, more diesel fuel would be needed, and more particulate matter would be expelled into the air we breathe. Our businesses and residences will be exposed to more airborne substances including nitrogen oxide, sulphur dioxide, sulfuric acid mist, ammonia sulphate particles, volatile organic compounds, carbon monoxide, etc. Diesel fumes would be

coming into our neighborhood from both the North and East directions, probably concentrating it more than twice as much as anywhere else along the present train route. We already have diesel fumes from nearby trains, boats coming through the canal, and boats being built and repaired along Peters Road and Destrehan Avenue. All this would put the students of St. Rosalie Elementary and Preschool, Laurate Academy Kindergarten, the employees, and residents at greater risk for asthma, lung diseases, lung cancer, kidney damage, heart disease, heart attack, organ damage due to depletion of oxygen from carbon monoxide, premature death, etc.

In the Traffic Assessment (2015), I did not see any analysis of the marine traffic that comes through the Harvey Canal as was done at the GIWW. How many times a day is the Harvey Canal Bridge raised for marine traffic? How many marine vessels come through the canal per day? We didn't see any analysis of projected marine traffic delays to be caused by the number of trains crossing the Harvey Canal train bridge. We did not see analysis of the delays which marine traffic will cause future increased rail traffic. Was an analysis done on the amount of time vehicles presently wait on marine traffic compared to the proposed future wait times for vehicles delayed by both train traffic and marine traffic at the same intersection? Where else would rail, marine, and vehicle traffic converge on one intersection? It's a deal breaker. This would make 4th Street, Peters road and Destrehan Avenue impassable for vehicles, and greatly hinder marine traffic.

Fourth Street, a major state highway, is already backed up for blocks when the Harvey Canal Bridge is raised several times daily. Jefferson Parish helped to fund the EA which came to the conclusion of FONSI. The projected impacts of increased train traffic crossing Fourth Street, on marine and vehicle traffic should be studied, though not in the summer when traffic is lighter.

Due to delays, more fuel will be consumed and the environment would become more polluted by idling trains waiting for marine traffic, idling marine vessels waiting for trains, and idling vehicles waiting for trains and marine vessels. Add to this, the increased air pollution from locomotives using more power to manage the curve. Vehicles already consume more fuel to avoid the 4th Street Bridge when it is raised, by going through the Harvey Tunnel (regularly closed for maintenance), the elevated Westbank Expressway (often backed up at rush hour or blocked due to accidents), or even the Lapalco Bridge (which is sometimes raised, with traffic backed up). Traffic gets backed up at all these places. These blockages also create obstacles for emergency vehicles. The proposed rerouting of the trains would have significant impact, with increased delays for marine and vehicle traffic, resulting in excess fuel consumption and poorer air quality.

5) Manhour Costs, relieve congestion, reduce delays.

Manhour costs for delays were studied for the Environmental Assessment in Gretna. I did not see a comparative cost in man-hours that current and future train activity would create for marine operators and employees. The current and future manhour costs to marine traffic for delays by additional train

traffic needs to be studied. Future Peters Road manhour costs for trains blocking businesses and crossings need to be studied, and the potential that the train blockages may put some companies out of business. Future predicted manhour costs need to be studied for trains waiting for marine traffic to pass through the Harvey Canal. Future predicted manhour costs need to include the times motorists in vehicles would wait for trains to pass, and extra time for vehicular traffic to find alternative routes. This should include traffic blocked at intersections in Marrero and Westwego also.

To come to a conclusion of FONSI, these need to be evaluated also.

The projection is for 13 – 21 trains daily, and that trains can be up to 1.3 miles in length. A 1.3-mile-long train would block 4th St. for about 13 minutes if it makes the turn at 5 miles per hour. Thirteen trains per day would block 4th St., a state highway, for 169 minutes a day, almost 3 hours. Even if all the trains are not that long, this state Highway 18(4th Street), would be blocked at least two hours a day. By 2040 the projected number of trains per day is estimated to be 21, which would block Hwy 18/4th Street, for 4 ½ hours daily. These delays do not count the time the 4th Street Bridge is raised for marine traffic.

5 miles per hour may be a too optimistic an estimate considering the sharpness of the proposed curve, and that the plan is for double stacked cargo containers (2002 Plaquemines Intermodal Study) which have a much higher center of gravity, making them a greater risk for derailment. We believe that the proposed turn is probably tighter than any other curves on the current route. Additionally, the turn would be close to residential areas.

Also, trains blocking 4th St. will impede access to and from the west to Jefferson Parish Government buildings, located in Gretna. This would create man-hour costs either waiting, or finding less direct alternate routes, and using more fuel, and polluting more.

Marine traffic has the right-of-way over rail but if a train is already over the Harvey Canal, the boat will have to wait, creating potential problems when the river is high, because of faster current. High river levels are an annual occurrence. Extra marine fuel would be needed to counter the current, leading to more fuel consumption, and diesel pollution. Trains on the east side of the canal would block access and egress to businesses on the Harvey Canal. A long train stopped along Fourth Street, on the west side of the Harvey Canal, could simultaneously block both the Destrehan Avenue and Barataria Boulevard access points to and from River Road, limiting emergency access to dangerous jobs along the riverfront.

6) Enhanced Quality of Life Aesthetics, History

With the proposed Peters Road alternative, the “northern terminus,” our neighborhood would receive the “highest noise impact,” vibrations, odors, air pollution from along both the north (4th Street/State Hwy. 18) and from the east (Peters Road) directions. St. Rosalie School is a United States Board of Education Blue Ribbon School of Excellence. We, and St. Rosalie Church and School, and Laureate Academy

Kindergarten are located within the vicinity of the curve. We already have noise and air pollution from the Westbank Expressway High Rise, from 4th Street trains, industry, sand blasting, tank farm emissions, tank farm sirens, trains, etc. The proposed alternative, if built, would make things much worse, would lower the property values of our neighborhood and of those near the tracks on the east side of the canal. This would eventually lower property taxes in these areas. The Plaquemines Container Port, the railroad, and industry expect the region to have increased income and taxes from the proposed venture, yet the EA states that “if it is cost effective, noise walls, wheel truthing may be implemented.” If the proposal were to be implemented, especially with the anticipated increased tax revenues, we would expect significant noise reduction measures.

Regarding the EA statement, “the rail restoration would not significantly change the aesthetics of the proposed corridor.” The aesthetics of the proposed corridor should be cleaned up, especially considering the beauty the unsightliness eclipses. This is primarily a marine and port corridor. Our neighborhoods have some of the same vintage architecture that is found in old Gretna and New Orleans. Some of our neighbors are renovating these houses and putting in swimming pools.

Walk and drive over the Harvey Canal Bridge. Look north toward the Mississippi River and see the enormous ocean-going ships and the fascinating variety of marine vessels coming through the Harvey Canal. Appreciate being able to closely observe the operation of the locks and the railroad bridge. Marvel at the amazing skill these boat operators display as they maneuver large vessels through the narrow canal.

Look south at the marine culture along the canal: shrimp boats, cabin cruisers, tour boats, tug boats motor boats. Look up, and along the shore, and on the water, to see the brown pelicans, white pelicans, blue herons and maybe a bald eagle.

Go down Peters Road and Destrehan Ave. Look past the blight and watch the amazing ship building and repair activities on propellers, ferries, gingerbread adorned steamers, paddle wheelers, tug boats, colorful tour boats and workboats, etc. This is a historical place worth preserving. The Harvey Canal was first dug by 1845. From its inception, the Harvey Canal was designed to facilitate marine traffic. “All of South Louisiana and the Gulf is serviced by the Harvey Canal.” Was an assessment done on the delays the proposed rerouting of the trains would cause marine traffic attempting to come through the Canal, and delays trains would experience waiting for boats to pass through the Canal?

The current railroad routes are part of the history of Algiers, Gretna, Harvey, Belle Chasse and Plaquemines Parish since the 1800s. Gretna has preserved its 1901 freight train depot on 4th St. not far from its original location on 4th St.

Gretna does not want trains near their parks, yet a park is planned in Harvey next to the most hazardous curve on the proposed railroad route, where the danger of derailment is the greatest. The area could quickly catch fire or explode because it is located so close to fuel related businesses.

7) Environmental Justice

Thank you for eliminating the Paillet Street option from the proposed alternatives. Even so, some of the highest concentration of minorities, and their community services, as the B. A. St. Villere School, day care centers, parks and many churches are located nearby. Please see Figure 3-13 on page 3-59 of the EA. They would be impacted by vibrations, noise, diesel fumes, other pollutants and the hazards of petrochemical accidents, more so than they are now.

The exact Hooper Spur abandoned alignment cannot possibly be used along that area of Peters Road because it would cut off businesses completely on the West side of Peters Road from Emergency Vehicles. (Again, please see figures 3-6 on page 3-40 of the 2018 EA.) If implemented, wouldn't another alignment down Peters Road have to be used which would bring it closer to minority residential populations and community services?

Westwego and Marrero would also be impacted by the projected increase in trains servicing Port Plaquemines 13 – 21 times daily. Double stack trains, trains carrying hazardous material, over a mile long, pulled by multiple locomotives emitting toxic diesel fumes, would create hazards at multiple crossings in historic Westwego. Train tracks run near the Salaville Historical District, across from the ornate Our Lady of Prompt Succor Church and School, Joshua Butler Elementary, behind the Westwego Library, Westwego Police Department, behind at least one or more churches, and the Westwego Senior Center, Residences and businesses back up to the tracks. Myrle Thibodeaux Elementary is close by.

In Marrero, Immaculate Conception School, St Joseph the Worker Church and School, and Crossfire Preparatory, grades 1-8, are very close to the tracks.

In Harvey, across the street from the tracks are businesses, residences, grocery stores, and many churches. Nearby are St Rosalie Church and Elementary School, Laureate Academy Kindergarten, etc.

These only name a few. All of which would be impacted by restricted emergency access. Double stack rail cars, and possibly coal in the future, would cause diesel and other pollutions, vibrations, noise, and chemical hazards, in the projected 13-21 trains daily, as long as 1.3 miles each.

8) Meet forecasted capacity demands, open up areas for future industrial development, increase revenue from taxes, decrease community disruption by rail, increase operating speeds and decrease travel times.

The Mississippi River is one of the greatest commercial waterways in the world. The strategic Plaquemines Port is one of the larger seaports in the United States. Plaquemines Port would benefit from the most efficient railroad support system. The early railroad pioneers had courage to envision vast expanses of wilderness traversed by rail. They did not have all the potential funding sources that we have available now. Only about 8% were financed with government assistance.

Algiers, Gretna, Harvey, Belle Chasse, Avondale, Marrero and Westwego are all included in the congestion of greater New Orleans.

The 2002 Plaquemines Parish Intermodal Feasibility Study proposed the Western Bypass Alternative. The Western Bypass is possible because:

- A. Potential funding sources are cited on pages 6-1 to 6-8 of the March 2018 Environmental Assessment. There may be many more.
- B. We have a President, a successful businessman, who promised to improve our nation's infrastructure. Louisiana has his favor because Louisiana helped elect him. The time to seek such funding for investment in the Western Bypass Alternative is now. Attached is a photo of an example of a trestle railroad which could cross lakes Salvador and Cataouache. The trestles are spaced and would have less impact on the natural environment. It might even improve fishing along the trestle foundations.

The straight tracks would greatly increase operating speeds, decrease travel times, and be less likely to lead to derailments. The Western Bypass will meet forecasted capacity demands and open up other areas to industrial development. The Western Bypass is the only alternative if Plaquemines wants efficient rail service to Port Plaquemines. If construction of the Western Bypass had been begun shortly after the 2002 Intermodal Feasibility Study, it would have been financed and built by now. It is important to start implementing it as soon as possible.

By comparison, the proposed 2013 alternative would result in many train and manhour delays going through the slower zones of Westwego and Marrero, the reduced speed limit areas of Harvey; then if the 4th Street Bridge is raised, waiting for marine traffic at the Harvey Canal, slowing down to navigate the sharp turn at Peters Road, and then the reduced speed down the business corridor of Peters Road.

The Western Bypass will make it possible to eliminate trains in at Gouldsboro, Gretna and Belle Chasse, and will result in increased property values and increased property taxes in Gretna and Belle Chasse, and Algiers. The Western Bypass would not reduce the present property values in Harvey, Marrero and Westwego, nor decrease property taxes. The Western Bypass will increase employment and revenue from taxes and will not obstruct businesses along Peters Road. It will not lead to loss of business and possible closure of businesses along Peters Road, nor would it add additional delays to Harvey Canal marine traffic, and 4th Street (La. Hwy 18) vehicular traffic. The Western Bypass would decrease community disruption by rail, decrease pollution and increase safety, and would eliminate the possibility of lost cargo and potential lawsuits from derailments, on the sharp northern terminus residential area Peters Road curve.

Please modify the Western Bypass to find another route than the already developed Avondale Garden Road. Otherwise it will slow train speed and will disrupt residents' lives. If possible find undeveloped land further to the west that would connect to tracks that lead to Avondale Yard. Perhaps there are

federal and state lands for which the railroad could apply for land grants. There should be no sharp curves.

If the Western Bypass is not implemented, then we recommend the “NO BUILD” alternative, and that cargo be shipped on the river.

Thank you for taking the time to read and review these comments.

Sincerely,

Nancy S. Dwyer, MSW

Roy P. Dwyer

CC: Paul D. Johnston, District 2, Jefferson Parish Council

Cedric Richmond, United States House of Representatives, Second District of Louisiana

WVUE Fox 8, New Orleans, La.





DEPARTMENT OF THE NAVY
NAVAL AIR STATION JOINT RESERVE BASE
400 RUSSELL AVE, BUILDING 46
NEW ORLEANS, LA 70143-5012

5090
Ser N00/162
11 May 18

Ms. Karen Parsons
Regional Planning Commission
10 Veterans Boulevard
New Orleans, LA 70124

Dear Ms. Parsons:

**SUBJECT: HIGHWAY 23 RAIL RELOCATION PRELIMINARY ENGINEERING AND
NATIONAL ENVIRONMENTAL POLICY ACT PROJECT
ENVIRONMENTAL ASSESSMENT**

This letter responds to the subject Environmental Assessment (EA) submitted for the Navy's review in support of a proposed railroad project to be constructed in proximity to and across lands belonging to the Department of the Navy. As you are aware, Naval Air Station Joint Reserve Base (NAS JRB) New Orleans is located in Belle Chasse, Louisiana and is situated directly adjacent to a significant portion of the proposed rail relocation project. The following comments are provided to your office within the 30-day comment period and as specified in the EA:

NAS JRB New Orleans is generally supportive of the proposed project as it appears to be consistent with our planning goals and objectives.

We are concerned, however, that the proposed path of the rail relocation project takes the rail line across lands belonging to the Navy. Be advised that the approximately 2-acres of land directly impacted by the rail relocation project have not been declared excess by the Navy and there are no plans to sell such lands. If there is a desire on the part of the New Orleans and Gulf Coast Railway to seek an easement from the Navy, an appropriate request will need to be submitted to this office.

Another area of concern pertains to the type of bridge to be constructed over the Gulf Intracoastal Water Way (GIWW). The proposed bridge location is almost directly beneath the flight path of our southeast-northwest runway (Runway 14/32). The only bridge option at this intended GIWW crossing that will be safe in terms of aircraft flight safety will be the "Swing Span" type bridge identified as a preferred alternative in the EA. The other two options (rolling bascule and vertical lift bridges) would penetrate into the aircraft flight path and endanger flight safety.

NAS JRB New Orleans is dependent upon aviation fuels delivered by barge to our fuel wharf located in proximity to the proposed project. We intend to seek assurances from our carrier, Florida Marine, to ensure that the planned bridge across the GIWW will not interfere with the aforementioned fuel deliveries.

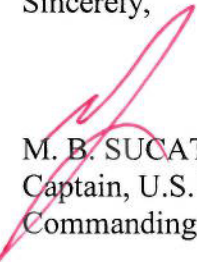
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Ser N00/ 162
11 May 18

Finally, because of the sensitivity of structure heights and flight path proximity to the project's location, we request that NAS JRB New Orleans be involved in any final engineering design work regarding the proposed GIWW Rail bridge and its southeast bank landing location.

My point of contact for this matter is Mr. Bruce Keller, Community Plans and Liaison Officer. He may be reached at comm: (504) 678-9941 or e-mail: bruce.keller1@navy.mil.

Thank you for giving NAS JRB New Orleans the opportunity to participate in this important project.

Sincerely,



M. B. SUCATO
Captain, U.S. Navy
Commanding Officer



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1849 C Street NW - MS 5538 - MIB
Washington, DC 20240

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PEP

ER 18/0261

Michael Johnsen
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen:

The Department of the Interior (Department) has reviewed the additional information that was provided for the Environmental Assessment (EA) and Section 4(f) Evaluation for the State Route 23 New Orleans and Gulf Coast Railway Relocation, Jefferson and Plaquemines Parishes, Louisiana. In this regard, we are providing the following comments for your use.

General Comments

We welcome this opportunity to cooperate with the Federal Railroad Administration (FRA) and the New Orleans Regional Planning Commission (NORPC) in evaluating the proposed rail relocation alternatives consisting of a new rail line for the New Orleans and Gulf Coast railway operations east of its current location. As detailed in the March 2018 EA and Section 4(f) evaluation, the purpose of the proposed project is to improve safety, relieve congestion, improve emergency access and evaluation, enhance quality of life, and improve efficiency of rail operations.

Section 4(f) Comments

The Section 4(f) evaluation adequately describes a range of avoidance alternatives, the affected Section 4(f) resources, and discloses potential project impacts to those resources. The Section 4(f) evaluation identifies one National Register of Historic Places (NRHP) eligible resource within the Preferred Alternatives' proposed Area of Potential Effects. It is the Hero Park/River Oaks Academy Site.

The Section 4(f) evaluation discusses an ongoing coordination effort with the State of Louisiana Department of Culture, Recreation & Tourism, Office of Cultural Development (SHPO) in compliance with Section 106 of the National Historic Preservation Act. The evaluation notes that the SHPO has concurred with these findings and that a Memorandum of Agreement (MOA)

TRANSMITTED ELECTRONICALLY – NO HARDCOPY TO FOLLOW

to address measures to mitigate impacts to the Hero Park/River Oaks Academy Site was signed by the FRA, The Hero Lands Company, and the SHPO on September 4, 2018.

Summary Comments

The Department has no objection to Section 4(f) approval of this project contingent on the subsequent full execution of the requirements identified in the MOA.

The Department has a continuing interest in working with the FRA and NORPC to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f) comments, please coordinate with Steven M. Wright, National Park Service, Southeast Regional Office, Planning and Compliance Division, at 404-507-5710, or at [Steven M Wright@nps.gov](mailto:Steven_M_Wright@nps.gov).

Thank you for the opportunity to review and comment on this EA/Section 4(f) evaluation.

Sincerely,



Michaela E. Noble
Director, Office of Environmental Policy
and Compliance

Electronic distribution: Michael Johnsen, FRA: Michael.johnsen@dot.gov



16590
September 10, 2018

Regional Planning Commission for Jefferson, Orleans, Plaquemines,
St. Bernard, St. Charles, St. John, St. Tammany and Tangipahoa Parishes
Attn: Karen Parsons, AICP
10 Veterans Blvd.
New Orleans, LA 70124

Dear Ms. Parsons:

Thank you for providing the Coast Guard with information regarding the relocation of the LA 23 New Orleans and Gulf Coast Railway Environmental Assessment (EA). We have conducted a general review of the EA and provide the below comments.

The preferred alternative identifies three new bridge crossings over Murphy Canal, Bayou Barriere and the Gulf Intracoastal Waterway (GIWW) alternate route Algiers Canal.

Building a bridge over Murphy Canal and Bayou Barriere may require a Coast Guard bridge permit depending on the type of vessels that use these waterways. Building a bridge across the GIWW will require a Coast Guard bridge permit. A Coast Guard bridge permit requires that the applicant conduct a navigation study to determine current and prospective vessel use of the waterway. This information is then used determine bridge design. Any new bridge constructed across the GIWW that has a vertical clearance of 73' or greater and a horizontal clearance of 125' or greater would normally be approved without a navigation study.

Please contact me if you need further information or would like to discuss Coast Guard bridge permit requirements. It takes 4 to 6 months to approve a bridge permit after we receive a complete application package. I can be contacted at (504) 671-2127, email Douglas.A.Blakemore@uscg.mil.

Sincerely,

A handwritten signature in blue ink that reads "Doug Blakemore".

Doug Blakemore
Chief, Bridge Administration Branch
U.S. Coast Guard
By direction

Copy: Coast Guard Sector Mobile Waterways Management Branch



UNITED FOR A HEALTHY GULF

330 Carondelet Street, 3rd, New Orleans, LA 70130
Phone: 504.525.1528 Fax: 504.525.0833

15 May 2018

RE: La 23 Rail Relocation Project Environmental Assessment

Fr-RLD-0032-14-00 Grant # Fr-RLD-0032-14-01-00

LA23publicinfo@hdrinc.com

rpc@norpc.org

Dear Mr Roesel, and To Whom It May Concern,

I am writing on behalf of Gulf Restoration Network ("GRN").¹ We have serious concerns about the FONSI and EA, based on impacts to fastland wetlands, stormwater drainage, wildlife habitat, and environmental racism, particularly for African American and Native American population. We have commented to the RPC during scoping on the need to protect coastal communities such as Oakville and Ironton from disproportionate rail impacts. These communities have a long history of voicing their concerns about the rail. These impacts, such as noise, air pollution, and impact on emergency vehicle traffic, are significant in our linear coastal communities. They have been left out of the scope of the current EA, despite our scoping comments.

The Preferred Alternative will have disproportionate impact to African American and Native American communities in Jefferson and Plaquemines Parish. We feel the study excluded downriver communities from the scope, unfairly, although these communities will clearly be impacted. Rail traffic has been projected to double by 2040. We cannot exclude Oakville and Ironton communities and their block groups from this analysis, because they are the *destination* of the increased rail traffic.

When we re-examine the block groups, based on who the rail traffic will actually impact, we are forced to consider Option 1, on the west side of the Harvey Canal, as the better option that complies with Executive Orders on Environmental Justice. We feel that the public would be better served and RPC could comply with the law if impacts to all affected EJ communities were considered, as we had requested during scoping, in an Environmental Impact Statement.

¹ GRN is a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the natural resources of the Gulf of Mexico.