



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION I  
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Massachusetts,  
New Hampshire,  
Rhode Island Vermont

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**DEC 30 2004**

Mr. Michael H. Mulhern  
General Manager  
Massachusetts Bay Transportation Authority  
Ten Park Plaza  
Boston, MA 02116

**Re: Copley Station Environmental Assessment  
Finding of No Significant Impact**

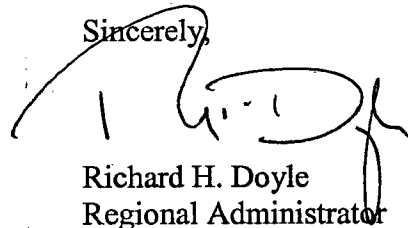
Dear Mr. Mulhern:

Based upon a review of the environmental documentation, the Federal Transit Administration (FTA) has issued a Finding of No Significant Impact (FONSI) for the Copley Station Light Rail Accessibility Improvement Project. The purpose of this project is to make the station compliant with the American's with Disabilities Act (ADA) of 1990 through the construction of a safe, barrier-free pedestrian access to the station and platforms.

Please be advised that in accordance with 23 CFR 771.121, the Massachusetts Bay Transportation Authority (MBTA) is required to transmit a notice of availability of this FONSI to all affected Federal, state and local governmental entities. In addition, under Section 106 of the National Historic Preservation Act, the FTA has determined that this project will have no adverse effect on historic resources. Furthermore, FTA has determined that there is no prudent and feasible alternative to the use of Section 4(f) property (Boston Public Library, a National Historic Landmark) and that the action includes all possible planning to minimize harm. Moreover, FTA determined there would be no Section 4(f) use of the Old South Church, a National Historic Landmark because compliance with Section 106 for proximity impacts resulted in a finding of "no adverse effect." (23 CFR 771.135(p)(5))

Please let me know if you have any questions regarding this matter. The FTA looks forward to continuing to work with the MBTA on this important transit improvement.

Sincerely,



Richard H. Doyle  
Regional Administrator

Attachment

**FEDERAL TRANSIT ADMINISTRATION  
REGION I**

**Finding of No Significant Impact**

**Project: Copley Station Accessibility Improvement**

**Applicant: Massachusetts Bay Transportation Authority (MBTA)**

**Project Location: Boston, Massachusetts**

**Purpose and Need**

The Americans with Disabilities Act (ADA) of 1990 requires public transit agencies to identify key stations and develop a plan to implement accessibility improvements at these stations. The Copley Station has been determined to be a key station based on ADA criteria. The primary purpose of this project is to make the station compliant with the ADA.

**Alternatives Considered**

Since the existing station has no accessible entrance, the No Build alternative does not meet the project purpose and need to make the station compliant with the ADA.

Beyond the No Build Alternative, the MBTA identified several options for locating elevators at Copley Station (originally identified in the 1995 Schematic Design Report for the MBTA's Light Rail Accessibility Program). The MBTA conducted an alternative analysis to assess the impacts of the project against the transportation, construction, accessibility, operational and pedestrian/customer needs of the station. The consideration of alternatives is further limited by the ADA's requirement that the accessible route and entrance shall, to the maximum extent practicable, coincide with the circulation path of the general public (ADA – 49 CFR Part 37, Appendix A sections 10.3.1 and 10.3.2).

**Proposed Project**

The primary purpose of the Copley Station accessibility project is to meet the federally mandated key station plan objectives of accessibility to individuals with disabilities. Making this station accessible will require new work or renovations at surface and platform levels. At the surface level, new elevators to gain entry to the inbound (Boston Public Library) and outbound (Old South Church) platforms will provide access from the street to the fare mezzanine.

Other accessibility improvements include raising the entire platforms to 8 inches above top-of-rail to allow individuals in wheelchairs to enter the new low-floor trains and installation of a public address system with LED signs. New lighting, accessible fare collection, emergency exit stairs and a new electrical service from Arlington Station are also included.

**Agency Coordination and Public Opportunity to Comment**

The MBTA has involved a number of agencies, local officials and the public in the planning and design of the Copley Station project. The EA was made available to the public on June 28, 2004 with the comment period closing on July 28, 2004. A public hearing was held on July 15, 2004.

**Determinations and Findings**  
National Environmental Policy Act (NEPA) Finding

FTA served as the lead agency under NEPA for the project. The MBTA prepared an Environmental Assessment (EA) in compliance with NEPA, 42 U.S.C. 4321 et. seq. and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the project's potential significant impacts.

After reviewing the EA and supporting documents and public comments, the FTA finds under 23 CFR 771.121 that the proposed project will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

Section 106 Compliance

Section 106 of the National Historic Preservation Act requires the review of federally assisted projects for impacts to districts, sites, buildings, structures and objects listed in, or eligible for inclusion in the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for the National Register (36 CFR Part 800).

The project site is immediately adjacent to the Old South Church and the Boston Public Library, National Historic Landmarks. In preparation of a Section 106 determination the FTA and the MBTA coordinated with the Massachusetts Historical Commission (MHC) and the Boston Landmarks Commission (BLC) to ensure the surface elements of the Copley Station accessibility improvements are compatible with these historic structures.

Based on this consultation and analysis prepared by the MBTA, the FTA submitted a determination of effect to the SHPO on January 23, 2004. On January 29, 2004 the MHC concurred with FTA's determination that the proposed project will have no adverse effect on historic resources.

Section 4(f) Findings

According to Section 4(f) of the Department of Transportation Act of 1966, codified as 49 U.S.C. 303, the Secretary of Transportation may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge or any significant historic site unless a determination is made that: there is no feasible and prudent alternative to the use of land from the property; and the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 771.135). An element of the proposed project, construction of a new elevator at the inbound Copley Station, will use land from the Boston Public Library, a National Historic Landmark (NHL). The FTA submitted to the Department of Interior (DOI) a Section 4(f) evaluation that was prepared by the MBTA that analyzed alternatives to the proposed action to ensure that all possible planning had been undertaken to minimize harm to the historic resources.

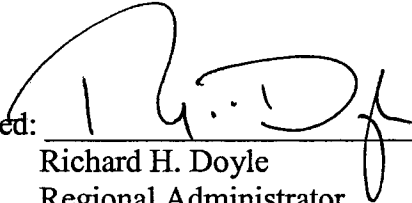
An alternative not presented in the 4(f) evaluation was to locate the elevator 150 feet away from the station entrance in front of the recent library addition and thereby avoid NHL property. FTA did not consider this alternative to be prudent and feasible since it would not coincide with the circulation path of the general public (ADA – 49 CFR Part 37, Appendix A sections 10.3.1 and 10.3.2). Although not identified in the 4(f) evaluation, this alternative is presented in the EA as an option considered and dismissed during the NEPA process. Beyond considerations of the ADA, the EA presented two design options for this alternative. The first option would involve significant engineering issues such as the need to construct a new tunnel for fare collection purposes that would conflict with a 30' sewer line. In lieu of the tunnel, the second design option involves the construction of a caged gate system which would isolate the passenger and create operational impediments. Neither of these two designs for this alternative (tunnel or caged gate system) is appropriate nor feasible.

Moreover, FTA determined there would be no Section 4(f) use of the Old South Church, a National Historic Landmark because compliance with Section 106 for proximity impacts resulted in a finding of "no adverse effect." 23 CFR 771.135(p)(5).

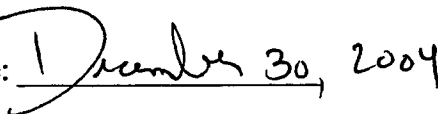
By letter dated May 10, 2004, DOI concurred with FTA's 4(f) determination that there is no prudent and feasible alternative to the proposed action.

Finally, it is FTA's position that Section 4(f) requirements do not apply to the rehabilitation of the historic inbound headhouse because the SHPO concurred in FTA's determination that the project will not adversely affect the historic qualities of that transportation facility. 23 CFR 771.135(f).

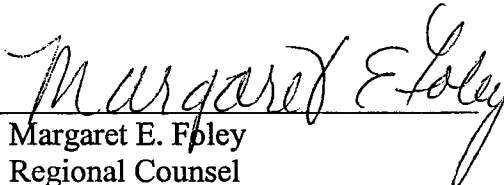
Approved: \_\_\_\_\_

  
Richard H. Doyle  
Regional Administrator  
FTA, Region I

Date: \_\_\_\_\_



Concur: \_\_\_\_\_

  
Margaret E. Foley  
Regional Counsel

Date: \_\_\_\_\_

