Norfolk Southern Railway Company
Birmingham Regional Intermodal Facility
McCalla, Jefferson County, Alabama

Administrative Action
Finding of No Significant Impact

Pursuant to the
National Environmental Policy Act of 1969 as amended
[42 U.S.C. § 4332(2)(c)]

by the

US Department of Transportation
Federal Highway Administration

and

US Department of Transportation
Federal Railroad Administration

Cooperating Agency:
Alabama Department of Transportation

Approved:

12/28/10
Date

Karen J. Rae
Karen J. Rae, Deputy Administrator
Federal Railroad Administration

12/28/10
Date

for Donald W. Miller
Melisa Ridenour, Division Engineer
Eastern Federal Lands Highway Division
Federal Highway Administration

Project Commitments

Norfolk Southern Railway Company
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The project will be developed in accordance with all applicable laws and specifications of the U.S. Department of Transportation (USDOT) and Norfolk Southern Railway Company (NSR) *Standard Specifications for Roadbed, Track and Structures*. The Alabama Department of Transportation (ALDOT) specifications will be used where applicable. Best Management Practices (BMPs) will be stringently implemented throughout the construction period.

ALDOT will ensure that NSR uses the following measures to avoid, minimize, and/or mitigate impacts to the human and natural environment associated with construction and implementation of Build Alternative 3, McCalla M1 (hereinafter "Preferred Alternative").[1]

- **Wetlands** – NSR will avoid wetlands where possible and minimize impacts to the extent practicable. However, wetlands within the footprint of the facility (1.44 acres) may be impacted by the project. Unavoidable impacts to wetlands will be mitigated as required by permitting agencies. As on-site mitigation is impractical, NSR has completed an agreement with the Cahaba River Mitigation Bank to purchase wetland credits in compliance with the calculated requirements of the Wetland Rapid Assessment Procedure (WRAP) used by the Mobile District of the U.S. Army Corps of Engineers (USACE) to assess appropriate mitigation offsets for this project.

- **Streams** –NSR will avoid streams where possible and minimize impacts to streams to the extent practicable. Streams within the footprint of the facility may be impacted by the project. Based on the current design, 3,256 linear feet of stream channel may be impacted. Potential water quality impacts will be minimized through the implementation of BMPs during both construction and operation of the facility. The unavoidable loss of stream channel will be offset through compensatory mitigation. NSR has completed an agreement with the Cahaba River Mitigation Bank to purchase stream credits in compliance with the calculated requirements of the WRAP used by the Mobile District of the USACE to assess appropriate mitigation offsets for this project which will ensure that appropriate stream mitigation is accomplished.

- **Floodplain** – NSR will incorporate the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and they do not anticipate substantial floodplain impacts. The project will cross designated special flood hazard areas, but engineering design provides for protection of the floodplain and floodplain function will not be compromised. NSR will install multiple retention

[1] A Memorandum of Agreement between FHWA, ALDOT, and NSR will cover all applicable aspects of the Project to ensure the responsibilities of all parties are clearly delineated.

and detention ponds within the facility boundaries, and impacts are not anticipated to adversely affect the existing floodplain elevations. No impacts to floodplains outside of the BRIMF are anticipated. The stormwater control system would provide storage to allow discharges to mimic predevelopment hydrology, minimize initial flows following rain events, and decrease resultant peak flows.

- **Stormwater** – NSR will construct and implement a stormwater detention system that will provide adequate storage and treatment of stormwater runoff. Detention basins will be of adequate size and discharge pipes will include control valves to serve as spill prevention and protection devices in the unlikely event that a spill leaves the concrete pad area. The native soils are clay and ideal for detention ponds, and therefore do not require additional clay lining. Appropriate BMPs will be followed to minimize erosion, turbidity, and/or other potential impacts to streams. Degradation of waters will be avoided through the implementation of BMPs and a site-specific Storm Water Pollution Prevention Plan (SWPPP).

- **Permits** – NSR will comply with all permitting requirements with respect to impacts to wetlands and streams, and as required by Sections 401, 402, and 404 of the Clean Water Act (CWA). Applicable permits include:

  - USACE: Section 404 Permit under the CWA.
  - Alabama Department of Environmental Management (ADEM): National Pollutant Discharge Elimination System (NPDES) Permit.
  - ADEM: Section 401 Water Quality Certification

- **Air** – The Preferred Alternative is expected to result in an overall net air quality benefit by taking truck traffic off the area's highways, with a net reduction in MSAT emissions, and will not have a significant impact on air quality. However, to reduce potential air impacts to nearby residents, NSR will use ultra low-sulfur transportation grade diesel fuel (0.0015 percent sulfur) for NSR container and trailer handling equipment. NSR will use Tier 4 technology on the overhead lift cranes and hostlers.

- **Noise and Visual** – No significant noise or visual impacts are expected from construction or operation of the Preferred Alternative. However, to address concerns about potential visual impacts to nearby residents, landscape berms will be constructed along portions of the southern, western, and eastern sides of the facility where the top of the berm will be approximately 15 feet higher than the top of the adjacent pavement. Additional visual impacts will be controlled by using non-standard 100-foot tall downward directed lighting fixtures in areas that require illumination to reduce off-site impacts.

- **Archaeological** – Though no known archaeological resources are within the project site, if an unidentified archaeological site is found during construction, NSR will cease all construction activities in the immediate area where archaeological material is discovered. NSR construction will not restart activities in this area until appropriate clearances have been obtained. The State of Alabama State Historic Preservation Office and any Native American tribes with interests in the area will be immediately contacted so that representatives may have the opportunity to examine and evaluate the archaeological material.

- **Operational Measures** – To reduce operational impacts, NSR will maintain and service intermodal equipment only in the designated maintenance pad area and appropriate treatment systems and controls will be in-place and operational in accordance with applicable permit requirements. NSR will keep the facility secured by fencing and closed circuit monitoring to prevent vandalism and unauthorized site access. Facility staff will be properly trained on appropriate emergency response actions and protocols in the unlikely event of a hazardous materials spill and will have readily available the necessary contact information for local, state, and Federal emergency responders as well as emergency response contractor resources. Facility employees, working with NSR environmental staff and local authorities, will have around the clock access to these emergency response resources.

Table of Contents

Project Commitments i
1 Type of Action 1
2 Action 1
2.1 Project Overview 1
2.2 Purpose and Need for Action 1
3 Summary of Alternatives 2
Figure 1 BRIMF Alternative Locations 3
3.1 Alternatives Reviewed But Eliminated From Further Consideration 4
3.1.1 Alternative 1 - Irondale 5
3.1.2 Alternative 2 - Ensley 5
3.1.3 Alternative 4 – McCalla M2 6
3.1.4 Alternative 5 – McCalla M3 7
3.1.5 Alternative 6 - Vance 8
3.1.6 Alternative 7 – Woodstock (Bibb County) 9
3.2 Alternative 3 - McCalla M1 (Preferred Alternative) 11
Figure 2A: Preferred Alternative (11x17) 13
Figure 2B: Preferred Alternative (11x17) 14
3.3 No Build Alternative 15
3.4 Area of Potential Effect 16
4 Summary of Project Impacts and Mitigation 17
4.1 Land Use 17
4.2 Transportation 18
4.2.1 Rail 18
4.3 Social and Environmental Justice 19
4.3.1 Social/Community Cohesion 19
4.3.2 Community Services 19
4.3.3 Environmental Justice 19
4.4 Displacements 20
4.5 Economic 20
4.6 Air Quality 21
4.6.1 Conformity 21
4.6.2 Mobile Source Air Toxics (MSATs) 22
4.7 Noise 22
4.8 Cultural Resources 24
4.8.1 Architectural/Historic 24
4.8.2 Archaeological Sites 24

4.9 Recreational Resources 24
4.10 Section 4(f) 24
4.11 Natural Resources 25
4.11.1 Water Quality and Aquatic Resources 25
4.11.2 Wetlands 26
4.11.3 Floodplains 27
4.11.4 Aquifer/Groundwater 27
4.11.5 Stormwater 28
4.11.6 Federally Threatened or Endangered Species 28
4.11.7 State-Listed Species 29
4.11.8 Invasive Species 29
4.11.9 Wild & Scenic Rivers 29
4.11.10 Permits 29
4.12 Visual 29
4.13 Energy 30
4.14 Hazardous Materials 30
4.14.1 No Hazardous Material Sites 30
4.14.2 Potential for Spills of Hazardous Material During Operation of the Facility 30
4.15 Pedestrian and Bicycle 31
4.16 Construction 31
4.17 Soils and Geology 31
4.17.1 Soils 31
4.17.2 Geology 32
4.18 Primary Benefits and Impacts 32
5 Public and Agency Involvement 33
TABLE 2 Summary of Revisions Made Based on Public Comment and Agency Review and Preliminary Design Process 33
5.1 Agency Involvement 34
5.1.1 NEPA Participating Agencies 34
5.2 Circulation of the Environmental Assessment 37
5.2.1 Comments Received on the Environmental Assessment 37
5.3 Public Involvement 37
5.3.1 August 18, 2009 Public Meeting Held by NSR 37
5.3.2 November 12, 2009 Public Meeting Held by ALDOT 37
5.3.3 November 9, 2010 Public Meeting and Question & Answer Session 38
6 Revisions to Environmental Assessment 39

7 Basis for Finding of No Significant Impact 40

Appendix A - Summary of Public Comments from the August 18 and November 12, 2009 Public Meetings.....A-1

Appendix B - Summary of Agency Comments from the August 18 and November 12, 2009 Public Meetings.....B-1

Appendix C - Summary of Public Comments from the October 14 to November 24, 2010 Environmental Assessment Public Review Period and November 9 Public Meeting C-1

1 Type of Action

This document is a Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA) administrative action, Finding of No Significant Impact (FONSI).

The FHWA and FRA of the U.S. Department of Transportation (USDOT) have determined that the Preferred Alternative, Alternative 3, will not have any significant impact on the human and natural environment. This FONSI is based on the October 5, 2010, Environmental Assessment (Oct 5 EA), which was signed by FRA and FHWA. FHWA and FRA independently evaluated the EA and determined it adequately and accurately discusses the needs, environmental issues and impacts of the project and appropriate mitigation measures. The Oct 5 EA provided sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) was not required. The FHWA and FRA take full responsibility for the accuracy, scope, and content of the EA. This FONSI should be read in conjunction with the approved EA.

2 Action

2.1 Project Overview

Norfolk Southern Railway Company (NSR) proposes to construct, own, and operate a new intermodal facility (IMF) known as the Birmingham Regional Intermodal Facility (BRIMF) to increase freight transportation capacity for the Birmingham, Alabama, region and to meet current and future demands for freight transportation to and from the Northeast U.S. An IMF is a facility where freight is transferred from one transportation mode to another, in this case, between trains and trucks, in order to efficiently deliver freight over long distances.

In February 2010, Alabama was selected to receive funds for this project from the USDOT, Transportation Investment Generating Economic Recovery (TIGER) Program as part of the American Recovery and Reinvestment Act (ARRA) of 2009. As a result of this Federal funding, the BRIMF project is subject to the requirements of the National Environmental Policy Act of 1969 (NEPA). This document has been prepared to meet those NEPA requirements.[2] The FRA and FHWA (both administrations of the USDOT) are the lead agencies for the project. ALDOT is a Cooperating Agency. The U.S. Army Corps of Engineers (USACE), Mobile District, under its role as permitting agency for Section 404 of the CWA, will also be preparing an EA for this project.

2.2 Purpose and Need for Action

Existing infrastructure is not adequate to serve future transportation capacity needs for the Birmingham region. A freight transportation bottleneck exists between the Birmingham region and the Northeast U.S. The BRIMF will help alleviate this bottleneck by increasing intermodal service capacity. To meet the increased demand for capacity, NSR estimates a need for a new facility that can perform 165,000 annual lifts of containers and trailers between trucks and trains.[3]

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[2] See FRA NEPA requirements at 64 Fed. Reg. 28545 (May 26, 1999); see also FHWA NEPA requirements at 23 CFR 771.

[3] In this context, a “lift” is a trailer or container loaded to a rail car or unloaded from a rail car.

To meet operational requirements and adequately serve future transportation capacity needs, the main required components as determined by NSR for the IMF are:

- Tracks connecting the BRIMF site to the existing NSR mainline;
- Three pad tracks ranging in length from 3800 – 4600 feet;
- Support yard with four storage tracks at least as long as the pad tracks;
- Paved areas for parking approximately 1,468 trailers and containers on chassis;
- Administration, modular maintenance trailer, and modular operations trailer for transportation operations, security, and maintenance; and
- Equipment maintenance pad with spill control and stormwater management features and other related facilities.

The purpose of the BRIMF is to improve freight transportation capacity for the Birmingham, Alabama region to meet growing freight transportation demand. Anticipated benefits of the project include economic and employment benefits as well as a reduction of long-haul truck traffic on congested highways between the Birmingham region and other regions. Less long-haul truck traffic should reduce wear to highways from heavy trucks, decrease traffic accidents, and improve air quality through the use of energy efficient transportation alternatives.

3 Summary of Alternatives

A suitable location is a critical requirement to satisfy the purpose and need for the BRIMF. NSR used the following critical evaluation factors to consider a site viable:

- Sufficient Land. Sufficient land, properly configured, is necessary to develop a facility that can meet intermodal demand and support the IMF operating requirements. The site must be a rectangular tract consisting of approximately 260 useable acres (approximately 6,500 feet long by 1,500 feet wide).
- Proximity to Existing Rail Corridors and U.S. or Interstate Highways. This evaluation factor is necessary to minimize transit times for the local trucking component of intermodal service and minimize impacts to local traffic and roadways. As this terminal is an intermediate rather than a destination facility, it is intended to serve intermodal transport through trains, and must be located near direct track access.
- Location. The IMF must be located near potential customers in an area convenient for industrial and commercial economic activities.

Seven alternatives were evaluated for the BRIMF project (Figure 1). Six alternatives were originally selected based on NSR's research related to the sites' abilities to satisfy the evaluation factors ; the seventh was added based on public input.

Figure 1
BRIMF Alternative Locations

Insert 11x17 size; landscape

- Alternative 1 – Irondale
- Alternative 2 – Ensley
- Alternative 3 – McCalla M1 (Preferred Alternative)
- Alternative 4 – McCalla M2
- Alternative 5 – McCalla M3
- Alternative 6 – Vance (Tuscaloosa County)
- Alternative 7 – Woodstock (Bibb County)

3.1 Alternatives Reviewed But Eliminated From Further Consideration

Alternatives 1, 2, 3, 4, and 5 are within Jefferson County, while Alternative 6 is in Tuscaloosa County and Alternative 7 is in Bibb County (Figure 1). Alternative 3 has track improvements extending approximately 0.2 mile into Tuscaloosa County. Among the build alternatives considered, there would be little difference in the sizes of the new IMF that NSR would construct. Each IMF would have common design features, and each would be capable of meeting the operational requirements of the facility to include accommodating the infrastructure and space needed to provide for 165,000 annual lifts and ensuring that intermodal trains can access the facility from either mainline or depart from the IMF to take either rail route. NSR analyzed each of the alternatives through a two-step screening process designed to assess each alternative in light of the purpose and need, as described in detail in the EA. NSR used a first level screening to assess each site's size and location relative to its ability to meet the purpose and need; NSR then used the second level screening to assess each remaining alternative's construction, operation, and environmental considerations. Alternatives 1 and 2 did not meet the first critical evaluation factors related to size and location described in the EA at Section 3.3; as a result, NSR did not carry them forward for the second level screening. NSR evaluated the remaining alternatives through the second level screening.

NSR, with FHWA and FRA concurrence, eliminated Alternatives 4, 5, 6, and 7 from further consideration under the second level screening because they:

- Failed to meet one or more of the critical evaluation factors, which must be met for a project to be considered viable, as noted above, to include sufficient land area, proximity to existing rail corridors, and/or location near the customer base, or
- Had site constraints for constructability which could include topography, streams and floodplains, and potential conflicts with existing infrastructure or were further from the customer base or existing highways, or
- Were judged inferior to Alternative 3 with respect to potential impacts to natural resources and cultural resources or have undesirable operating costs or inefficiencies.

Detailed analysis related to each alternative's assessment against the critical evaluation factors appears below.

3.1.1 Alternative 1 - Irondale

The location of Alternative 1 is immediately southeast of the Norris Yard Terminal and just northeast of the convergence of two NSR mainlines on the northeast side of Birmingham. An IMF at this site could serve intermodal trains on both mainlines but, as currently configured, the Chattanooga mainline does not have direct access to the Atlanta mainline at this location. Intermodal trains operating from the Chattanooga mainline would need to cross over to the Atlanta mainline just southwest of the site at Irondale and reverse direction to either enter or exit the facility. The Irondale site is in proximity to interstate highway infrastructure providing access to the customer base. The site is about 3 miles from both the I-20/I-59 interchange and the I-20/I-459 interchange.

The BRIMF at the Irondale site would be limited to approximately 47 acres between the Norris Yard Terminal and the existing NSR Atlanta mainline. Existing land cover includes upland forests, shrub land, small open areas, existing train tracks, and forested tributary floodplains along the eastern portion of the site. Streams draining the site flow east into the upper Shades Creek system of the Cahaba River basin. Development of this site would require the relocation of various segments of existing track, NSR fiber lines, and a sewer line, the removal of an existing pump house, the expansion of an existing ballast deck bridge, and the construction of a 0.5-mile access road with an approximately 600-ft span of bridge over existing track. Although no existing grade crossings are located within the site, one grade crossing is located about 1,600 ft beyond the southwestern extent of the lead track at 20th Street (Irondale). This grade crossing is only 300 ft east of the cross-over track between the mainlines; and intermodal trains switching between the mainlines to enter or exit the facility would block it frequently. NSR, with FHWA and FRA concurrence, eliminated Alternative 1 Irondale during the first level screening, for failing to meet the purpose and need because:

- The Irondale site fails to meet the critical evaluation factors for sufficient site size and configuration to accommodate the BRIMF minimum facility requirements. With dimensions of 4,200 ft long and 700 ft wide at its widest point, the Irondale site is much smaller than the minimum required dimensions (6,600 ft long by 1,500 ft wide) and would not be capable of meeting the demand for intermodal service in the Birmingham region.
- This site fails to meet the critical evaluation factors for size and configuration. As an additional consideration, the Irondale site is east of the convergence along the Atlanta mainline; as a result, the switching and reversal in direction needed to maneuver intermodal trains into or out of the facility would not only add transit time but would result in extended local traffic disruptions at the existing 20th Street grade crossing and an overall slow-down of the mainline traffic through this area.

3.1.2 Alternative 2 - Ensley

Alternative 2 would consist of constructing and operating the BRIMF at the former site of the U.S. Steel Ensley Works, located just north of I-20/I-59 in Jefferson County. The Ensley site consists of approximately 227 acres that include the industrial brownfield

site of a former steel mill and an existing rail terminal served by another railroad company.

The Ensley site would provide for access to the nearby interstate using busy urban streets, but is 8 track miles from the NSR mainline on a circuitous segment of rail line that has a speed limit of 20 miles per hour (mph), numerous grade crossings, and no access by NSR intermodal trains. This route between the NSR intermodal route and Ensley through the urban center of Birmingham (16 miles round-trip), with its low speed limits, route crossings of other railroads, lack of signal, and numerous grade crossings on these tracks, plus the circuitous routing would result in extremely time-consuming train access and uncompetitive transit times that would be too slow for efficient intermodal operations. NSR merchandise trains periodically use these tracks between the NSR mainline and Ensley and require about 4 hours transit time in each direction.

NSR, with FHWA and FRA concurrence, eliminated Alternative 2, the Ensley site, from further evaluation because the site failed to meet the critical evaluation criterion for location along the NSR mainline intermodal route and, therefore did not meet the purpose and need for the Project. The slow transit times would increase operating costs, decrease transportation efficiency, and substantially compromise the purpose and need for ensuring reliable, efficient, and time-competitive intermodal service.

Although the critical evaluation factor for mainline location alone eliminates the site, additional critical limiting factors for the Ensley site regarding transportation optimization and efficiency include the following:

- Combining the NSR mainline intermodal route with an alternative route to Ensley would further contribute to increases in transit time and operating costs and fail to meet the purpose and need.
- Switching operations of the BRIMF would periodically interfere with and slow train traffic on the nearby Burlington Northern Santa Fe (BNSF) Railway mainline, which crosses the Ensley rail line at grade only 200 ft beyond the northern lead track.
- The insufficient distance between the facility and the two existing grade crossings on the southern end of the site would disrupt the flow of local traffic.

3.1.3 Alternative 4 – McCalla M2

Alternative 4 would consist of constructing and operating the BRIMF in the area of McCalla in southwestern Jefferson County, Alabama, at a location[4] just northeast of the Preferred Alternative. McCalla M2 is in proximity to interstate highway infrastructure, providing convenient access to the Birmingham region customer base.

The BRIMF at the McCalla M2 site would encompass approximately 266 acres abutting the southeast side of the existing NSR mainline, which parallels I-20/I-59 to the north and Eastern Valley Road to the south. Existing land cover includes transitional (agricultural to residential) land, agricultural, forested, and shrub uplands, and a

[4] This area has recently been annexed in the City of Bessemer, Alabama.

forested stream corridor along the southeast side of the existing NSR mainline. The northeastern portion of the site encompasses the forested floodplain of a small tributary to Fivemile Creek in the Valley Creek watershed (Black Warrior River basin). An existing grade crossing is located at the northeast end of the site at McAdory School Road within about 4,300 ft from the main facility footprint.

NSR, with FHWA concurrence, eliminated Alternative 4 from further investigation because there would be insufficient distance between the switch to the main facility and the existing grade crossing at McAdory School Road to avoid negative impacts to local traffic flow, and because there would be greater potential for impacts to forested wetlands.

The critical evaluation factors resulting in the elimination of the McCalla M2 site from further consideration by NSR and FHWA include the following:

- **Potential grade crossing impacts.** The McCalla M2 site would not provide adequate acreage for a sufficiently long lead track configuration on the northeast end of the facility, which would result in the need for slower train approach speeds, increased time for intermodal trains to enter the facility, and extended traffic disruptions at McAdory School Road during normal BRIMF operations. Moreover, an overall slow-down of the NSR mainline through this area could occur. McAdory School Road provides direct access between Old Tuscaloosa Highway to the north and Eastern Valley Road to the south, including the nearby McAdory High School and the I-459 interchange at Eastern Valley Road. NSR could avoid traffic impacts by constructing an overpass at McAdory School Road, but this would very likely require displacing several existing residences and businesses and would involve a substantial increase in the overall construction budget and an extension of the construction schedule.
- **Potential wetland and stream impacts.** The McCalla M2 site exhibits a higher potential for wetland impacts than any of the other alternative sites considered. It contains 28.8 acres of wetland area, including 26.4 acres of forested wetlands. The McCalla M2 site also contains 3,782 ft of perennial streams, nearly 1,000 ft more than the Preferred Alternative. The floodplain at the northeast end of the McCalla M2 site would present challenges for drainage and construction of leads, passing tracks, and trailer parking areas in that vicinity.

3.1.4 Alternative 5 – McCalla M3

Alternative 5 would consist of constructing and operating the BRIMF in the area of McCalla in southwestern Jefferson County and eastern Tuscaloosa County, Alabama at a location just southwest of the Preferred Alternative on the opposite side of the NSR mainline and adjacent to Jefferson Metropolitan Park. It is in proximity to interstate highway infrastructure, providing access to the Birmingham region customer base.

The BRIMF at the McCalla M3 site would encompass approximately 226 acres abutting the northeast side of the existing mainline, which parallels Old Tuscaloosa Highway and I-20/I-59 to the north. Existing land cover includes agricultural uplands and a substantial area of tributary floodplain bisecting the middle of the site. Several small tributaries to

Mill Creek in the Shades Creek watershed (Cahaba River basin) intersect the site. In addition, a 500-kV Alabama Power Company transmission line within a 200-ft-wide maintained right-of-way (ROW) crosses the main portion of the site. An existing grade crossing is present along the southwestern lead track at Kimbrell Cutoff Road, a distance of about 1,400 ft from the main facility footprint. A train switching at the facility from the south could block Kimbrell Cutoff Road.

NSR, with FHWA and FRA concurrence, eliminated Alternative 5 from further investigation due to transmission line impacts, grade crossing factors, and greater environmental impacts based on the following critical evaluation factors:

- **Topography and constructability.** Approximately 2,500 ft of the existing Alabama Power Company 500-kV transmission line angles through the main portion of the site and would require relocation prior to construction of an IMF. Relocating this high-voltage line would require a substantial increase in the overall construction budget and an extension of the construction schedule.
- **Potential grade crossing impacts.** The longitudinally compressed configuration of this site would require a shorter lead track at the southwest end of the facility and a distance of only 1,400 ft between the switch to the main facility and Kimbrell Cutoff Road. The insufficient distance to the grade crossing would result in extended traffic disruptions at Kimbrell Cutoff Road during normal BRIMF operations. NSR could avoid traffic impacts by constructing an overpass at Kimbrell Cutoff Road, but this would involve a substantial increase in the overall construction budget and an extension in the construction schedule and could require displacing an existing residence and business.
- **Potential wetland and stream impacts.** The McCalla M3 exhibits a higher potential for perennial stream impacts than any of the other alternative sites considered. This site contains 6,184 ft of perennial streams, over 3,400 ft more than the Preferred Alternative, and 15.8 acres of wetland area, all of which are forested wetlands. The location of a substantial area of tributary floodplain in the middle of the site would complicate avoidance and minimization of stream and wetland impacts in the site design of Alternative 5.

3.1.5 Alternative 6 - Vance

Alternative 6 would consist of constructing and operating the BRIMF in the town of Vance, Tuscaloosa County, Alabama. The Vance site is just south of U.S. Highway 11 about 1 mile west of Vance along the south side of the NSR mainline. This alternative site is the most distant from the customer base in metropolitan Birmingham, and container deliveries would have no easy, direct access to a north-south interstate.

The BRIMF at the Vance site would encompass about 194 acres among hilly topography and ravines. Existing land cover at the site includes upland forest, managed timberlands, a sanitary sewer spray irrigation field in the middle of the site, a strip mine, and a tributary floodplain in the western portion of the site. Streams draining the site flow west into the Hurricane Creek system of the Black Warrior River basin. Four

existing grade crossings are present within the footprint of the lead tracks to the Vance site, and a fifth existing grade crossing is present immediately west of the site.

NSR, with FHWA concurrence, eliminated the Vance site from further consideration based on the following critical evaluation factors:

- **Distance to Birmingham customer base.** The Vance site is too far from the metropolitan Birmingham customer base to optimize the intermodal transportation efficiency needed to successfully compete with long-haul-truck freight transportation. The I-20/I-59 access near the Vance site (Exit 89) is 17 miles from the I-20/I-59 and I-459 interchange (Exit 106) on the south side of Birmingham. This distance of 34 miles round-trip from and to I-459 would result in critically time-consuming local truck deliveries and pick-ups, especially to access the I-65 north-south route into the customer base. Compared to the Preferred Alternative, the additional cost per year for NSR rail operating costs and highway drayage costs (local trucking) would be $2.4 million.
- **Topography and constructability.** The Vance site is of marginally suitable size (194 acres) and configuration to accommodate the minimum BRIMF requirements, and with its hilly topography and ravines, site grading would be difficult, protracted, and expensive with greater potential impacts on environmental resources than the Preferred Alternative. Site construction and drainage design could be further complicated by issues associated with the existing strip mine extending through the western portion of the site. Other potential conflicts with site development include the existing sanitary sewer spray irrigation field in the middle of the site and an electric transmission line that bisects the site.
- **Potential grade crossing impacts.** Four existing grade crossings are within the footprint of the lead tracks, and a fifth existing grade crossing is immediately west of the site. The distance between the main facility switches and all five grade crossings is less than 5,000 ft and, therefore, insufficient to avoid impacting local traffic flow. These multiple grade crossings would result in the need for slower train approach speeds, increased time for intermodal trains to enter the facility, and extended local traffic disruptions during normal facility operations.

3.1.6 Alternative 7 – Woodstock (Bibb County)

Alternative 7 would consist of constructing and operating the BRIMF in the town of Woodstock, Bibb County, Alabama. This site is just west of Woodstock on the north side of the NSR mainline. Participants in the August 18, 2009, public meeting identified this site for consideration. The site is about 3 miles northeast of Vance, and 0.7 mile south of the intersection of U.S. Highway 11 and Alabama Highway 5 at Woodstock Junction. The Woodstock site is relatively distant from the metropolitan Birmingham customer base, being located about 30 miles southwest of downtown Birmingham and 18 miles southwest of downtown Bessemer.

The BRIMF at the Woodstock site would encompass about 323 acres of undeveloped forested and second growth uplands on steeply sloping terrain. The NSR mainline is in a valley and the terrain rises abruptly away from the mainline to an elevation nearly

100 ft higher at the north (back) edge of the site. Several headwater streams drain south from the site and flow to the Caffee Creek system within the Cahaba River basin.

An existing grade crossing is present within the facility footprint toward the east end of the site at Strickland Drive in Woodstock. NSR field observations and measurements indicate the likely need to either realign the mainline track or replace two existing overpasses toward the east end of the site due to limiting horizontal clearances with the existing track configuration. Potentially sensitive non-residential receptors within 0.5 mile of the site include Woodstock Baptist Church, Woodstock United Methodist Church, Bibbville Baptist Church, Academy Park, and Woodstock School.

NSR, with FHWA and FRA concurrence, eliminated Alternative 7 from further investigation because of its greater distance to the customer base, its steep topography that would pose difficult and costly challenges to construction and site drainage, and the insufficient distance between the main facility and the existing grade crossing at Strickland Drive to avoid negative impacts to local traffic flow in the town of Woodstock.

NSR, with FHWA and FRA concurrence, eliminated the Woodstock site based on the following critical evaluation factors:

- **Distance to Birmingham customer base.** The Woodstock site is too distant from the metropolitan Birmingham customer base to optimize the purpose and need for the Project. The site is over 10 interstate miles from the I-459 interchange, the primary entry point to the Birmingham interstate network, and over 3.7 local road miles from interstate access. This round-trip distance of 18.6 miles to reach the southern end of the metropolitan Birmingham customer base would require time-consuming truck access to and from the BRIMF, and this would compromise the Project purpose and need to ensure fast, reliable, and time-competitive service.
- **Topography and constructability.** Alternative 7 would pose major construction and drainage design challenges as a result of its steep topography. The terrain slopes upward from the NSR mainline to an elevation nearly 100 ft higher at the northern (back) edge of the site. Site grading would be difficult and protracted because of the need for deep cuts, an imbalance of available fill areas, the likelihood of encountering rock, and the need to remove a substantial amount of excavated earth to a suitable offsite location for disposal. The slope of the site toward the mainline would complicate drainage design and any modifications required to the existing series of culverts beneath the mainline. Thus, the site grading and drainage costs required to construct an IMF at this site would be substantially higher than those of the Preferred Alternative.
- **Potential grade crossing impacts.** Alternative 7 would not provide for a sufficiently long lead track between the BRIMF and the Strickland Drive grade crossing on the east end of the facility in Woodstock. Maintaining the existing grade crossing would result in the need for slower train approach speeds, increased time for intermodal trains to enter the facility, and extended traffic disruptions during normal BRIMF operations. Efficient operation of the facility would likely require closure of the Strickland Drive grade crossing because the construction of an overpass would not be feasible due to the existing roads, structures, and topography of the area.

As an additional practical siting consideration limiting the favorability of the Woodstock site, NSR field observations and measurements indicate the likely need to either realign the mainline track or replace two existing overpasses toward the eastern end of the site due to limiting horizontal clearances with the existing track configuration. These modifications would substantially increase the construction costs and extend the construction schedule.

3.2 Alternative 3 - McCalla M1 (Preferred Alternative)

The Preferred Alternative (Alternative 3 or McCalla M1) consists of constructing and operating the BRIMF in the area of McCalla in southwestern Jefferson County and eastern Tuscaloosa County, Alabama. Following additional preliminary design, the track segments extending into Tuscaloosa County have been shortened. This change has eliminated one water crossing. As depicted below in Figures 2A and 2B, the Preferred Alternative will encompass approximately 261 acres of land, 205 acres of which are pasture formerly used for agriculture, oriented lengthwise along the mainline with dimensions of about 6,600 ft by 1,500 ft. abutting the southeast side of the existing NSR mainline, which parallels I-20/I-59 to the north and Eastern Valley Road to the south.

The Preferred Alternative, including its running track adjacent to the NSR mainline, will span a distance of approximately 4.3 miles along the mainline between Mileposts 161 and 166. This site is located about 20 miles southwest of downtown Birmingham and 8 miles southwest of downtown Bessemer. It is in proximity to interstate highway infrastructure, providing convenient access to the Birmingham region customer base. The site entrance would be located along McAshan Drive approximately 1.4 miles southeast of I-20/I-59 (Exit 104) and 3 miles from the interchange between I-20/I-59 and I-459 (Exit 106) on the south side of Birmingham. Jefferson Metropolitan Park is located on the opposite side of the NSR mainline from this site. Truck traffic will enter and exit the BRIMF using McAshan Drive between I-20/I-59 and the facility entrance on the south side of the road.

Small tributaries to Mill Creek in the Shades Creek watershed (Cahaba River basin) intersect the southwestern portion of the site. An existing 115-kilovolt (kV) Alabama Power Company power line crosses the main facility footprint. An existing grade crossing is located along the southwestern lead track at Kimbrell Cutoff Road, over 5,300 ft from the track exit to the approach pad footprint. Potentially sensitive non-residential receptors within 0.5 mile of the site include McAdory Elementary School, Tannehill Child Development Center, Tannehill State Park, and Bellview Church.

Alternative 3 was determined to provide the most favorable features for optimizing the purpose and need for the facility while minimizing the potential for adverse social and environmental impacts. Alternative 3 was selected by NSR, with FHWA and FRA concurrence, as the Preferred Alternative because it achieves the objectives of the critical evaluation factors to meet the project purpose and need for the following reasons:

- The facility will be located along the NSR mainline that handles intermodal traffic.

- The site size and configuration are sufficient to accommodate the minimum facility requirements and provide for effective intermodal operations.
- The site features gently sloping topography favorable for construction and drainage facility design.
- The facility will be close to the Birmingham customer base, only 3 miles from the facility entrance to the I-20/I-59 and I-459 interchange.
- The facility will be close to interstate highway access, 1.4 miles away, and McAshan Drive has the available capacity to accommodate the facility truck traffic.
- The linear configuration of the site will provide for a sufficiently long lead track on the southwest end of the facility to avoid extended disruption of local traffic at the existing Kimbrell Cutoff Road grade crossing during normal facility operations.

This site affects a very small area of forested wetlands. Moreover, perennial streams and floodplains are limited mainly to the southwestern end of the site, which facilitates the avoidance and minimization of wetland and stream impacts in the site design.

Figure 2A: Preferred Alternative
(11x17)

Figure 2B: Preferred Alternative
(11x17)

Following the assessment of impacts of the Preferred Alternative, including indirect and cumulative impacts, the October 5 EA and related environmental studies identified no significant impacts that will occur under the Preferred Alternative. Measures were developed to avoid, minimize or mitigate minor impacts; the unavoidable impacts and appropriate mitigation are discussed in more detail below.

3.3 No Build Alternative

The No Build Alternative represents future conditions in the project area without increasing intermodal capacity for the Birmingham region. The No Build Alternative assumes that NSR will continue to use the existing Norris Yard IMF in Irondale. The No Build Alternative would not cause any immediate, direct impacts to the human or natural environment in the project area.

The No Build Alternative would fail to satisfy the demand for much needed additional IMF capacity for the Birmingham region and other regions and would fail to achieve the articulated purpose and need for the project for the following reasons:

- The Norris IMF is only approximately 8 acres and does not meet the capacity requirements for intermodal freight.
- The non-intermodal rail infrastructure surrounding the Norris Yard IMF makes improvements, expansions, and substantial additional intermodal service offerings there impractical.
- The supplemental capacity to perform the projected additional lifts and to meet the additional transportation demands would not be available at the Norris Yard.
- Growth in the freight market would cause an increase in long-distance highway truck traffic rather than an increase in environmentally preferable rail-truck intermodal service;[5]
- Without adequate rail-truck intermodal service, economic growth would be hampered; and
- Inadequate IMF capacity would eliminate the public benefits of intermodal transportation by decreasing transportation[6] and energy efficiency[7] and increasing emissions.[8]

[5] FHWA Freight Analysis Framework (FAF) [Version 2.2", 2002 http://ops.fhwa.dot.gov/freight/freight_analysis/faf/index.htm] forecasts that the tons of freight transported will likely almost double by 2035 from its 2006 level.

[6] ATA estimates long-haul truck productivity has decreased since 2002 due to a number of factors including congestion, fuel costs and regulation changes. [ATA, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," 9 Jul 2008.]

[7] A train loaded with containerized freight can carry equivalent to about 280 trucks loaded with freight. [AAR, Freight Rail Works 280 Fact Sheet, 2009, http://www.freightrailworks.org/280.html]

[8] AAR estimates that on average, moving freight by rail as compared with moving freight by truck reduces greenhouse gas (GHG) emissions by 75%. [AAR, "Rail Intermodal Keeps America Moving," November 2009. http://www.aar.org/Economy.]

3.4 Area of Potential Effect

The Area of Potential Effect (APE) includes 311 acres that were obtained by NSR for the facility. Within this area, preliminary design planning identified a total area of 261 acres that will be required for construction and therefore represent the total area of potential effect from construction and operation of the BRIMF. Within this 261 acres, the project will include 90 acres that will be paved, 40 acres that will be developed for the road bed, 27 acres that will be used for retention ponds, 66 acres will be landscaped and vegetated, and 38 acres that will be affected during construction only and will remain undeveloped.

The resource areas that will be affected within the larger APE of the project (i.e. resource areas) for both the Preferred Alternative and the No Build Alternative are listed in Table 1.

TABLE 1

Areas of Potential Effect for Preferred and No Build Alternatives

APE	Preferred Alternative	No Build Alternative
Land Use	Use of 261 acres of agriculturally-zoned land, including 205 acres of former pasture, for nonagricultural purposes. Local zoning preempted by federal law.	No change
Social	No evidence of any low-income or minority populations or neighborhoods with predominantly low-income or minority populations adjacent to or near project. Social interactions within community will continue unhindered.	No change
Air Quality	Minor increase in emissions of criteria pollutants and Mobile Source Air Toxics (MSATs) expected.	No change
Recreational Resource	None within project area.	No change
Hazardous Materials Impacts	No existing hazardous materials sites identified within footprint. Only minor quantities of hazardous materials transported through IMF.	No change
Displacements	No Relocations or Displacements.	No change
Noise	Potential receptors include students and faculty at McAdory Elementary School and residents of Sadler Ridge community.	No change
Section 4(f)	None within project area.	No change
Visual	No areas of high visual quality or visually sensitive resources exist in area. NSR will mitigate visual impacts by routing all traffic to McAshan Drive through berms and other visual barriers.	No change
Pedestrian and Bicycle	No bicycle paths or sidewalks within project area.	No change

TABLE 1
Areas of Potential Effect for Preferred and No Build Alternatives

APE	Preferred Alternative	No Build Alternative
Transportation	Improved efficiency in transporting freight. Reduced long-haul truck traffic and associated congestion and emissions.	Long-haul truck transport would continue to add congestion and emissions.
Economic	Approximately 230 new full-time jobs plus temporary construction jobs. In Birmingham region, cumulative economic impact of $4 billion and 8000 new, saved, or benefitted jobs by 2020.	No change
Cultural Resource	No listed or eligible archaeological resources or National Register of Historic Places (NRHP)within project area.	No change
Natural Resources	3,256 linear feet of perennial and intermittent stream; 1.44 acres of wetland; 1,694 linear feet of floodplain, but no loss of floodplain function; No federally- or state-listed endangered species; no National Wild and Scenic River System within project area.	No change
Energy	10.6 million gallons of fuel estimated saved on annual basis	Loss of economic value of fuel savings.

4 Summary of Project Impacts and Mitigation

4.1 Land Use

Associated BRIMF improvements to the main rail line will extend approximately 0.2 mile southwest into adjacent Tuscaloosa County and 1.1 miles to the northeast; however, all construction activities related to these associated improvements will be located within the existing ROW and no change in land use will occur.

The intermodal facility itself will be located within an agriculturally-zoned 311-acre site, primarily in the southwestern portion of unincorporated Jefferson County, less than 2 miles southwest of the southernmost extent of the City of Bessemer. The majority of the project area is rural in nature; however, the BRIMF represents a fraction of 1 percent of the overall 1,124 square mile area of Jefferson County.

The BRIMF will use approximately 261 of the overall 311 acres of land for nonagricultural purposes. Specifically, NSR will use 157 of the 261 acres to build the IMF and use 104 acres to create landscaped or revegetated areas that will surround and act as a buffer for the facility from neighboring properties.

In recognition of the importance of rail transportation in interstate commerce and the likelihood of resistance in locating rail and rail-related facilities, the U.S. Congress enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local planning and zoning laws and ordinances. See Interstate Commerce Commission Termination Act of 1995 (ICCTA), 49 U.S.C.§ 10501 et seq. The main requirement for applicability of this preemptive statute is that the operations conducted by the railroad be related to rail transportation,

which an intermodal facility clearly is.[9] In addition, the location of the rail line itself through McCalla was established in the late 1800's. Therefore, rail use of the area was established long ago and dictates the general location for transportation facilities like the intermodal facility.

Based on the ICCTA and related court findings, use of and long history of existing railroad ROW and surrounding property, and the small portion of agriculturally-zoned land being used for nonagricultural purposes, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant land use impacts.

4.2 Transportation

4.2.1 Rail

The BRIMF will combine rail and truck freight movements to improve transportation capacity for the Birmingham region and provide an energy efficient alternative for current and future freight transportation. It will also improve operational efficiency and speed of freight delivery. The additional capacity of the BRIMF is required to meet growing freight demand. The facility will annually handle an estimated 165,000 loaded trailers or containers moving between the Birmingham Region and the Northeast in addition to freight moving in other, lower volume corridors.

Based on the location and design, construction or operation of the BRIMF in the location of the Preferred Alternative will have positive impacts to rail transportation.

4.2.2 Traffic

As a direct impact of the site, traffic is expected to increase in the vicinity of the IMF's entrance on McAshan Drive. However, using an estimated growth rate of 3% through site build out by 2015, there are no significant impacts from the BRIMF. The level of service on McAshan Drive will be acceptable according to ALDOT standards and specifications in 2015 with or without the presence of the BRIMF.

Trucks and trailers delivering or picking up containers from the BRIMF will be required to use McAshan Drive as their only available access to the facility from I-20/59. An ordinance was enacted by the Jefferson County Commission to restrict truck traffic on Eastern Valley Road. Signs placed around the entrance and exit of the BRIMF will clearly indicate that no trucks with containers or trailers from the BRIMF are permitted on Eastern Valley Road.

The following key mitigation measures for regulating traffic on McAshan Drive near the entrance will be implemented by NSR and Jefferson County as part of the project:

- A tapered lane on eastbound McAshan Drive for access into the BRIMF will be constructed with a radius for the right turn to accommodate WB-50 design trucks and to enable traffic to exit McAshan Drive as expeditiously and safely as feasible.
- Construction of the BRIMF site entrance/exit will provide one inbound and one outbound lane. A single outbound lane, with a reduced radius for right turning traffic movements, will assist in preventing trucks from turning right out of the facility

[9] 49 U.S.C. § 10501(b)(2).

toward Eastern Valley Road, where trucks (except those for local delivery) are prohibited. The radius is designed to accommodate passenger cars only and discourage truck traffic. There will also be yellow flashing lights that are activated when a vehicle is pulling out of the entrance onto McAshan Drive.

The projected conversion of freight from all-highway to rail intermodal service will reduce future highway truck traffic by an estimated 55.7 million loaded truck miles per year on the interstate highways between Birmingham and the Northeast. This conversion to rail intermodal transport will produce substantial safety and environmental benefits and relieve highway congestion. An additional 25.5 million loaded truck miles will be avoided with the conversion of Southeast seaport and other traffic to intermodal.

Based on the location and design, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant impacts on traffic.

4.3 Social and Environmental Justice

4.3.1 Social/Community Cohesion

The Preferred Alternative will not represent a barrier to social interaction or community cohesion. During construction, area roads will remain unimpeded in order to provide safe and uninterrupted passage for area residents to local destinations, such as places of worship, community services, government assistance offices, and hospitals. Social interactions within the community will continue unhindered. There are no anticipated impacts associated with the BRIMF concerning social isolation, segmentation, or disruption of local communities. Since the Project will avoid community segmentation and relocations, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant adverse impacts on local communities.

4.3.2 Community Services

The facility might cause a slight increase in the need for fire, police, hospital or other type of emergency services due to increases in traffic and population. Emergency services will be provided by the McAdory Area Fire District in McCalla, AL. Area roads will remain unimpeded to continue to ensure safe and uninterrupted passage for area residents.

Construction or operation of the BRIMF in the location of the Preferred Alternative will not introduce impediments to the provision of community services. As such, the Preferred Alternative will have no significant impacts to community services.

4.3.3 Environmental Justice

This project has been developed in accordance with Executive Order (EO) 12898 and *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* (1994), which requires identifying and mitigating disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment. The U.S. Environmental Protection Agency (USEPA) considers impacts to Environmental Justice populations as measurable if a disproportionate share of the adverse socioeconomic impacts is borne by minority and

low-income communities compared with those of a comparison population, in this case Jefferson and Shelby Counties.

Due to its receipt of Federal funding for transportation projects, the Regional Planning Commission of Greater Birmingham (RPCGB) Transportation Planning Division must regularly evaluate using FHWA procedures potential Environmental Justice issues across Jefferson and Shelby Counties. As a result, it has developed a scaled and tailored comparative process for assessing the potential impacts of its transportation planning process on Environmental Justice populations at the U.S. Census Bureau block group level. Based on these census data, there is no substantial concentration of low-income populations in the area around the Preferred Alternative, while minority groups represent approximately 0 to 10 percent of the nearby population as compared with 36 percent of Jefferson and Shelby Counties' overall population. For these reasons, construction or operation of the BRIMF in the location of the Preferred Alternative will not have a disproportionately high and/or negative impact on low income or minority populations, and therefore there will be no significant impacts.

4.4 Displacements

No business or residential relocations or displacements will occur due to construction or operation of the BRIMF in the location of the Preferred Alternative.

4.5 Economic

Construction of the BRIMF is estimated to create 1,042 work-years of employment, while operation of the BRIMF will provide employment for approximately 230 persons (terminal employees and local truck delivery drivers) with an estimated average salary of $51,800 in 2008 dollars, yielding a total annual payroll of $11.9 million. Additional short-term jobs will be created both on- and off-site during construction and site development. At this time, it is anticipated that most employees will be from Birmingham and the surrounding region. At its peak, the construction workforce will represent less than 3 percent of the total 2005 population of the South Bessemer/Oxmoor Planning District while the operation workforce will represent less than 1 percent. This creation of employment will result in additional personal income for the purchase of goods and services within the region.

Year 2005 employment in the South Bessemer/Oxmoor Planning District, the location of the BRIMF, was estimated at approximately 16,000 while the 2009 unemployment rate for Jefferson County is 10.3 percent. Based on these numbers, adverse impacts to socioeconomic resources associated with the construction and operation of the BRIMF are expected to be minimal because of the ability of the greater metropolitan Birmingham market to absorb local employment and housing fluctuations. Additionally, since the majority of the workforce employed onsite during construction and operation of the BRIMF will likely come from within the Birmingham region, local infrastructure and community services are not anticipated to be noticeably affected. The Birmingham regional economic benefits study estimates that, due to freight transportation demand in the region, the BRIMF could contribute a cumulative economic impact of $4 billion by 2020, and create, save, or benefit more than 8,000 jobs in the same period.

Another economic impact of the BRIMF is the potential taxes payable by NSR and others related to the construction and operation of the BRIMF and the development it is projected to attract. These taxes will increase the funds available to support government activities.

The BRIMF will have positive impacts on economic development in the Birmingham area.

4.6 Air Quality

4.6.1 Conformity

In 2005, the USEPA designated Jefferson and Shelby Counties as nonattainment areas for the annual standard for fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). In 2009, the USEPA designated the same area as nonattainment for the 24-hour standard for $PM_{2.5}$.

In 2006, USEPA approved a request for the redesignation of the Birmingham area 8-hour ozone nonattainment area to attainment. In 1999, ADEM requested that USEPA approve a State Implementation Plan (SIP) revision containing a 10-year ozone maintenance plan for the Birmingham area (1-hour standard), to include all of Jefferson and Shelby Counties (USEPA, 1999). As a result of this designation, both counties are currently considered to be an ozone “maintenance area” for the 1-hour standard, meaning that the area is considered to be in attainment of the 1-hour ozone National Ambient Air Quality Standards (NAAQS), but will continue to be monitored to ensure that the air quality does not deteriorate and actually improves over time.

An ambient air quality dispersion modeling analysis was performed by CH2M HILL to evaluate the potential impacts of facility operation on ambient air quality for $PM_{2.5}$, and other pollutants. Modeling was performed in the immediate vicinity of the facility for these pollutants using USEPA-developed models and modeling approaches.

The modeling analyses were designed to assess the potential impact on ambient air quality at the nearest residences and at the McAdory Elementary School, which is adjacent to the southwest boundary of the project site. The dispersion modeling analysis included $PM_{2.5}$ emissions, since Jefferson County has been designated as a nonattainment area for this pollutant.

The results of the modeling analysis demonstrate that the emissions from the facility (assuming maximum operation at design capacity) will not interfere with attainment of the annual $PM_{2.5}$ standard, nor will they cause or contribute to predicted violations of the NAAQS for $PM_{2.5}$. The maximum predicted impact of the facility on ambient $PM_{2.5}$ concentrations (assuming maximum continuous operation) is less than 2 percent of the annual NAAQS of 15 micrograms per cubic meter ($\mu g/m^3$) and less than 5 percent of the 24-hour NAAQS of 35 $\mu g/m^3$. To further assess compliance with the NAAQS for $PM_{2.5}$, the modeling results were added to the existing background air quality level for $PM_{2.5}$, which was obtained from the maximum observed ambient concentrations of $PM_{2.5}$ at the closest $PM_{2.5}$ monitor in Jefferson County near the McAdory High School. This approach demonstrates that even a worst-case impact of the facility operations will not result in an exceedance of the NAAQS for $PM_{2.5}$ when combined with the existing ambient background concentrations in the area.

Although the area is classified as a “maintenance area” for ozone, modeling of ozone was not performed because the emissions of ozone precursor pollutants from this facility (volatile organic carbon [VOC] and oxides of nitrogen [NO_X]) are minor and will not be expected to have a measurable impact on local or regional ozone concentrations. It should also be noted that there are currently no NAAQS for VOCs; therefore, an ambient air quality dispersion modeling analysis of VOC emissions is not required for this analysis and was not performed.

Based on the modeling analyses and data analysis indicating that emissions of ozone precursor pollutants are minor, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant impacts to the Birmingham area’s air quality conformity.

4.6.2 Mobile Source Air Toxics (MSATs)

MSAT emissions from activities associated with the BRIMF operation are predominantly exhaust emissions from visiting locomotives, visiting trucks, and IMF dedicated support equipment. BRIMF emissions of acrolein, benzene, 1, 3-butadiene, diesel PM, formaldehyde, naphthalene, and polycyclic organic matter (POM) were compared to published 2002 Jefferson County emissions of those pollutants. The facility’s maximum estimated emissions of these pollutants will represent only a very small percentage (0.0054 to 0.11 percent) of county-wide emissions.

Construction-related MSAT emissions are not anticipated to be significant for this project as construction is not planned to occur over an extended building period. However, construction activity may generate temporary increases in MSAT in the project area. On a regional basis, the MSAT emissions from the BRIMF will not be significant.

While the facility emissions will represent a very small increase in MSAT emissions in Jefferson County, it is also noted that the BRIMF will effectively divert a large number of trucks to rail that will otherwise provide long-haul trucking services from the region to the Northeast and other regions in the U.S. The operation of the BRIMF is estimated by NSR to result in a reduction of more than 81 million vehicle miles traveled (VMT) annually. This diversion will result in substantial reductions in fuel usage (estimated by NSR to be more than 10.8 million gallons/year by 2020). By reducing the combustion of diesel fuel, emissions of acrolein, benzene, 1, 3-butadiene, diesel PM, formaldehyde, naphthalene, and POM will be reduced on a national and regional basis. Therefore, operation of the BRIMF is expected to result in an overall net air quality benefit, with a net reduction in MSAT emissions, and will not have a significant impact on air quality. Although not required based on the analysis, to reduce any potential air impacts to nearby residents, NSR will use ultra low-sulfur transportation grade diesel fuel (0.0015 percent sulfur) for NSR container and trailer handling equipment. NSR will also use Tier 4 technology on the overhead lift cranes and hostlers.

4.7 Noise

To predict future noise levels caused by the Birmingham Regional IMF, sound levels associated with construction, roadways, trains, and operation of cranes, loaders, and other equipment inside the yard area were determined separately. The peak truck hour

was used to evaluate traffic noise using the FHWA's Traffic Noise Model equations. A noise study was performed for the EA and information on noise provided in the EA and public meetings. The highest estimated peak hour traffic noise to the south of the access road is 49 dBA, which is below the FHWA criterion of 67 dBA and consistent with typical suburban background (see EA, Table 4-10.2). At a nearby site where existing noise was measured, an increase of 2 dBA was estimated which is not substantial. These analyses, which are described in detail in the EA and provided in a noise report, indicate that there will be no significant impacts from traffic noise. Note, however, that the noise study and analysis was conservative in that it did not incorporate the visual screening barriers that will further attenuate sound from trucks moving along the access road. Landscape berms will be constructed along portions of the southern, western, and eastern sides of the facility where the top of the berm will be approximately 15 feet higher than the top of the adjacent pavement. When the visual barrier was included in the model, average noise at the access road and adjacent Sadler Ridge subdivision decreased 4-6 dBA.

An estimated six trains will arrive at or depart from the BRIMF daily: three projected during the night and three projected during the daytime. Each train operation at the facility is estimated to last for approximately 1 hour. The noise levels of the trains as well as the noise levels for the cranes, hostlers, side loaders and refrigeration units were evaluated from literature and measurements from other facilities and input to a computer noise model. The estimated average noise was compared to the existing ambient noise at subdivisions and an adjacent elementary school. The existing ambient data at the school varied from 47 dBA to 53 dBA; the estimated noise level is 55 dBA. Based on FRA/FTA guidance, there will be no impact to the school.

The L_{dn} noise (average noise with penalty of 10 dBA over nighttime) from operation of the BRIMF at the Sadler Ridge residences is projected to be 52 dBA. The existing Ldn noise levels, based on measured noise at several locations in the area, are estimated to be in the range of 60 to 66 dBA. Evaluation of these existing and project noise exposures per the FRA/FTA guidance concludes that there will be no impact to the Sadler Ridge residences.

The L_{dn} noise from operation of the BRIMF at the residences along Eastern Valley Road is projected to be 60 dBA. The existing Ldn noise levels, based on measured noise at several locations in the area, are estimated to be in the range of 58 to 59 dBA. Evaluation of these existing and project noise exposures per the FRA/FTA guidance indicates that there will be moderate impact to these residences.

Additional detail is provided in the EA and noise study report. As previously noted, additional noise attenuation will occur as a result of visual barriers in the construction design plans. This noise attenuation has not been factored into the noise estimates above. Based on the planned mitigation and operational procedures, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant noise impacts.

4.8 Cultural Resources

4.8.1 Architectural/Historic

Pursuant to the guidelines for Section 106 of the National Historic Preservation Act (NHPA), as outlined in 36 Code of Federal Regulations (CFR) Part 800, studies were conducted to determine if any cultural resources exist in the project's APE that are listed in or eligible for listing on the NRHP.

At the Alabama Historical Commission's office in Montgomery, records of the NRHP, the Alabama Register of Landmarks and Heritage, the Alabama Historic Cemetery Register, the Alabama Historic Bridge Inventory, and Jefferson County survey were reviewed to determine if any NRHP eligible, nominated, or listed resources are within the APE or within a one-mile radius of the same. The research revealed that there were no previously recorded properties within the Project area.

Pedestrian surveys for both archaeological and architectural resources were conducted, and an architectural resources survey was performed. One farm complex greater than 50 years of age was identified and evaluated, but did not satisfy NRHP criteria and was thus determined ineligible for listing by the State of Alabama Historic Preservation Office. The field survey conducted determined that no architectural or historical features would be adversely affected by construction or operation of the BRIMF in the location of the Preferred Alternative; therefore there will be no significant impacts to historic resources.

4.8.2 Archaeological Sites

A records search was conducted to identify archaeological resources within the APE that will meet the Criteria of Eligibility for the NRHP set forth in 36 CFR Part 60.4. No listed or eligible archaeological resources were identified within the archaeological APE. A field survey which included systematic shovel testing of the construction footprint was completed. Five isolated artifact finds were identified, but none were determined potentially eligible for listing on the NRHP. The field survey determined that no archaeological features will be impacted by construction or operation of the BRIMF in the location of the Preferred Alternative.

4.9 Recreational Resources

The primary special land use near the site is Tannehill Ironworks Historical State Park, located outside the APE approximately 3 driving miles to the south. Comprising more than 1,500 acres in three counties, the park provides opportunities for hiking, camping, and other forms of outdoor recreation. No direct or indirect impacts will occur to this recreation area. No other outdoor recreation areas were identified in the project area for the Preferred Alternative.

4.10 Section 4(f)

As documented in the EA, no public park, recreation land, wildlife refuge, or historic sites are within the project area for the Preferred Alternative.

4.11 Natural Resources

Environmental surveys of the Preferred Alternative site and adjacent areas for the purpose of identifying streams, wetlands, and potential habitat for protected species and Alabama species of concern were performed. The results are outlined below.

4.11.1 Water Quality and Aquatic Resources

Twenty-six waterbodies (21 streams, 5 ponds) were identified within the area with potential to be developed for the BRIMF. Eight of the streams were identified as ephemeral during field investigations, and six were described as drainage ditches or stormwater conveyances of low quality, with little or no wildlife habitat value. These man-made drainages were built to manage water associated with the railroad tracks. The ponds on the site are stream impoundments with turbid water typical of farm ponds. The remaining intermittent and perennial streams were described as medium to high quality with wide flood zones and riparian vegetation in areas, providing wildlife habitat within and adjacent to the streams. Many of the streams on the site have been affected by agricultural uses, including grading, clearing, and straightening.

The BRIMF and its supporting infrastructure will encroach upon surface waters because of the need for the intermodal pad and track to be in a contiguous configuration adjacent to the mainline. However, the project has been designed, modified, and refined to avoid and minimize wetland and stream impacts, where practicable, to less than significant adverse impacts. Impacts to on-site aquatic resources have been minimized to a less than significant adverse impact and achieve the basic project purpose. Design features will be or have been used by NSR in the design, construction and operation of the BRIMF that will allow for avoidance and/or minimization of wetland and stream impacts. These features incorporated by NSR include the following:

- After determining minimum sizing of facility structures, site features were overlaid on topographic and wetland mapping to minimize impacts streams and wetlands, where possible.
- Stream crossings will be designed at or near 90 degree angles, where practicable, to minimize stream impacts.
- Stream crossings will be designed to avoid meanders to reduce stream length impacts.
- NSR has completed an agreement with the Cahaba River Mitigation Bank to purchase 14,226 stream credits in compliance with the calculated requirements of the WRAP used by the Mobile District of the USACE to assess appropriate mitigation offsets for this project which will ensure that appropriate stream mitigation is accomplished.
- Natural bottom of streams at crossings will be maintained where practicable using bottomless culverts.
- Retaining walls will be used to avoid placing fill in stream channels and/or stream relocations.

- Rechannelization of streams will be minimized when using culverts. Within the limits of geotechnical concerns, NSR will use steepened slopes to reduce the footprint of the facility on floodplains.
- Native material from other areas of the site and/or clean fill will be used as fill material in wetland areas.

Locating the BRIMF within the Preferred Alternative will result in permanent impacts to 3,256 linear feet of perennial and intermittent streams, 1.1 acres of ephemeral streams, and approximately 4.9 acres of ponds. The reduction in length of lead track has resulted in avoiding impacts to 0.45 acre of wetlands and 270 linear feet of stream.

Temporary impacts on water quality could result from construction activities that lead to soil disturbance and exposed soil, which will create the possibility for the transport of sediment and soil-bound pollutants into adjacent or downslope streams. The potential water quality impacts will be temporary and could extend downstream of the construction footprint; however, NSR will implement and maintain construction BMPs to minimize the potential for construction-related impacts to a less than significant level. All impacts to jurisdictional waters are being mitigated through purchase of stream and wetland mitigation credits from the Cahaba River Mitigation Bank.

NSR will Implement a drainage and stormwater management system, including retention ponds, spray irrigation network, and outlet control features, will retain and treat stormwater runoff from the site and attenuate stormwater releases to the downstream tributaries.

NSR will use design features to retain runoff from lesser rain events within the ponds to minimize changes in flow volume characteristics discharging from the site under normal hydrologic conditions. The potential changes in surface water flow volume discharging from the site under normal hydrologic conditions will be incrementally small and diminish as other tributaries enter the system downstream (e.g., western tributary to Mill Creek) and watershed area increases. Impacts to downstream waters are not anticipated to be significant. With these mitigation measures, the impacts from construction or operation of the BRIMF in the location of the Preferred Alternative will not be significant.

4.11.2 Wetlands

Approximately 4.07 acres of wetlands exist on 11 wetland sites. Two of these wetlands are forested (1.28 acres), and nine of them are emergent (2.79 acres). A total of six wetlands with permanent impacts of 1.44 acres will be impacted. In addition, 1.11 acres of ephemeral streams will be permanently impacted which will be treated as wetlands for mitigation purposes. The Preferred Alternative has been designed to avoid impacts to wetlands and minimize impacts where they must occur. The unavoidable wetland impacts will be mitigated to a less than significant level through purchase of 3.283 credits at an approved mitigation bank within the Cahaba River watershed. Therefore, construction of the BRIMF in the location of the Preferred Alternative will result in no net loss of wetlands.

Operational activities of the BRIMF are not expected to have impacts on wetlands in the area.

4.11.3 Floodplains

In accordance with EO 11988, the analysis of floodplain impacts includes provisions of the CWA, the National Flood Insurance Act, the Flood Disaster Protection Act, and other applicable provisions relating to floodplain impacts. The facility has been designed to ensure that pre- and post-hydrology, including stormwater discharge, will not change significantly due to the project.

The BRIMF will cross two Special Flood Hazard Areas: one along Shades Creek and one along Mill Creek. Construction of the switching track within the existing ROW (to the southwest of the BRIMF site) will cross approximately 1,694 linear feet of the floodplain of Shades Creek. Impacts associated with the construction and operation of this portion of the BRIMF will be minor and temporary since activity will be limited to the existing ROW, which is elevated above the actual floodplain and appropriate BMPs will be used. No loss of floodplain function will occur.

A second floodplain corridor along Mill Creek will be traversed by the storage and pad tracks as they exit the BRIMF to meet the ROW of the main rail line. The western edge of the BRIMF, including small portions of the elevated landscape berm, concrete drop pad, and trailer spaces are also within the Mill Creek floodplain. These impacts will not result in a loss of floodplain function.

The water crossings have been designed by NSR to convey floodwaters so that there will be no risk of property damage or loss of life due to the encroachment in the floodplains. Based on the design features, the BRIMF will not have an adverse effect on the floodplain including riparian habitat and local residences/businesses. The floodplain will not change significantly due to the project; and, impacts will not adversely affect the existing floodplain elevations. No impacts to floodplains outside of the BRIMF will occur.

4.11.4 Aquifer/Groundwater

The construction and operation of the BRIMF will not require withdrawal of groundwater; nor will the Project be expected to deplete nearby surface water bodies. Thus, no impacts to groundwater quantity are anticipated.

A geotechnical investigation of the site was completed with 140 borings. The study indicated that there is an expansive clay layer that lies under the site which will minimize any impacts that may occur to groundwater from a spill. Soils in the area are poorly drained silt loams which will also reduce any impacts to the surficial aquifer from any spills on the project site. The facility will also follow its Spill Prevention, Control, and Countermeasures Plan (SPCC) to prevent spills and minimize their impacts should they occur.

No public water supply wells were found within 1 mile of the BRIMF site. Using the Geological Survey of Alabama's files for the project area, two private wells were identified within the same Geologic Survey Section (Section 15) as the site, but their coordinates were not available. Eighteen other private wells were identified in other Geologic Survey Sections, but it is unknown whether they are located within 1 mile of the site. Typically water supply wells are installed in deeper, high-producing aquifers; therefore, it is not anticipated that the BRIMF will impact these wells.

Based on the planned construction techniques and operations of the BRIMF, construction or operation of the BRIMF in the location of the Preferred Alternative will have no significant impacts to groundwater.

4.11.5 Stormwater

NSR will develop a stormwater control system that will provide storage to allow discharges to mimic pre-development hydrology and minimize initial flows following rain events and also decrease resultant peak flows. To prevent excessive runoff from entering the receiving streams during and following rainfall events, NSR will design and implement a stormwater detention system that will operate during both construction and operation of the facility. The stormwater detention system is designed so that post-construction flows do not exceed pre-construction flows (designed for the 2-year event). In addition, an oil-water separator system is included to treat surface water outflow from the maintenance pad. Thus, no significant impacts to stormwater discharge are anticipated.

For transportation facilities like the BRIMF, USEPA regulates post-construction stormwater discharges from vehicle maintenance and equipment cleaning operations, and specifies that only those portions of a rail transportation facility that are involved in such operations constitutes regulated stormwater from industrial facilities. The stormwater management system receives runoff from the pads and track areas, which do not constitute industrial stormwater. The detention facilities will provide stormwater treatment above and beyond the requirements of the Alabama General Permit for the Discharge of Storm Water from an Industrial Activity Permit No. ALG14000000 and the discharge will meet water quality standards established by the State of Alabama for the receiving water bodies.

The stormwater management system also serves a dual function. The drainage system for the facility will include valves at the outlets to the stormwater management system to allow the detention basin outfalls to be closed under certain circumstances. NSR will include these valve closures to allow the onsite detention to serve a secondary function for spill control in the unlikely event that a release of materials occurs that exceeds the containment capacity of the on-site concrete pad. NSR has installed similar detention valves at other facilities and necessity for their use has been rare. Thus, construction or operation of the BRIMF in the location of the Preferred Alternative will not have significant impacts to stormwater discharge.

4.11.6 Federally Threatened or Endangered Species

No federally listed threatened, endangered, or candidate fish or mollusk species, State protected fish or mollusk species, or Alabama fish or mollusk species of high conservation concern were detected during surveys. Terrestrial field surveys conducted by biologists in May, June, and August 2009 did not identify potentially suitable habitats for federally listed threatened, endangered, or candidate plant and wildlife species, or State protected wildlife species in the project area. One Federally endangered plant species, the leafy prairie clover (*Dalea foliosa*), historically occurred in northern Jefferson County, but the limestone glades or limestone barrens habitats this species is known to occupy are not found in the project area and adverse impacts will be unlikely to occur.

USFWS documented its concurrence with the findings and reports for this project, concluding that the BRIMF will be unlikely to adversely affect federally threatened, endangered, or candidate species.

4.11.7 State-Listed Species

No evidence of state protected species was found. Since no state protected species were found, adverse impacts are unlikely to occur.

4.11.8 Invasive Species

NSR will adhere to the guidelines of EO 13112 while constructing and maintaining the project in an attempt to control and prevent spread of invasive exotic species to project site. NSR will use invasive-free seed mixtures and native plant species to re-vegetate areas disturbed during contraction.

4.11.9 Wild & Scenic Rivers

No watercourses or rivers within the project site are listed on National Wild and Scenic Rivers System (NWSRS) or in Nationwide Inventory of Rivers for potential inclusion in NWSRS within project area. Therefore, construction or operation of the BRIMF in the location of the Preferred Alternative will not have an impact on wild and scenic rivers.

4.11.10 Permits

The following state and Federal environmental permits will be obtained by NSR and/or ALDOT for the project:

- USACE Individual Permit for Impacts to Waters of the U.S. (including wetlands, floodplains, and aquatic resources).
- 401 Water Quality Certification.
- NPDES Stormwater Individual Permit for Construction.
- Alabama Department of Environmental Management (ADEM) Permit No. ALG140000for Discharges Associated with Transportation Industries.

4.12 Visual

There are no areas of high visual quality or visually sensitive resources exist in area. The facility will be largely obscured by a naturally occurring ridge, existing wooded areas that will not be disturbed, and the addition of constructed visual barriers (e.g. landscape berms) along several parts of the project boundary.

In the interest of safety, security, and operational efficiency, the BRIMF will feature 100-ft light poles. However, lighting will include cut-off lamps only, with illumination ranging from 1 to 5 foot-candles, depending on onsite location, and minimal or no illumination of adjoining properties. Lighting poles along the entrance road from McAshan Drive will be 25 ft high on 100-ft centers to provide reasonable uniformity in lighting and to reduce glare. Based on the natural topography, planned landscape berms and the directional lighting, construction or operation of the BRIMF in the location of the Preferred Alternative will not significant impacts to visual resources.

4.13 Energy

Energy consumption will result from activities related to site preparation and construction of the BRIMF. It is anticipated that the main fuel source for construction activities will be diesel fuel. Energy consumption will occur related to the manufacturing and transport of the construction components. These impacts are temporary and are not considered significant.

During facility operations, the additional trucks using the facility will use fuel. However, transport using the BRIMF will be more energy-efficient than direct transport provided by long-haul trucks. The operation of the BRIMF is estimated to result in a reduction of more than 81 million VMT annually as a result of the diversion of trucks from highways between the BRIMF, the Northeast, western destinations, and various markets in the Southeast, including seaports. The corresponding net reduction in diesel fuel use (i.e., including consideration of the fuel used in the locomotives) will be approximately 10.6 million gallons annually. This amount of fuel savings represents an equivalent of more than 200 million passenger car miles of travel.

Based on the transportation efficiencies inherent with rail versus road transportation, construction or operation of the BRIMF will not have significant impacts to energy consumption.

4.14 Hazardous Materials

4.14.1 No Hazardous Material Sites

During Phase 1 Environmental Site Assessment surveys conducted in 2009 by NSR, no existing hazardous materials or areas of contamination were identified within or within 1 mile of the Preferred Alternative's boundaries.

4.14.2 Potential for Spills of Hazardous Material During Operation of the Facility

Examples of commodities in the container and trailer shipments transferred between trucks and trains at the IMFs include: electronics, mail, toys, paper products, clothes, appliances, textiles, and auto parts. Only 3 to 4 percent of the intermodal shipments currently transported by NSR contain commodities that are considered hazardous materials. Certain commodities are prohibited from being transported through an IMF, such as toxic inhalation hazards (e.g., chlorine gas), radioactive materials, asbestos and explosive materials.

NSR owns and operates 27 different intermodal facilities. During the period 2004 through 2009, NSR intermodal transported 16,070,989 intermodal units. During that same time there were 25 spills from intermodal units inside IMFs or 0.000156% for each shipment. Of these 25 spills, 17 were one gallon or less in size and only one spill was over 25 gallons.

Despite the rare occurrence rates for spills, IMF personnel are trained and will take immediate action upon noticing a spill and have access to emergency response resources (local first responders, USEPA, USACE, and environmental contractors). NSR will also include a shutoff valve in the drainage system to ensure that any leaked material does not leave the facility.

The operation of the BRIMF will utilize small amounts of materials considered hazardous, primarily fueling and lubrication materials for on-site equipment. Maintenance and fueling activities from IMF equipment will occur within the maintenance pad area. Included in this area will be seven aboveground storage tanks (ASTs) ranging in size from 300 to 3,000 gallons. This area will be designed by NSR to provide secondary containment and other measures to protect against spills and threats to human health or the environment. In accordance with the Spill Prevention, Control, and Countermeasures Program (SPCCP) developed by USEPA, NSR will build facility drainage designed to capture and contain any releases. Additionally, the stormwater from the maintenance pad would be treated with an oil-water separator, in accordance with State and Federal environmental regulatory requirements pertaining to the handling of such materials.

Based on the low amounts of hazardous materials that will be transported through the facility, the past record of spills in similar facilities, and the containment and staff resources that will be provided in the event of a spill, construction or operation of the BRIMF in the location of the Preferred Alternative will not significant impacts from hazardous materials.

4.15 Pedestrian and Bicycle

The BRIMF is near McAdory Elementary School; however, these facilities are located on separate roadways which intersect. The school is located on Eastern Valley Road, and the BRIMF will be on McAshan Drive. Additionally, Jefferson County, AL has passed an ordinance banning all but local delivery trucks from Eastern Valley Road. Traffic from the BRIMF will use McAshan Drive to access I-20/59. Consequently, there will not be significant impacts to children or adults who cycle or walk along Eastern Valley Road to McAdory Elementary School.

4.16 Construction

During construction of the BRIMF, some impacts are expected that could affect local residents, businesses and travelers, including: utility relocations, construction-related traffic, noise, and air quality impacts. However, these impacts will be temporary in nature. In addition, proper planning and implementation of BMPs will alleviate these impacts or minimize air/noise and sedimentation/ erosion impacts. Therefore, construction of the BRIMF in the location of the Preferred Alternative is not expected to have significant impacts.

4.17 Soils and Geology

4.17.1 Soils

Construction of the BRIMF will require land-disturbing activities to approximately 261acres of land, which will result in permanent and temporary impacts to the topography and soils in the project area. Impacts will result from grading activities as necessary to ensure safe facility construction and operation. Temporary impacts include some areas of soil compaction, most of which will be revegetated. Soil erosion will be mitigated through BMPs during construction.

No land within the project site is classified as unique farmland or land of statewide importance by the Natural Resources Conservation Service (NRCS). The current site design will impact approximately 3.0 acres of prime farmland soils. However, considering that the land is currently not under cultivation and that the acreage is small, impacts to prime farmland will not be significant for the Preferred Alternative.

4.17.2 Geology

Construction and operation of the BRIMF will be unlikely to affect the physiography and geology of the project area. BMPs to protect groundwater from incidental releases or spills of materials will be implemented by NSR, including the facility's SPCC Plan to contain, manage, and clean up a spill. In addition, the geotechnical survey for the site found that there is an expansive underlying layer of clay that will further restrict movement of surface water or releases into groundwater below this layer. With these conditions and mitigation measures, construction or operation of the BRIMF in the location of the Preferred Alternative 3 will not have significant impacts on the geology of the area.

4.18 Primary Benefits and Impacts

The primary beneficial effects of the Preferred Alternative include:

- Meets the current and future demand for intermodal (rail/truck) transportation in the Birmingham region through expanded capacity, consistent with the project's purpose and need.
- Improves efficiency in transporting freight by slowing the increase in truck traffic and associated congestion and emissions between the eastern U.S. and Birmingham by diverting an estimated 81 million loaded truck vehicle miles per year.
- Creates approximately 230 new full-time jobs directly associated with the operation of the IMF plus temporary construction jobs to build the IMF.
- Results in cumulative economic impact of $4 billion and 8,000 new, saved, or benefited jobs by 2020 in the Birmingham area.
- Results in estimated annual savings of up to 10.6 million gallons of fuel due to intermodal transportation mode.

The primary adverse impacts of the Preferred Alternative include:

- Minor but nonsignificant increases in emissions of criteria pollutants and MSATs.
- Extremely minor and insignificant noise impacts to nearby receptors that are below action levels established by FRA/FTA criteria.
- Minor but nonsignificant visual impacts that are mitigated by visual barriers.
- Use of 261 acres of agriculturally-zoned land, including 205 acres of former pasture, for nonagricultural purposes.
- Stream and wetland impacts, including: 3,256 linear feet of streams, 6.02 acres of intermittent streams and ponds, and 1.44 acres of wetlands. These impacts have

been minimized during design and will be mitigated through purchase of credits from the Cahaba River Mitigation Bank.

5 Public and Agency Involvement

NSR held two public information meetings in 2009, the first on August 18 and the second on November 12, in which ALDOT and FHWA participated, to gather input on the project's purpose and need which provided local and public input regarding location alternatives. NSR presented previously studied alternatives. During these meetings, participants had the opportunity to discuss project needs and provide suggestions for possible alignments on a map of the study area. As a results of a specific recommendation from a commenter at the August 18 meeting, NSR added Alternative 7 to the analysis for consideration.

As the conceptual planning for the BRIMF proceeded, there were several opportunities for the public, governmental agencies, and Non-Governmental Organizations (NGOs) to review and comment on the project, and especially Alternative 3, through the NEPA process and development of the EA. The following issues are of particular interest and have been specifically evaluated for potential adjustments to further avoid, minimize, or mitigate impact: Wetlands and Streams, Stormwater Management, Traffic, and Visual and Aesthetics. Table 2 outlines the various revisions made to Alternative 3 during the review process.

TABLE 2
Summary of Revisions Made Based on Public Comment and Agency Review and Preliminary Design Process

#	Area of Interest	Original Impacts	Revision Description	Benefits from Change
1	Wetlands	Loss of 0.79 acre of wetlands	Relocated pad and tracks to avoid or reduce impact to wetlands	Reduced impacts to wetlands by 0.45 acre
2	Wetlands	Loss of 0.07 acre of wetland.	Southwest end of siding track was shortened to avoid stream.	Avoided 0.07 acre of wetland impacts.
3	Wetlands	Loss of 0.30 acre of wetlands.	Redesigned rail and pad configuration and incorporated two bridge crossings.	Reduced impacts to wetlands by 0.10 acre
4	Streams	Loss of 926 linear feet of tributary to Mill Creek.	Relocated pad and tracks to avoid or reduce impact to tributary to Mill Creek.	Reduced impact to tributary to Mill Creek by 270 linear feet.
5	Streams	Loss of 656 linear feet of tributary to Mill Creek.	Redesigned rail and pad configuration incorporating two bridge crossings and a bottomless culvert to reduce impact to tributary to Mill Creek.	Reduced impact to stream channel bottom and reduced loss of tributary to Mill Creek by 436 linear feet.
6	Streams	Impacts to 123 linear feet of perennial stream.	Southwest end of siding track was shortened to avoid stream.	Avoided 123 linear feet of impacts to a perennial stream.

TABLE 2
Summary of Revisions Made Based on Public Comment and Agency Review and Preliminary Design Process

#	Area of Interest	Original Impacts	Revision Description	Benefits from Change
7	Stormwater management	Retention pond location near Eastern Valley Road and loss of 680 linear feet of perennial stream.	Relocated retention pond and added three ponds to area within pads and tracks.	Reduced impact to perennial stream by 680 linear feet and removed pond from viewshed of residents.
8	Stormwater management	Potential impacts of high volumes of water following storm events with scouring or sediment transport within tributary to Mill Creek.	Designed spray irrigation field to manage water volume and reduce potential impacts to tributary to Mill Creek.	Expanded flexibility for stormwater management to minimize or avoid impacts to tributary to Mill Creek.
9	Stormwater management	Loss of 933 linear feet of perennial or intermittent stream.	Relocated outfall in the design.	Reduced impact to perennial or intermittent streams by 179 linear feet.
10	Traffic	Potential truck movement onto Eastern Valley Road.	Redesigned access road exit to lead trucks toward Interstate I-20/59 and added signage directing trucks away from Eastern Valley Road.	Further restricted potential movement of trucks on Eastern Valley Road.
11	Visual and Aesthetics	View of site.	Addition of 2,238 linear feet of visual barriers between the BRIMF and (a) McAdory Elementary School and (b) Eastern Valley Road.	Replaced view of facility with view of vegetated earthen landscape features and/or architectural walls. Provided ancillary benefit of sound reduction.
12	Visual and Aesthetics	View of trucks on access road.	Addition of 3,000 linear feet of visual barriers between the access road and residents in Sadler Ridge community.	Replaced view of access road with view of vegetated earthen landscape features and/or architectural walls. Provided ancillary benefit of sound reduction.

5.1 Agency Involvement

5.1.1 NEPA Participating Agencies

Coordination was conducted with agencies, organizations, and interested parties several times during the preparation of the EA. These included the agencies and organizations listed below. Cooperating and participating agencies are listed below with a (C) and (P) designation, respectively.

Federal Agencies

- Federal Highway Administration (Lead Federal Agency)

- Federal Railroad Administration (Lead Federal Agency)
- U.S. Army Corps of Engineers (USACE) (P)
- U.S. Fish and Wildlife Service (FWS) (P)
- Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (P)
- Environmental Protection Agency (USEPA) Region 4 (P)
- Office of Environmental Policy and Compliance, DOI
- U.S. Geological Survey (USGS), DOI
- Federal Aviation Administration (FAA), Airports District Office
- US Coast Guard
- Bureau of Land Management, DOI
- US Forest Service, USDA
- US Department of Housing and Urban Development

State Agencies

- Alabama Department of Transportation (C) (P)
- Alabama Department of Public Safety
- ADECA
- Alabama Department of Education
- Alabama Department of Conservation
- Alabama Attorney General's Office
- Alabama Department of Environmental Management
- Alabama Development Office
- Alabama Department of Industrial Relations
- Alabama Department of Agriculture and Industry
- Geological Survey of Alabama
- Alabama Emergency Management
- Alabama Department of Tourism& Travel
- Alabama Forestry Commission
- Alabama Soil and Water Conservation

Local Agencies

- City of Birmingham Mayor's Office
- Birmingham City Council
- Regional Planning Commission of Greater Birmingham
- Birmingham Regional EMS System
- Birmingham Police Department
- Bessemer City Council
- City of Bessemer Mayor's Office

- Bessemer Police Department
- Bessemer Area Chamber of Commerce
- Jefferson County Schools
- Jefferson County Commissioners
- Jefferson County Department of Engineering
- Jefferson County Sheriff's Office
- Lakeview Fire Protection District
- City of Tuscaloosa Mayor's Office
- Tuscaloosa City Council
- Tuscaloosa County Engineer
- Tuscaloosa County Commissioners
- McAdory Fire and Rescue
- McCalla Area Fire District

- **Organizations:**

- North Star Emergency Medical Services
- Cahaba River Society
- Alabama Cattlemen's Association
- Council of Arts and Humanities
- Alabama Power Company
- The Alabama Conservancy
- Alabama Chapter of the Sierra Club

Section 106 Consulting Parties:

- Seminole Tribe of Florida
- Poarch Band of Creek Indians
- Mississippi Band of Choctaw Indians
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Historic Preservation Officer, The Chickasaw Nation
- Eastern Band of the Cherokee Nation
- Seminole Nation of Oklahoma
- Kialgee Tribal Town
- Eastern Shawnee Tribe of Oklahoma
- Cherokee Nation
- Thlopthloccco Tribal Town
- Coushatta Tribe
- The Chickasaw Nation
- Tunica-Biloxi Office of Cultural & Historic Preservation
- Alabama-Coushatta Tribe of Texas
- Creek Nation of Oklahoma
- Alabama-Quassarte Tribal Town

Appendix H of the Oct 5 EA includes comments from agencies as well as a summary of comments and responses. Appendix I includes a summary of comments from the public along with responses to them.

5.2 Circulation of the Environmental Assessment

The EA was approved on October 5, 2010 by the FRA and FHWA. Notices of Availability of the EA were published in three (3) newspapers covering the region in the project vicinity: *The Birmingham Times, The Birmingham News, The Birmingham News West Zone Edition, and the Western Star.* Local agencies were provided with hard copies of the Oct 5 EA. An electronic link to the Oct 5 EA was sent to all participating/cooperating agencies. Copies of the Oct 5 EA were available for inspection at:

- Bessemer Public Library, 400 19th Street North, Bessemer, AL 35022.
- Hueytown Public Library, 1372 Hueytown Road, Hueytown, AL 35023
- November 9, 2010 Public Meeting.

5.2.1 Comments Received on the Environmental Assessment

The EA was released for public review on October 14, 2010. The public review and comment period ran from October 14 through November 24, 2010. Members of the public were asked to submit their comments by any of the following methods:

- Mail written comments to Eastern Federal Lands Highway Division (FHWA)
- Submit comments in writing at the November 9 Public Meeting
- Provide oral comments to a court reporter at the November 9 Public Meeting, or
- Email comments to BHMIMF@ch2m.com.

A total of 45 comments were received by a postmarked date of November 24, 2010. A consolidated summary of the public comments received and responses is in Appendix C of this FONSI.

5.3 Public Involvement

5.3.1 August 18, 2009 Public Meeting Held by NSR

To provide information regarding the BRIMF and solicit public input, a public informational meeting was held in Bessemer, Jefferson County, Alabama, on August 18, 2009 at the Bessemer Civic Center. Displays presenting project information and study results were provided for each topic discussed in the EA. Meeting attendees were encouraged to record their comments with the court reporter present at the meeting, and/or to provide written comments using a comment form either at the meeting or within fifteen days following the meeting. Four hundred people signed in at the public informational meeting. A total of 264 comments were provided by 247 individuals. A consolidated summary of the public comments received and responses is in the Oct 5 EA, Appendix I. Table 3 groups the various public comments into general categories aligned with the Oct 5 EA topics.

5.3.2 November 12, 2009 Public Meeting Held by ALDOT

To provide updated information regarding the BRIMF and solicit public input, a second public informational meeting was held in Bessemer, Jefferson County, Alabama, on November 12, 2009 at the Bessemer Civic Center. Displays presenting project information and study results were provided for each topic discussed in the EA. Meeting

attendees were encouraged to record their comments with the court reporter present at the meeting, and/or to provide written comments using a comment form either at the meeting or within fifteen days following the meeting. A total of 155 people signed in at the public informational meeting. A total of 71 comments were provided by 61 individuals. A consolidated summary of the public comments received and responses is in the Oct 5 EA, Appendix I. Table 3 groups the various public comments into general categories aligned with the Oct 5 EA topics.

5.3.3 November 9, 2010 Public Meeting and Question & Answer Session

To obtain public input on the Birmingham Regional IMF project and the Oct 5 EA, a public meeting was held in Bessemer, Jefferson County, Alabama, on November 9, 2010 at the Discover Alabama Event Center. Formal presentations were made by FHWA and CH2M HILL (Environmental Consultant), questions from the public were solicited during the question-and-answer period following the presentation and informational displays were provided and staffed with individuals to answer questions before and after the presentation. Meeting attendees were encouraged to record their comments with the court reporter present at the meeting, and/or to provide written comments using a comment-form either at the meeting or within fifteen days following the meeting. Eighty people signed in at the meeting. Ten people asked questions to the panel. A total of 45 comments were provided by 44 individuals. A consolidated summary of the public comments received and responses is in Appendix C of this FONSI. Table 3 groups the various public comments into general categories aligned with the Oct 5 EA topics. There were a total of 93 individual comments made among all of these general categories.

TABLE 3

Public Comments Grouped by EA Topics

Applicable EA Section	Comment Category	Number of Comments Made		
		Aug. 2009	Nov. 2009	Nov. 2010
1	Operations	2	1	0
2	Purpose and Need	1	0	0
3	Alternatives [1]	9	0	2
4.1	Physical Setting	0	0	0
4.2	Air Quality	51	23	10
4.3	Cultural, Historic, and Archaeological Resources	4	4	0
4.4	Fish, Wildlife, and Vegetation	3	2	3
4.5	Water Resources	16	10	4
4.6	Wetlands and Floodplains	3	3	1
4.7	Soils and Geology	0	0	3
4.8	Hazardous Materials [2]	21	9	6
4.9	Land Use [3]	76	16	3
4.10	Noise and Vibration	51	23	8

TABLE 3
Public Comments Grouped by EA Topics

Applicable EA Section	Comment Category	Number of Comments Made		
		Aug. 2009	Nov. 2009	Nov. 2010
4.11	Social Elements and Environmental Justice (includes McAdory Elementary School)	117	29	8
4.12	Traffic and Transportation	109	36	13
4.13	Visual and Lighting Conditions	12	3	1
5	Indirect and Cumulative Impacts	1	1	3
6	Agency and Public Involvement	0	0	1
NA	NEPA Process	6	8	5
NA	Supporting Comments	31	10	13
NA	Other [4]	116	43	9
	TOTAL	629	221	93

Notes:

[1] excluding relocation of the hub, which is covered in land use
[2] including spills
[3] incompatible land use
[4] including concerns on property value depreciation, impact on quality of life, security, safety, liability, health, spill control, emergency plan, decrease in county's tax revenue, negative impact on local farmers' business, need of an on-site fire station, development of surrounding area, etc.; other negative comments include profit-oriented decision/disrespect to local residents' feeling, doubt in the number of new jobs that can be created, doubt in thorough evaluation of alternative sites, lack of early notice to public, imperfection in the organization of the public meeting, dishonest communication, etc.

6 Revisions to Environmental Assessment

Numerous changes were made to the draft EA based on the agency comments received (Appendix B of this FONSI) before the document was signed by FRA and FHWA. Based on comments received after the document was signed, the following revisions were made to the Oct 5 EA:

p. 4-63

In Table 4.6-1, Wetland B-WL-006, in the Permanent Wetland Impact column, the acreage changed from 0.25 to 0.39.

p. 4-106

Rail Activity and IMF Operations Noise

An estimated six trains would arrive **at** or depart from the BRIMF daily. Three of these arrivals/departures are scheduled to occur during nighttime (10:00 p.m. to 7:00 a.m.) hours. The other three are scheduled during the daytime. Train operations at **the** facility are estimated to last for approximately one hour each. It is assumed that the average speed during movement of these trains on the BRIMF site would be 15 miles per hour.

p. 4-125

The bus counts indicated that a total of 28 buses were present on Eastern Valley Road during the morning period and 23 during the afternoon period. Of these buses, **six** were noted on McAshan Drive during the morning period and **four** buses were counted on McAshan Drive during the afternoon period.

7 Basis for Finding of No Significant Impact

Based upon a detailed study of the project as documented in the Oct 5 EA, comments received from Federal, state, and local agencies, and public comments, it is the finding of the FHWA and the FRA that this project will not have a significant adverse impact upon the human or natural environment.

The construction and operation of the BRIMF will increase freight transportation capacity for the Birmingham, Alabama region and meet current and future demands for intermodal (rail/truck) transportation in the Birmingham region through expanded capacity. Completion of the project will improve efficiency in transporting freight by slowing the increase in truck traffic and associated congestion and emissions between the eastern U.S. and Birmingham reducing pavement maintenance, highway delays, fuel consumption and emissions, and highway crashes and fatalities.[10] In addition, the project will create, save, and benefit area jobs.

As outlined in Section 4, no significant impacts to natural, ecological, cultural, or scenic resources are anticipated. The project will result in the use of agriculturally-zoned land for nonagricultural uses. There will be minor impacts from noise and emissions. The project will be designed to minimize impacts to floodplains and stormwater. The project will have impacts to wetlands and streams, which will be minimized and mitigated through purchase of credits from the Cahaba River Mitigation Bank. Adverse impacts have been avoided and/or minimized using avoidance, minimization, and mitigation techniques, and multiple modifications to the design of the BRIMF reduced or avoided potential adverse impacts.

In consideration of the above evaluation, it has been determined that a FONSI is appropriate for this project. Therefore, neither an EIS nor further environmental analysis is required.

[10] *Analysis of Truck to Rail Diversion Benefits – Birmingham,* Cambridge Systematics, Inc., January 20, 2010.

Appendix A - Summary of Public Comments from the August 18 and November 12, 2009 Public Meetings

BRIMF Public Comments and Responses

The comments summarized below were developed from comments submitted by members of the public. Governmental agency and public institutional comments and responses are addressed in Appendix B. These comments were received in response to a 30-day public notice of the August 18, 2009 Public Information Meeting, a 30-day public notice of the November 12, 2009 Public Information Meeting, and for 10 business days following each of the Public Information Meetings. Additionally, comments were submitted through an electronic mail account established in July 2009 for the environmental analysis. The entirety of each comment is available in the administrative record for the environmental analyses established by the Federal Highway Administration (FHWA).

Based on those persons who signed in, approximately 400 members of the public attended the August 18 Public Information Meeting. In response to this meeting, ALDOT received approximately 265 public comments which were submitted at the meeting, mailed to ALDOT, or submitted via email. Of these 265 comments, approximately90 percent were opposed to the BRIMF and approximately 10 percent were in favor. After careful review of all comments, it was determined that of the 90 percent of those comments opposing the project, the majority disapproved with the proposed location of the facility.

Based on those persons who signed in, approximately 136 members of the public attended the November 12 Public Information Meeting. In response to this meeting, ALDOT received approximately 73 public comments which were submitted at the meeting, mailed to ALDOT, or submitted via email. Of these 73 comments, approximately 90 percent were opposed to the BRIMF and approximately 10 percent were in favor. After careful review of all comments, it was determined that of those comments opposing the project, the majority disapproved with the proposed location of the facility. For each summarized comment, responses are provided below. Where two or more comments raised common issues, questions, or concerns, or provided information also found in another comment, the comment is summarized into one comment and a common response is provided. To facilitate analysis and review, the summary of comments is organized into 16 topics which correspond to sub-sections of Sections 4.0 and 5.0 of the EA. Studies and reports referenced in these responses are available upon request by contacting FHWA.

Multiple comments, questions, and concerns were submitted to Norfolk Southern Railway Company (NSR) prior to the commencement of comprehensive studies or the completion of the proposed facility design. These particular statements are indicated by an asterisk (*) at the end of the comment.

A - Purpose and Need

A.1 The need, potential transportation benefits, and adverse effects of the proposed project should be clearly stated and substantiated.*

Response: Please refer to Agency Comment A.1 in Appendix B.

A.2 Will rail cars be switched within the terminal?

Response: An intermodal facility (IMF) is very different from a rail yard and while limited "switching" occurs at IMFs, this is not the type of switching that is most commonly associated with rail activities. Switching operations within the proposed BRIMF typically will only involve the switching and storing of a number of connected intermodal railcars, known as 'blocks,' within the terminal. Many cars will not be moved between tracks. They will arrive on a loading/unloading track and depart from that same loading /unloading track. Some cars, particularly those arriving on weekends, will be moved between loading/unloading tracks and storage tracks in long blocks. A smaller number of cars will be switched according to car type (trailer cars and container cars) and ownership depending on car-type requirements.

Based on freight transportation demand and typical NSR intermodal trains currently passing through the project area, the optimum length of intermodal trains serving the BRIMF will be 8,000 feet (ft). These trains typically will be split into a minimum number of tracks for efficiently performing lifts and minimizing train dwell time within the facility. Thus, two pad tracks approximately 4,000 ft long are required to efficiently handle an 8,000-ft intermodal train with a minimum of switching operations. The BRIMF will provide at least three pad tracks averaging 4,000 ft long, four intermodal car storage tracks averaging 4,725 ft long, and a running track. Collectively, these tracks will provide the capacity to accommodate two trains simultaneously and reduce the amount of switching required at the facility. Therefore, switching will be minimized to the extent practical .

B - Proposed Action and Alternatives

B.1 Why place its new IMF in McCalla?

Response: The BRIMF is proposed to be located at the site referred to in the EA as the McCalla M1 site (Alternative 3). The site satisfies the purpose and need for an IMF as described in Section 2.0 of the EA. It should be noted that rail transportation has been located in McCalla since the late 1800s.

Section 3.0 of the EAEA (Proposed Action and Alternatives) describes seven alternative sites considered for the BRIMF and presents the two-part screening analysis which resulted in the selection of the preferred alternative site.

B.2 Where are the other sites considered during the site selection process and why were they eliminated?

Response: Seven different alternative sites were considered and analyzed as build alternatives for the BRIMF. These alternative sites are described in Section 3.3 of the EAEA (Description of Alternative Sites Considered). The scope and detail of alternatives analysis was developed in response to comments from the public and agencies, including alternative site locations offered by local interests. Initially, six sites were identified in Jefferson and Tuscaloosa Counties, including Irondale, Ensley, three in McCalla, and Vance. However, based on public comments and input received on these alternatives at the August 18, 2009

Public Information Meeting held in Bessemer, Alabama, a seventh alternative site in Bibb County (Woodstock) was added for consideration and analysis in the EA.

The seven alternatives were thoroughly analyzed through a two-part screening process presented in Section 3.0 of the EA (Alternatives Analysis) and summarized above in Response B.1.

B.3 There are potential conflicts involving the preferred alternative and Alabama Power Company transmission line facilities, with concerns including maintaining ground clearance, access to structures, after hours access, equipment operation, etc.

Response: The second level screening of alternative sites presented in Section 3.2.1 of the EA (Second Level Screening for Construction, Operational, and Environmental Considerations) considered potential conflicts with existing infrastructure, including transmission lines, among the potential constructability constraints for the five alternative sites capable of meeting the Purpose and Need for the project.

The screening analysis considered the existing 115-kilovolt (kV) Alabama Power Company power line that extends approximately 1,600 ft across the preferred alternative site and concluded that potential conflicts could be avoided or minimized in the site design by relocating or elevating existing support structures. Through close work with Alabama Power Company, the site is being designed to ensure proper ground clearance, access to structures, and after-hours access, and to avoid impacts from intermodal equipment operation.

B.4 The conceptual plan shows the construction of new tracks along both sides of the existing rail. Where do the new tracks originate?

Response: As described in Section 3.0 of the EA (Proposed Action), the proposed BRIMF, including its running track next to the NSR mainline, will span a distance of approximately 4.3 miles along the mainline between mileposts 161 and 166. The new running track will replace the function of an existing track, which will become a lead track once the new running track is operational. The proposed lead track at the southwest end of the facility will extend approximately 840 ft into Tuscaloosa County (about 5,000 ft southwest of the Kimbrell Cutoff Road grade crossing). The linear configuration of the preferred alternative site provides for a sufficiently long distance between the switch to the main facility and Kimbrell Cutoff Road (over 5,300 ft) to avoid extended conflict between automotive and rail traffic at this existing grade crossing during switching operations. Approximately two of NSR's IMF trains that currently pass this area will serve the BRIMF. Once the facility is in operation, these trains will travel through the Kimbrell Cutoff Road grade crossing at slower speeds to safely enter the facility. Trains entering or departing the facility on the southern end of the facility will use the lead track. The proposed lead track at the northeast end of the facility will extend about 4,500 ft northeast of McAshan Drive and will not intersect any existing grade crossings. As McAshan Drive is grade-separated, there will be no impact to vehicular traffic on that roadway.

B.5 What modifications were made to the conceptual plan to help minimize adverse affects to the McAdory Elementary School?

Response: Please refer to the response B.1 in the Agency Comments and Responses, Appendix B.

Air Quality

C.1 What are the anticipated levels of particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) from the BRIMF?

Response: A comprehensive analysis has been performed to quantify the facility's air emissions at maximum design capacity, and to predict the impact of those emissions on ambient air quality in the vicinity of the facility. The results of that analysis have demonstrated that the change in ambient air quality levels of $PM_{2.5}$ will be small and imperceptible at all locations. The maximum predicted impact of facility $PM_{2.5}$ emissions (while operating at maximum design capacity) is less than 5 percent of the ambient air quality standards. After taking into account existing background air quality levels, the air quality analysis has also demonstrated that BRIMF operations will not cause or contribute to an exceedance of the National Ambient Air Quality Standards (NAAQS) for $PM_{2.5}$ (or any other pollutant) at any location on or near the IMF, despite the fact that Jefferson County has been designated as a nonattainment area for $PM_{2.5}$. It is emphasized that the federally mandated NAAQS for $PM_{2.5}$ are established by the U.S. Environmental Protection Agency (USEPA) to be protective of public health, including children and sensitive groups such as asthmatics and the elderly. The $PM_{2.5}$ standard was most recently updated by USEPA in 2006 to provide for lower ambient criteria. A discussion of the air quality analysis methodology, results, and conclusions is provided in Section 4.2 of the EA.

C.2 Will the planned facility contribute adversely to air quality nonattainment levels

Response: No. Comprehensive air quality analyses of projected BRIMF air emissions have demonstrated that BRIMF operations will not cause or contribute to an exceedance of any ambient air quality standards at any location. A more detailed discussion is provided in Section 4.2 of the EA.

C.3 Will the emissions generated by activities at the BRIMF create adverse effects to children with asthma and or allergy issues, elderly, or livestock in the area? If so, will compensation be given to these people for the health impacts that are a direct result of increased exposure to diesel exhaust?

Response: National Ambient Air Quality Standards (NAAQS) are established by the U.S. Environmental Protection Agency (USEPA) to be protective of public health, including children and sensitive groups such as asthmatics and the elderly. The comprehensive studies and analyses of the air emissions during BRIMF operations (at maximum design capacity) provided in Section 4.2.2 of the EA, demonstrate that facility operations will not cause or contribute to an exceedance of any NAAQS for any pollutant at any location. A discussion of the air quality analysis methodology, results, and conclusions is provided in Section 4.2.2 of the EA.

C.4 I am concerned about air pollution for McCalla area residents specifically as it relates to the teratogenic effects of diesel fuel exposure.

Response: The U.S. Environmental Protection Agency (USEPA) has assessed the potential for diesel emissions to indicate teratogenicity and has determined that no teratogenic effects have been observed in laboratory tests. As noted in the EA at Section 4.2, facility emissions are anticipated to result in maximum potential exposure levels that are well below National Ambient Air Quality Standards (NAAQS) and associated levels where effects would be observed. Since the USEPA established the NAAQS to protect public health and these standards include a margin of safety to protect children and other sensitive populations, exposure levels well below NAAQS are consistent with USEPA's mandate to protect public health.

C.5 When trucks are "waiting" within the proposed BRIMF, will they leave their engines running?

Response: Based on NSR's experience at its other IMFs, trucks will not be "waiting" for any extended periods of time while they are at the facility. Each visiting truck will be onsite for an average of 25 minutes, with each visit typically consisting of approximately 2 miles of onsite travel and 13 minutes of idling (for security gate clearance, trailer connect/disconnect, etc.). The Automated Gate System (AGS) proposed for the facility will ensure quick entry and exit from the facility with minimal stoppage time and associated idling. The transaction time for trucks at the AGS will typically be 3 minutes. Once entering the facility, trucks will be driven to their designated cargo location for hookup or release of their intermodal cargo, a matter of a few minutes. Trucks will then exit through the AGS with its automated security and inventory control. The entire process is designed to be quick and efficient with minimal idling. There is no incentive in the transportation system for idling, which not only slows the delivery process, wastes expensive fuel, and reduces driver productivity. NSR will install signs at selected locations to further discourage idling.

C.6 Will NSR or the U.S. Environmental Protection Agency (USEPA) monitor air quality in the vicinity of the BRIMF once in operation? Will monitors be placed near the school?

Response: Ambient air quality monitors are typically developed, installed, and maintained by regulatory entities for a variety of reasons, including the sensitivity and complexity of the equipment and analysis, issues regarding location and representative sampling, and resource and regulatory implications. Ambient air quality monitoring is typically not done at mobile source facilities like IMFs or other mobile source transportation facilities like airports, highways, bus terminals, and municipal centers attracting vehicle traffic. This is due to the nature of mobile source emissions. Because of the practical, logistical, and reliability issues regarding mobile source emissions monitoring, USEPA regulates mobile source emissions through limitations and performance goals on the manufacture and use of combustion engines for mobile sources, such as USEPA's regulation of off-road and on-road diesel emissions, USEPA's regulation of locomotive emissions (40 Code of Federal Regulations [CFR] Part 1033), and USEPA's regulatory actions relating to Mobile Source Air Toxics (MSAT). Accordingly, there are no plans to perform ambient air quality monitoring at the facility. The comprehensive air quality analyses that have been performed in accordance with accepted scientific methodology and applicable regulatory guidance and regulations have adequately demonstrated that the facility will not result in an adverse impact on ambient air quality at any location.

D – Cultural, Historic, and Archaeological Resources

D.1 Has a cultural resource study been performed on the proposed BRIMF site? Where can I review it?

Response: A cultural resource study has been performed within the proposed project area where land disturbing activities will occur. A summary of this survey is provided in Section 4.3.1 of the EA. The *Phase I Cultural Resources Report* (Brockington and Associates, Inc., 2010) indicates there are no artifacts or other findings of cultural significance that will be affected by the project. Please contact FHWA to request a copy of this report.

E – Fish, Wildlife, and Vegetation

E.1 Within the proposed BRIMF and adjacent areas where aquatic surveys occurred, were any habitats identified that are indicative of state or federally listed species? Any listed species? If yes, how will they be protected?

Response: Site-specific threatened and endangered species surveys were conducted and did not find potentially suitable habitat for protected plant and wildlife species. Surveys also did not find any threatened or endangered species in areas likely to be affected by the proposed BRIMF. Sections ES 5.4 and 3.6.1 and Table 4.4-3 in the EA discuss endangered species surveys completed at the BRIMF site. The aquatic species survey reports (Dinkins Biological Consulting, 2010 and Southeastern Aquatic Research, 2010) indicate no adverse impacts to protected aquatic species are anticipated as a result of the proposed BRIMF. These reports are available in Appendix B.

E.2 I am concerned about the destruction of natural habitats in the area of the BRIMF and how that will affect local wildlife.

Response: The number of animals displaced by the facility will be minimal, as the majority of the land that will be used for the facility has been previously cleared and used primarily for agriculture or for cattle grazing. Section 4.4.2.1 of the EA provides additional information on potential wildlife impacts.

F – Water Resources

F.1 What measures will be taken to prevent pollution of surface water and groundwater as a result of storm water runoff?

Response: The facility design has carefully considered the location and operation of surface water management areas (detention/retention ponds). These ponds will be located and designed to ensure that the facility complies with applicable water quality standards, which are established by the U.S. Environmental Protection Agency (USEPA) and the Alabama Department of Environmental Management (ADEM) as protective of water quality and designated uses. Refer to Sections ES 5.5 and 3.6.1 in the EA for additional information. As noted in Section 4.5.2 of the EA, the use and presence of materials that could affect groundwater will be minimal in volume, and with the facility's planned containment areas, paved area, and stormwater management system with shutoff valves and substantial capacity, the likelihood that a release of materials might reach the environment so as to present a risk to groundwater will be very low.

F.2 Where are the retention/detention ponds going to be placed and who will manage them?

Response: There will be four retention/detention ponds within the BRIMF. Their locations are shown in the conceptual plan for the BRIMF, Figure 3-6 of the EA. They will be managed/maintained by onsite personnel who will be responsible for their operation and maintenance. Additional information regarding the ponds and stormwater management is provided in Section 4.5.2 of the EA.

F.3 What assurances are there that the retention system/pond will not overflow onto McAdory Elementary School grounds or affect the children by the presence of mosquitoes or odor associated with it?

Response: The retention/detention ponds and pond outlet control structures are designed to detain floods for up through the 100-year storm, preventing overflow onto school grounds, with maximum outflows from the most downstream pond not exceeding the pre-development 2-year storm at the pond outfall, meaning that stormwater volumes from the site after its construction will very closely match the flow from the site currently occurring from a moderate rain event (of the type that occurs at least once every 2 years). Water in the ponds is not expected to be stagnant and, with periodic flushing from rainfall events, the water is not anticipated to create an increase in mosquito populations. Additionally, the design of the stormwater retention ponds and management of releases, including the use of spray irrigation, will control water flows to reduce or eliminate impact. Refer to Sections ES 5.4 and 3.6.1 in the EA for additional information.

F.4 All stormwater runoff and creek flow should be maintained at current standards.

Response: The retention/detention ponds and pond outlet control structures are designed with maximum outflows from the most downstream pond not to exceed the pre-development 2-year storm at the pond outfall. Additional information regarding the ponds and stormwater management is provided in Section 4.5.2 of the EA.

F.5 I am concerned that the retention pond(s) will not be able to adequately absorb stormwater due to the clay substrate beneath the pond. Has the U.S. Army Corps of Engineers (USACE) assessed the situation?

Response: The retention/detention ponds and pond outlet control structures are designed to detain floods for up through the 100-year storm (i.e., a rain event of the size that occurs once every 100 years) with maximum outflows from the most downstream pond not to exceed the pre-development 2-year storm at the pond outfall. The clay substrate has been analyzed as part of the site design and the stormwater management system design with the assumption that infiltration will be minimal at the site. A spray irrigation field will also be utilized to manage water volume in ponds and reduce potential impacts to adjacent streams. Sections 3.6.1 and 4.5.2 of the EA provide additional information on stormwater management. The USACE has reviewed the site and preliminary plans for the ponds and will be conducting an overall review of the EA as a Cooperating Agency.

F.6 I am concerned with the underground river that is located beneath the proposed BRIMF.

Response: Construction and operational Best Management Practices (BMPs) will be used to minimize the potential for impacts to groundwater. A clay layer below the project site will further minimize impacts to any groundwater resources. Information regarding hydrogeology at the site indicates that an underground river is not present at the site, but that a shallow aquifer underlies the site typical of this region/soil type (TTL, Inc., 2009). No impacts to the aquifer are anticipated. Sections 4.5.1.1 and 4.5.2.1 of the EA describe groundwater resources in more detail.

G – Wetlands

G.1 Has the U.S. Army Corps of Engineers (USACE) performed an assessment of the BRIMF? If so, were any wetlands or waterbodies deemed non-jurisdictional?

Response: The USACE performed a site visit on September 30, 2009 and will be reviewing the Section 404 permit application for the project to ensure compliance with the Clean Water Act. Several site assessments of waterbodies, ditches, storm conveyances, swales, and all site water features have been conducted and included in a comprehensive water and wetland report for submission to the USACE in conjunction with the Clean Water Act Section 404 permit application. All wetlands and waterbodies associated with the proposed BRIMF site are presently considered jurisdictional by the USACE.

G.2 What methods will be used to protect/preserve wetlands and waterbodies within the BRIMF?

Response: The site design has been modified to avoid and minimize impacts to streams and wetlands. This includes adjustments to the site footprint, edge locations, and features. The creation and use of retention ponds and spray irrigation fields and operational BMPs will further minimize impacts during construction and operation. Sections 3.6.1 and 4.5.2 of the EA address stormwater controls within the BRIMF; Sections 3.6.1 and 4.4.2.2 of the EA address actions to be taken to minimize impacts to wetlands and waterbodies during construction and operation of the BRIMF.

I – Hazardous Materials

I.1 If spills occur at the BRIMF, how will they be addressed? Is there a recovery plan?

Response: Most of the containers that will be transported through the BRIMF will not contain materials in quantities that would cause a release off of the BRIMF site if a container were damaged. U.S. Department of Transportation (USDOT) container, packaging, packing, and handling requirements will reduce the likelihood of a release. Spills of transported hazardous materials on IMFs are rare, but if a leak or spill does occur onsite, trained terminal staff will quickly respond to contain the spill, manage its recovery, and clean it up.

In the unlikely event of a hazardous material spill from a container, emergency protocols for response and recovery will go into immediate effect and a variety of emergency response resources made available as necessary. Emergency protocols for the BRIMF will provide for

trained employees onsite to initially handle any spill of transported hazardous materials. In addition, the BRIMF and its employees will be subject to the United States Hazardous Materials Instructions for Rail, which are operating rules that implement certain portions of 49 CFR Part 172 and include emergency response. Under facility response protocols, facility employees, working with NSR environmental staff and local emergency first responders as necessary, will have around-the-clock access to emergency response resources (local first responders, local environmental contractors, U.S. Environmental Protection Agency [USEPA], and the U.S. Army Corps of Engineers [USACE]) accessible through a telephone call to the NSR Alabama Division dispatch office, which is staffed 24 hours a day, 7 days a week. Detailed procedures are found in NSR's Alabama Division's Emergency Action Plan and the 2008 Emergency Response Guidebook (USDOT, 2008), which provides emergency detailed procedures for a variety of types of spills and releases. NSR also has published a Railroad Emergency Response Planning Guide, which is available to local first responders. The BRIMF design includes measures to prevent spills of transported materials from leaving the facility.

Petroleum and equipment fluids necessary for the facility's operations will be handled and enclosed within appropriately designed containment equipment in the maintenance area of the facility and will be handled in compliance with applicable State and Federal regulatory requirements for spill control. NSR will prepare a Spill Prevention, Control, and Countermeasures (SPCC) Plan, as needed, prior to the operation of the proposed BRIMF. Section 4.8 of the EA provides additional information.

Given NSR's safety record, USDOT's comprehensive regulatory program governing hazardous materials shipments, emergency response planning and preparedness measures noted above, and the proposed BRIMF's design, a release or spill of a hazardous material at the proposed BRIMF is unlikely. Based upon historical information on releases or spills at IMFs, if any release or spill were to occur, it would most likely be a very small volume and would be contained on the concrete pad where BRIMF containers will be parked. The BRIMF is designed such that any fluid materials which leave the large concrete pad will be directed to four retention ponds, which are equipped with emergency valves and gates to prevent materials from leaving the BRIMF. With the emergency response training of onsite personnel, the availability of additional response personnel on an around–the-clock basis, the protocols established for local emergency response, and the notification provisions for additional emergency response resources, the proposed BRIMF will achieve a very high level of safety and protection from hazardous materials releases or spills.

I.2 Does NSR transport hazardous material in intermodal service? If yes, what percentage of shipments is considered "restricted hazardous materials" by USDOT?

Response: Approximately 3-4 percent of items transported through NSR's intermodal service are U.S. Department of Transportation (USDOT) regulated hazardous materials. "Restricted hazardous materials" is not a category regulated by USDOT, although presumably the question relates to Toxic Inhalation Hazards and other similar substances. Toxic inhalation hazardous materials and other potentially dangerous materials such as certain explosives are prohibited in intermodal shipments. Additional details regarding the shipment of hazardous materials are available in Section 4.8 of the EA.

I.3 How does NSR store fuel needed for operation of the BRIMF, and where is it stored?

Response: Fuel necessary for the operation and maintenance of facility vehicles and equipment will be stored in aboveground tanks onsite. Tanks will be kept in the maintenance area, on the northeast side of the facility, approximately 1 mile northeast of McAdory Elementary School. These tanks will have secondary containment structures to prevent releases offsite and will be constructed, inspected, and operated in compliance with federal law. Additional details regarding onsite fuel storage are presented in Section 4.8.2 of the EA.

I.4 Are tank cars transported through NSR's intermodal service? If not, can NSR guarantee that tank cars will never be transported through the intermodal facility?

Response: Railway tank cars carrying liquids are not transported through NSR's intermodal system. NSR does not foresee any plans to transport tank cars through the intermodal system in the future; these cars will not be transported through the BRIMF. A very small number of intermodal tank container units (0.4 percent of all NSR intermodal shipments) are shipped in intermodal service. These intermodal tank container units commonly have a capacity of 6,000 gallons. The commodities shipped in intermodal tanks are controlled by USDOT; and these tanks have proven to be a very safe method of transport for liquid commodities. A variety of liquids are hauled in these tank containers, including food grade items such as vegetable oil. In the unlikely event that a tank container ruptured, the IMF containment system could adequately contain a volume of this size. Toxic Inhalation Hazards are forbidden from transit in these tank container units and in intermodal service. Please refer to Comment I.1 in Appendix B for additional details.

Example of a tank container. Contains up to 6,000 gallons.

Side view of a tank container.

I.5 Will NSR propose an emergency evacuation plan for McAdory Elementary School in the event of an incident at the BRIMF and how will NSR effectively and efficiently communicate with the school during an emergency?

Response: Emergency evacuation plans for McAdory Elementary School are the responsibility of the local emergency management agency or school district. NSR will cooperate with local emergency management agencies in appropriate emergency planning.

The probability of an event occurring at the BRIMF which would result in the evacuation of the adjacent McAdory Elementary School is very low due to the nature of the contents of intermodal shipments**.** However, in the event that an emergency arises, NSR will coordinate and cooperate with the following local emergency management agencies, as appropriate under the circumstances:

- McCalla Area Fire District
- Birmingham Regional Emergency Medical Services (EMS) System
- McAdory Fire & Rescue
- Bessemer Fire & Police Departments
- Lakeview Fire Protection District
- NorthStar Emergency Medical Services

As discussed in Section 4.11.2 of the EA, NSR has a police communications center in operation 24 hours a day, 7 days a week, and also has available its own emergency response plans and resources as well as emergency response contractors in the event of an emergency. The BRIMF will be governed by the NSR Alabama Division Emergency Action Plan and the United States Hazardous Material Instructions for Rail. In addition, NSR participates in national, state, and local emergency preparedness, response, and training to assist in effective and efficient response and communications in the event of emergency, including TRANSCAER (Transportation Community Awareness and Emergency Response), whistle stop tours, and other planning and preparedness exercises. National and state emergency response protocols call for emergency evacuation decisions and orders to be managed by local emergency management agencies in the first instance, whose personnel are typically best informed regarding the local geographic area and needs of the community in case of emergency. State and Federal resources are also on call 24 hours a day, 7 days a week. For more information on emergency response relating to the BRIMF, see the EA at Section 4.8.2.

J – Land Use

J.1 Exactly how far will the BRIMF operations occur from the school?

Response: Section 4.9.1.1 of the EA describes the proximity of the proposed BRIMF to adjacent land uses. Specifically, Figure 4.9-3 illustrates the proximity of McAdory Elementary School and the Tannehill Child Development Center to intermodal activities at the proposed BRIMF. The minimum distance from intermodal train operations to the school building will be approximately 500 ft. The nearest vehicle or equipment activity will be approximately 350 ft from the school building.

J.2 Is NSR relying on the right of eminent domain to acquire land for the siting of the BRIMF?

Response: No, NSR purchased the property for the proposed BRIMF from individuals who were willing to sell their land at their own discretion.

J.3 Is NSR required to abide by county zoning ordinances?

Response: Under the Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), 49 U.S.C.§ 10501 and the Federal Railway Safety Act of 1970 ("FRSA"), 49 U.S.C.§ 20101 et seq., most state and local regulations of railroads are preempted to ensure that barriers to interstate commerce are not created. This includes local planning, zoning, and similar laws and ordinances that would conflict with or burden rail transportation. Note that rail transportation has existed in the area since the late 1800s, and it is uncommon for local zoning and planning to address rail transportation, as well as other interstate transportation such as highways, pipelines, and power lines, in recognition of the federal interest in interstate commerce and state and national needs. While NSR plans to voluntarily comply with local criteria whenever possible, there may be instances where those criteria would be incompatible with rail operations.

J.4 Will NSR buy my house and pay for my relocation if I live within a minimum distance from the BRIMF? If not, will NSR compensate me for double-paned windows or other sound-abating improvements to my home?

Response: There are no plans to relocate or otherwise compensate home owners living adjacent to the BRIMF. Section 4.10 of the EA presents an analysis of potential noise and vibration effects from the BRIMF; the analysis found that noise levels to the nearest receptors in this area will not exceed the Federal Highway Administration (FHWA) criterion even at the highest estimated peak hour traffic. As a result, sound-abating improvements, relocation, or compensation will not be necessary.

J.5 The new BRIMF is not consistent with the long-term development plan for the McCalla area.

Response: Section 4.9.2 of the EA discusses the potential environmental consequences of the proposed BRIMF with regard to land use, comprehensive planning, and zoning. The proposed BRIMF site is currently zoned A-1, Agriculture District. Adequate infrastructure to support the BRIMF and other industrial uses is planned for the area. As noted in Response to Public Comment J.3, Jefferson County zoning and planning provisions are inapplicable by virtue of ICCTA and FRSA. See also Response to Agency Comment J.1.

J.6 Why doesn't the planned landscape berm between McAdory Elementary and the BRIMF extend across the back of the school?

Response: Figure 3-6 illustrates the current extent of the two landscape berms (15 ft above pavement) planned for the southwest facility boundary between McAdory Elementary and the BRIMF. Operational requirements for the running track, including 7,500-ft lead tracks on each end of the facility (described in Section 3.4.1), the extent of NSR's property ownership, as well as efforts to minimize impacts to local waterways and floodplains, described in (Section 4.5.2), prevent NSR from extending the berm across the back of McAdory Elementary. The existing 50-ft vegetative buffer between the proposed BRIMF site and McAdory Elementary will remain undisturbed both during and after construction of the proposed BRIMF, resulting in no visibility of activities at the BRIMF site from McAdory Elementary and buffering of any noise from activities at the BRIMF site.

J.7 Once the BRIMF stimulates industrial growth in the area, there will not be any countryside left to enjoy.

Response: Section 5.8 of the EA discusses potential indirect and cumulative impacts to land use. Any cumulative impacts of the proposed BRIMF that could be collectively considerable over time will be limited by the densities and uses allowed by Jefferson County for the plansects noted in Figure 5-2. The presence of the BRIMF is not expected to have a negative impact on the continued implementation of the Shades Creek Watershed Comprehensive Plan and the County can address potential changes in these anticipated development patterns via future updates to the Comprehensive Plan Proposal Map. Additionally, Sections 4.13 and 5.12 of the EA assess potential impacts to visual and lighting conditions. There will be limited potential for the BRIMF to interact with other projects with regard to visual quality. Once the facility is constructed and the barriers and screening vegetation are in place, the BRIMF will not further alter visual quality. The incremental contribution to reduction in visual quality will be limited by the screening barriers and vegetation.

J.8 A landscape berm should be placed along Eastern Valley Road to reduce the sight of the light poles and help reduce noise impacts.

Response: Figure 3-6 illustrates that, to the extent practical, considering property ownership as well as efforts to minimize impacts to local waterways and floodplains, described in Section 4.5.2, NSR has proposed multiple measures to buffer Eastern Valley Road as well as adjacent residences from operation of the proposed BRIMF. Section 3.5 describes the three proposed landscape berms (15 ft above pavement) and 16-ft high visual barrier wall along the south side of the entrance road.

J.9 To what extent will the landscape berm stretch along the entrance to the facility? Will it reach all the way to McAshan?

Response: A 15-ft high visual barrier will be installed along the entire length of the access road, beginning at McAshan Drive and extending to the proposed Automated Gate System area. Figure 3.6 in the EA provides the conceptual plan for the BRIMF and includes the locations for planned barrier and berms.

K - Noise and Vibration

K.1 Have noise studies been performed? Where?

Response: Yes, studies which include ambient noise monitoring and modeling have been performed at adjacent receptors such as McAdory Elementary School, the Sadler Ridge neighborhood, and other sensitive receptors. Section 4.10.1 (specifically Table 4.10-3 and Figure 4.10-1) of the EA indicates the monitoring locations. The results of this study and projected impacts are discussed in Section 4.10.2 of the EA.

K.2 Will the noise created by the BRIMF impact students at McAdory Elementary School? How will noise be mitigated in the vicinity of the school?

Response: Results from the noise monitoring and modeling studies indicate that individuals at the school will experience sounds close to current ambient or background conditions and that noise impacts are not anticipated. Therefore, no mitigation for noise is required. However, the current design plan for the facility includes a proposed landscape berm between the facility and the school with the ancillary benefit of further reducing noise levels associated with facility construction and operations. A more detailed explanation is provided in Section 4.10.2 of the EA.

K.3 How will the noise from trucks entering/exiting the facility each day be minimized to reduce impacts to adjacent neighborhoods?

Response: Results from the noise monitoring and modeling studies indicate that adjacent neighborhoods will not be substantially affected by noise from trucks entering or leaving the facility. However, current plans include a barrier along the entire length of the access road and around part of the Automated Gate System, which will provide a variety of mitigation benefits including aesthetic improvements, security, and noise suppression. This barrier, combined with existing vegetation and the distance between the road and residents in the area, is expected to reduce sounds from the trucks to near ambient levels for those residents. A more detailed discussion regarding the noise study and anticipated impacts is available in Section 4.10 of the EA.

K.4 Noise from the trains and BRIMF will be a disturbance to the community.

Response: See Response to Public Comment K.3.

Results from the noise monitoring and modeling studies indicate that adjacent neighborhoods will not be substantially affected by operational noises from the BRIMF. There will be several areas on the site where current planning includes the placement of 15-ft landscape berms that will provide added reduction of noise, as well as visual impacts from most local residences. Additional details regarding operational noise are included in Section 4.10 of the EA.

K.5 Please explain what "intermittent noise levels" are and their impact on the learning environment for children at McAdory Elementary.

Response: Intermittent noises are sounds that do not occur continuously. For example, the back-up alarm on a truck is considered an intermittent noise. Studies have been performed showing that intermittent noises produced at the BRIMF are not considerable and will have little to no effect on the learning environment of children at McAdory Elementary School. The proposed earthen berm, coupled with an existing 50-ft wide vegetative buffer, will reduce sounds from operations to near ambient levels at the school.

K.6 Have noise studies been performed at the Austell IMF? If so, what were the results?

Response: Yes, a report entitled *Noise Assessment for Proposed Birmingham Regional Intermodal Facility*, Dec 2009 prepared by CH2MHILL, included noise studies performed at the Austell IMF. These studies were primarily conducted to further validate the noise levels used in the impacts assessment for the project based on actual noise levels from operating equipment

onsite. These studies verified that the presence of a berm such as the one at Austell could further reduce sound levels by as much as 10 dBA. Additional details regarding operational noise impacts are included in Section 4.10.2 of the EA. To obtain a copy of the noise report, please contact FHWA.

K.7 There are a number of portable classrooms outside of the main building at McAdory Elementary. Have studies been performed to take into account the effects of noise on the students and faculty within these portables?

Response: Noise modeling results indicate that the anticipated noise levels at the McAdory Elementary School property outside the building will be a day-night equivalent noise level (Ldn) of 60 Ldn during maximum BRIMF operations. The Federal Railroad Administration/Federal Transit Administration (FRA/FTA) maximum criterion threshold for sensitive receptors is 63 L_{dn}. To better understand the difference between 60 and 63 L_{dn}, please refer to Section 4.10.1.1 (Fundamentals of Acoustics) in the EA. Since these results are for the outside environment, there is no reason to expect that there will be any impact to portable classrooms.

L – Social Elements and Environmental Justice

L.1 How many employees will be hired to operate the BRIMF? Where will they be hired from?

Response: Section 4.11.2 of the EA describes anticipated employment for the proposed BRIMF, including approximately 230 persons total when it reaches full capacity (70 terminal employees plus 160 local truck delivery drivers). The terminal employees will work for a contractor retained by NSR to operate the facility. The notice for employment opportunity will be publicized locally and the preference will be to hire qualified employees locally as the terminal volumes grow. In the timeframe immediately following terminal completion experienced personnel will be brought in to establish operations. By the time the terminal achieves its' full operational capacity, the vast majority will have been hired locally.

L.2 Are there comparable IMFs that have been in operation at least 15 years, so that an economic comparison can be made?

Response: There are many IMFs that have been in place for 15 years or longer; however, it is challenging to find readily available data assessing IMF sites and corresponding regions that are directly comparable (in terms of size and local economic characteristics) to the BRIMF and its surrounding area. Section 4.11.1.2 of the EA, Local Economy and Employment, references the Virginia Inland Port (VIP) built by the Virginia Port Authority in 1989 as a representative example of the potential effects of an IMF on local economic development.

L.3 Will there be an emergency evacuation route that could be used by the trucks at the facility?

Response: The BRIMF will include an emergency access road connecting the southeastern boundary of the facility to Eastern Valley Road, see Section 4.11 of the EA. The emergency access road will have a locked gate, and will not be used in normal operation of the BRIMF.

L.4 Does NSR have an emergency response plan that describes the action taken in the event of a fire, spill, or any other situation deemed as an emergency? Where can the public view this plan?

Response: Section 4.11.2.1 summarizes the Safety and Security measures proposed by NSR as part of the BRIMF, including emergency preparedness. The BRIMF will be governed by the NSR Alabama Division Emergency Action Plan and the U.S. Hazardous Materials Instructions for Rail, which specifies response protocols and notifications.

L.5 Will siting the BRIMF near the McAdory Elementary School pose additional risks to the health and safety of students and/or faculty?

Response: The EA demonstrates that the proposed BRIMF is not anticipated to pose additional risks to the health and safety of students and/or faculty near the McAdory Elementary School. It includes the following sections that describe site-specific studies and their results: Air Quality – Section 4.2; Noise and Vibration– Section 4.10, and Traffic and Transportation – Section 4.12. Additionally, Section 4.11.2.1, Safety and Security, describes the measures NSR will implement related to worker safety, public safety, and facility security at the proposed BRIMF.

No additional health risk is expected to occur at any location as a result of the siting or operation of the BRIMF. Air quality impacts attributable to facility operations are predicted to be very low and they will not cause or contribute to an exceedance of any National Ambient Air Quality Standard (NAAQS) for any pollutant. Federally mandated NAAQS are established by the U.S. Environmental Protection Agency (USEPA) to be protective of the public health, including children and sensitive groups such as asthmatics and the elderly. A discussion of the air quality analysis methodology, results, and conclusions is provided in Section 4.2 of the EA.

Freight that will be transported through the BRIMF will not include any hazardous materials that will pose an inhalation health risk at any location. Transported materials will be containerized commercial goods or intermodal tank container units (no tank railcars), subject to federal packaging, marking, and response requirements. Accidental spills of transported materials (such as paint, alcohol, or similar materials) at NSR IMFs have been very rare and minimal and, as explained in the EA, it is anticipated that there will be no major risk of offsite impacts. A more detailed discussion is provided in Section 4.8 of the EA.

There will be multiple barriers between the school and the BRIMF to prevent children at the school from gaining access to the intermodal facility. This will include an 8-ft fence adjacent to the existing tree line, a 15-ft earthen berm, and a second 8-ft fence topped with security wire. A more detailed discussion is provided in Section 4.11.2.1 of the EA.

The results of noise studies and analyses have shown that noise levels at the school will not increase substantially as a result of BRIMF operations. A more detailed discussion is provided in EA Section 4.10.1.1.

L.6 What assurances can NSR provide the community regarding the safety of children congregating around McAdory Elementary School during the construction phase of the BRIMF?

Response: Section 4.11.2.1 of the EA discusses Safety and Security measures for the proposed BRIMF, including protection of children and public and worker safety during

construction. Access to the construction site will be strictly controlled by the general contractor. Construction site managers will be responsible for limiting site access to construction personnel and sub-contractors only. In the portion of the BRIMF property that is closest to McAdory Elementary School, a 15-ft earthen berm will be constructed as a visual barrier and security fences installed as soon as practical during construction. NSR plans to construct two 8-ft high security fences (one on either side of the berm); the fence farther from the school will be equipped with security wire along the top.

L.7 Will the education of students at McAdory Elementary School be adversely impacted by the operation of the BRIMF?

Response: The studies completed for the EA, as discussed in the EA in sections on Air Quality (Section 4.2), Land Use (Section 4.9), Noise and Vibration (Section 4.10), Social Elements and Environmental Justice (Section 4.11), Traffic and Transportation (Section 4.12), and Visual and Lighting Conditions (Section 4.13), indicate that there should be no adverse impact on McAdory Elementary School from operation of the BRIMF. Please see Responses to Public Comments B.5, K.5, K.7, L.5 and Q.5.

L.8 Will local businesses experience adverse effects (i.e. a reduction in business) as a result of the BRIMF?

Response: Section 4.11.1.2 of the EA describes current economic conditions and employment in the South Bessemer/Oxmoor Planning District, and the location of the proposed BRIMF, while Section 4.11.2 discusses the potential consequences of the Proposed Action. There are no indications that the BRIMF will be bad for the economy. Expectations are that on a regional basis there will be new jobs, tax revenue, and other benefits for the economy.

L.9 Will there be an impact on McAdory Fire Department or the Sheriff's Department, due to the construction or operation of the BRIMF? If so, will NSR assist in funding an increase in manpower and training?

Response: Section 4.11.1.3 of the EA discusses the availability of and proximity to community facilities such as police, fire, and emergency medical services (EMS), while Section 4.11.2.1 summarizes the Safety and Security measures proposed by NSR as part of the BRIMF, including emergency preparedness. NSR does not anticipate an impact to the McAdory Fire Department or the Sheriff's Department due to the construction or operation of the BRIMF. However, NSR will offer hazardous materials response training to local first responders.

L.10 What tax benefits generated by the BRIMF can the McCalla area expect once the facility is in operation?

Response: Tax benefits specific to the McCalla area have not been calculated. The Birmingham regional economic benefits study (Insight Research Corporation, 2009) stimated that $25.1 million in direct and indirect cumulative tax revenue through 2020 could result from the BRIMF alone. According to the study, this revenue will benefit Jefferson County, the State of Alabama, Jefferson County Schools, the Special School Tax, and the McCalla Fire District.

L.11 NSR indicated there could be 8,000 spin-off jobs resulting from the BRIMF. What types of jobs will these be and where will they come from?

Response: An estimated total of approximately 8,600 direct and indirect full-time equivalent jobs from at-risk and potentially benefited industrial expansions are projected by 2020 as a result of the proposed BRIMF. This includes the 230 persons directly employed by the BRIMF, as described in Section 4.11.2 of the EA. The balance of the estimate relates to potential future industrial development such as Distribution, Office Warehouse, Manufacturing, and Service Centers within the seven-county (Bibb, Blount, Chilton, Jefferson, St. Clair, Shelby and Walker Counties) Birmingham-Hoover, AL Metropolitan Statistical Area (MSA) that are either at risk or in a position to be stimulated by the availability of intermodal service and competitive pricing. Approximately 68 percent of the jobs projected through 2020 are anticipated to occur within Jefferson County, with the balance coming from the other six counties in the MSA (Insight Research Corporation, 2009).

L.12 What approaches will NSR take to improve the environment for the children at McAdory Elementary School?

Response: The BRIMF is not expected to cause a negative impact on the environment at McAdory Elementary School. There will be local and county economic benefits from the project that may be expected to have benefits in the community, including possible actions that may be taken by local and county governments that could benefit the school.

M – Traffic and Transportation

M.1 Will trucks entering and/or exiting the facility use Eastern Valley Road as a route to the main highways?

Response: Trucks entering and exiting the BRIMF will only use the segment of McAshan Drive between the BRIMF access road and Interstate 20/59. The design of the access road and signage will direct all trucks leaving the site to make a left turn onto McAshan Drive to further ensure they do not turn toward Eastern Valley Road. A recent Jefferson County ordinance now restricts all but local delivery trucks from using Eastern Valley Road.

M.2 Will McAshan Drive accommodate the trucks that will travel to and from the BRIMF?

Response: The traffic study conducted for this project incorporated extensive surveys of current and future traffic conditions on McAshan Drive, including modeling of the added traffic that will be associated with operation of the facility. The data from these surveys indicate that McAshan Drive will accommodate the added traffic without reducing service levels. Additional details regarding the results of the traffic study are discussed in Section 4.12 of the EA. Also, please see response to Agency Comment M.9 in Appendix B regarding additional traffic counts performed to account for the recent opening of the Home Depot Warehouse at the Metropolitan Industrial Park.

M.3 Can the BRIMF be expanded or increase the number of trucks visiting the site daily without notifying the community first?

Response: As determined by the Purpose and Need for the project, described in Section 2.0 of the EA, the planned BRIMF capacity is 165,000 container or trailer lifts per year. This planned capacity is based upon projected freight demand, which is also described in Section 2.0 of the EA. The facility will be built in one or more phases to achieve the planned 165,000-lift capacity. NSR will notify appropriate local authorities of any proposed increase in capacity at or expansion of the BRIMF.

M.4 Will the bridge on McAshan Drive handle the truck traffic for the BRIMF?

Response: Jefferson County Roadway Design indicated that the bridge on McAshan Drive that crosses the railroad is capable of accommodating any vehicle that legally operates on roadways in the state of Alabama. It was designed and constructed in conjunction with the Jefferson Metropolitan Park to accommodate industrial-type developments.

M.5 Will NSR or ALDOT install traffic lights at the I-20/59 intersection of McAshan Drive?

Response: The traffic studies that have been conducted for this project do not indicate a current need for a traffic light at the I-20/59 intersection of McAshan Drive. There are currently no plans for modifications to the I-20/59 intersection on McAshan Drive.

M.6 How many trucks per day are expected to use the BRIMF?

Response: The design of the BRIMF will be able to accommodate approximately 400 trucks per weekday entering the facility. It is expected that initial truck traffic will be below this level.

M.7 Which entity will fund road improvements to McAshan Drive and which entity is responsible for maintaining McAshan Drive?

Response: McAshan Drive, between the proposed BRIMF and the Bessemer City limits near I-20/59, is under Jefferson County jurisdiction. The traffic impact analysis indicates that McAshan Drive will adequately serve the additional truck traffic created by the BRIMF without the need for modifications or improvements. General maintenance and funding is the responsibility of Jefferson County and the City of Bessemer. Results of the traffic impact analysis are discussed further in Section 4.12 of the EA.

M.8 The congestion surrounding the entrance/exit to the Flying "J" truck stop is a concern.

Response: A traffic analysis was performed in the area of the Flying "J" truck stop on McAshan Drive. It was noted that during peak traffic hours (i.e. morning and evening rush hour) periods of congestion were observed; however, as noted in Section 4.12.2 and in Figure 4.12-3 of the EA, the additional trucks serving the BRIMF will have very minor impacts on the existing traffic conditions and peak truck traffic serving the BRIMF will not coincide with the existing peak traffic hours.

M.9 Trucks back up along McAshan Road near the Flying J when a vehicle is waiting to turn into the truck stop. There seems to be enough room there to add a turning lane. Will a turning lane be added?

Response: As indicated in Response to Public Comment M.7, the traffic impact analysis indicates that McAshan Drive will adequately serve the additional truck traffic without modifications. Accordingly, there are no current plans to add a turning lane at the Flying "J" on McAshan Drive.

M.10 What are the anticipated traffic impacts along Old Tuscaloosa Hwy?

Response: The majority of NSR's customer base is located in the Birmingham area, which is north-northeast of the proposed BRIMF. Drivers are expected to use the most direct route available to access the interstate from the BRIMF. McAshan Drive provides the most direct route to I-20/59 and because trucks will not be permitted to use Eastern Valley Road, drivers will also use McAshan Drive to access I-459 by way of I-20/59. Old Tuscaloosa Highway does not provide direct access to I-459; therefore, it is not a desirable route. Old Tuscaloosa Highway does provide access to I-20/59; however, the distance from the BRIMF to I-20/59 on Old Tuscaloosa Highway is approximately 3.7 miles farther compared to using McAshan Drive to access I-20/59.

M.11 I am concerned with the additional truck traffic passing by my house, especially when the children are getting on and off the bus.

Response: As depicted in Figure 4.12-3 of the EA, peak truck traffic will not coincide with peak school traffic. The route of trucks entering and leaving the facility will also be limited to the stretch of McAshan Drive between the facility and the I-20/59 intersection, a route that avoids most, if not all, homes in the area. Additionally, Alabama's School Bus Stop Law requires all vehicles traveling in either direction to come to a complete stop when a school bus is loading or unloading (unless travelling in the opposite direction on a four lane divided highway). Truck drivers are required to abide by all state traffic laws and ordinances.

M.12 Has a traffic impact study been performed and, if so, will it be reviewed by an outside agency?

Response: A traffic impact analysis has been completed (Skipper and Associates, 2010). It has been reviewed and commented on by ALDOT and FHWA, and was modified to satisfy their comments. It was also provided to the Jefferson County Roads and Transportation Department for review.

M.13 How will NSR improve traffic flow in the areas around the schools on Eastern Valley Road?

Response: The traffic study completed for the BRIMF has determined that facility operation will have no impact on traffic flow around the schools on Eastern Valley Road since all trucks will be directed to remain on McAshan Drive between the access road and the intersection of I-20/59.

M.14 Will there be added delays at the railroad crossing on Kimbrell Cutoff Road and McCalla Road due to trains slowing down to enter the facility?

Response: Please refer to the response to comment M.2 in Appendix B.

M.15 Which entity will enforce speed limits on surface streets (Old Tuscaloosa Hwy, McAshan Dr., and Eastern Valley Rd.) in vicinity of the BRIMF and the "no truck" regulation on Eastern Valley Road?

Response: Old Tuscaloosa Highway and Eastern Valley Road, between Kimbrell Cutoff Road and I-459, are both under the jurisdiction of the Jefferson County Sheriff's Department. McAshan Drive near the I-20/59 intersection is under the jurisdiction of the City of Bessemer Police Department. All speed limit and ordinance enforcement is the responsibility of the appropriate law enforcement agency within that jurisdiction.

M.16 I am concerned about traffic issues at exit 100 (I-20/59) due to the increased truck volume.

Response: NSR does not anticipate trucks using exit 100 (SR 216). Trucks will be using exit 104, as discussed in Responses to Public Comments M.5, M.8, M.9, and M.10.

M.17 What provisions have been made for trucks to turn around when they miss the entrance to the BRIMF?

Response: Sufficient and adequate signage, as well as a deceleration lane, will be placed along the southbound lane of McAshan Drive. The signage and lanes will serve to notify truck drivers of the upcoming entrance to the BRIMF. Experience from other facilities has shown that trucks are unlikely to miss a well marked entrance to an IMF. Additionally, the majority of truck drivers supporting the shippers using the BRIMF will be local drivers.

M.18 If there is an accident on I-20/59 or I-459, which requires the rerouting of traffic, how will trucks will be kept off of Eastern Valley Road?

Response: Eastern Valley Road, between Kimbrell Cutoff Road and I-459, and most of McAshan Drive are under the jurisdiction of the Jefferson County Sheriff's Department. McAshan Drive near the I-20/59 intersection is under the jurisdiction of the City of Bessemer Police Department. All decisions regarding the management of temporary detours of interstate highway traffic will be the responsibility of the Alabama Highway Patrol in conjunction with appropriate local law enforcement agencies. Please also refer to the Response to Public Comment M.15.

M.19 In addition to the 400 trucks per day visiting the BRIMF, how many total trucks are anticipated to run daily on McAshan Drive over the next six years? If 8,000 jobs are anticipated, how many trucks and cars will be added to this area each day?

Response: It is likely that the projected spin-off jobs will be distributed beyond just the McCalla area. Approximately 68 percent of the jobs projected through 2020 are anticipated to be created throughout Jefferson County with the balance coming from the other six counties in the Birmingham-Hoover, AL MSA (Insight Research Corporation, 2009). To account for development that may occur between the present and 2015, a vehicle growth rate of approximately 3 percent per year is projected along McAshan Drive, which would lead to an increase of approximately 300 trucks per day along the segment between I-20/59 and Eastern Valley Road by the year 2015. It should be noted that these daily trucks will not be associated with the BRIMF. Additional information regarding the traffic analysis is available in Section 4.12 of the EA.

N - Visual and Lighting Conditions

N.1 Will the lighting utilized at the BRIMF affect nearby residents?

Response: Section 4.13.2 describes NSR's plans to develop an exterior lighting plan to safely illuminate the proposed project with reduced light levels. Specially designed "downward directed" lights will be used that will reduce the amount of light projecting away from the facility. This will result in the proposed BRIMF having minimal light emissions that should have no impact on residential areas or the McAdory Elementary School. For additional details regarding visual quality and lighting conditions, refer to Section 4.13 of the EA.

N.2 What is the purpose of the 15-foot berms?

Response: The berms described in Section 3.5 and illustrated in Figure 3-6 of the EA will serve multiple purposes, primarily as safety and visual buffers for adjacent and nearby properties. Section 4.11.2.1, Safety and Security, discusses the berms' use as an additional safety measure adjacent to McAdory Elementary School when used in concert with two 8-ft high security fences: one installed on either side of the berm, with the fence farthest from the school equipped with security wire along the top. Figure 3-6 illustrates how the berms will provide a visual buffer between the proposed BRIMF and McAdory Elementary School as well as between the Automated Gate System and surrounding properties which will not be shielded by natural terrain features. Section 4.10 describes the noise analysis performed for the EA, while Figure 4.10-5 illustrates the estimated facility noise levels with natural ridges and proposed visual barriers present, demonstrating that noise levels are expected to be below values that would be considered to reach a noise impact threshold. Nonetheless, the berms will provide additional noise reduction to areas opposite these berms from the BRIMF.

N.3 Light pollution may adversely affect migrating birds and frogs and a solution to protect these species will be not operating at night. Light pollution can also be associated with air quality concerns.

Response: Adverse impacts from nighttime lighting on nocturnally migrating birds is a concern for some species of birds migrating over sites that utilize white and/or red lighting (containing visible long-wavelength radiation). NSR is committed to using downward directed lighting (see Section 4.13 of EA) or cutoff lighting within the BRIMF. This type of lighting is consistent with the guidelines and objectives set forth by the International Dark Sky Association. Downward directed lighting or cutoff lighting is less visible from the air than typical street lights, parking lot lighting, or high-mast interstate lighting that is commonly found in the McCalla area. There should be no means by which light at the BRIMF will have an impact on air quality.

N.4 Will the BRIMF be visible from Eastern Valley Road?

Response: As discussed in Section 4.13.2 of the EA, much of the site is not readily visible from Eastern Valley Road due to the ridge across the center of the property and the presence of trees blocking the viewshed in several locations. For those areas that could be visible, Figure 3-6 illustrates the extent and combination of landscape berms (15 ft above pavement), tree plantings, and visual barriers planned to block the view of the BRIMF from Eastern

Valley Road, McAdory Elementary School, and adjacent residences. The planning and installation of these visual barriers will be one of the first tasks completed during construction to ensure that vegetation and other measures are established as soon as practical prior to operation.

N.7 If the light towers are going to be 100 feet tall, and the cranes will be nearly 48 feet tall, why are proposed berms only going to be 15 feet high?

Response: Section 4.13.1 of the EA describes the existing topography of the site relative to different viewsheds of the proposed BRIMF site from various locations; see Figures 4.13-1 through 4.13-6. Based on the 3-dimensional model of the terrain, 15-ft high berms, when combined with plantings, will mostly block the view of these light towers when viewed from ground level. Additionally, Section 4.13.2 notes that lights along the entrance road from McAshan Drive will be on towers no more than 25 ft high.

O – Indirect and Cumulative Impacts

O.1 Will the presence of the BRIMF stimulate more industrial and/or commercial development in the local area?

Response: Section 5.0 of the EA addresses the potential for indirect and cumulative land use impacts that could be stimulated by the presence of the proposed BRIMF. Figure 6-2 illustrates that portions of the local area around the proposed BRIMF are already being targeted either for future industrial or infill development by the Shades Creek Watershed Comprehensive Plan Proposal Map (JCDLPDS, 2008a). As a result, any induced, indirect impacts from the proposed BRIMF that are likely to occur in the reasonably foreseeable future near the site will be consistent with the existing Comprehensive Plan. Outside the immediate area, secondary growth associated with additional industries that may avail themselves of transportation services afforded by the BRIMF will also comply with local zoning and land use requirements and therefore will not be expected to have negative land use impacts. See Response to Public Comment M.19.

O.2 Will there be any cumulative environmental impacts beyond the McCalla area as a result of the BRIMF?

Response: Section 5.0 of the EA provides a detailed discussion of the potential indirect and cumulative environmental impacts. See also Responses to Agency Comments O.2, O.3, and O.4.

P – NEPA Process

P.1 What is an Environmental Assessment (EA)?

Response: An Environmental Assessment (EA) is a document prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) and is one of three types of documents that may be required for projects that involve federal actions such as federal permits or funding. The purpose of the EA is to take a hard look at environmental impacts

(which include impacts to the environment as well as the human environment and socioeconomic effects). An EA provides decision makers sufficient information on which to make a determination as to whether a proposed project will cause impacts that are considerable and cannot be avoided or mitigated. The Council on Environmental Quality (CEQ) coordinates federal environmental efforts and works with state and federal agencies in the development of environmental policies and initiatives. The CEQ regulations require that EAs include a discussion of the purpose and need for the Proposed Action, alternatives considered, description of the affected environment, and effects of the project on the environment, including cumulative and indirect effects. The EA may also include public participation and input. The approach to the BRIMF EA has been to provide expansive public participation (including multiple public meetings, a public hearing, meetings with community members, and a Community Outreach Group) to ensure comprehensive identification of issues for analysis and comment. This approach has led to a robust and comprehensive analysis, including alternatives analysis, as well as indirect and cumulative effects analysis, to ensure that all potential impacts have been assessed. If, following the analysis and public comment period, a decision is made that the impacts of the proposed project are not significant, then a "Finding of No Significant Impact," or FONSI, will be prepared. If additional studies or information are required to make a decision, then the lead agency may require that additional activities be conducted through an Environmental Impact Statement or EIS. NSR has used the various public meetings, and meetings with agencies and other groups, to direct a very comprehensive EA.

P.2 Will an Environmental Impact Statement (EIS) be developed for the BRIMF?

Response: An Environmental Assessment (EA) has been prepared at this time. The final decision on whether an EIS is required will be based on the agency and public review of this EA. This decision will take into account not only environmental factors but also economic considerations and other factors.

P.3 What will be the process of responding to public comments and what sources are used in determining answers?

Response: Public comments received prior to the release of the EA to the public have been documented. The EA has taken these comments into account and, to the extent practical, addressed public concerns. In addition, this comment and response document has been prepared to help the public and other groups see where in the EA their comment has been addressed.

P.4 What is the anticipated schedule for submittal of the EA? Where will the EA be placed so that the public can review and comment?

Response: The EA was released to the public in June 2010. Copies of the EA were placed in the following publically accessible locations: Bessemer Public Library, Hueytown Public Library. The public will have a 30-day period to review the EA. An ALDOT/FHWA Public Hearing is tentatively scheduled in July, 2010. During this meeting, members of the public will have the opportunity to provide oral comments, concerns, and questions to be included in the public record. Written comments will be accepted for 10 days following the ALDOT/FHWA Public Hearing for those individuals who did not provide oral input during the meeting. ALDOT will then take all comments into account as the EA is revised

to include any outstanding topics of concern that were not fully addressed in the EA. In August, 2010, a revised EA will be published, which will incorporate any additional concerns brought forth by the public.

P.5 Will NSR place a copy of the Environmental Assessment in the library at McAdory Elementary School?

Response: No, the Environmental Assessment will not be placed in the library at McAdory Elementary School. It will be available at the Bessemer Public Library and the Hueytown Public Library.

P.6 Regarding the environmental and social studies performed for this project, what areas were considered? Just within the proposed site? Less than or greater than a one mile radius?

Response: Environmental studies regarding wetlands, water bodies, threatened and endangered species and their preferred habitats, and other resource topics such as soils and geology were completed in areas that could be directly affected by the BRIMF. Based on comments received from the public, some aquatic biology surveys extended downstream of any streams where potential impacts could occur. Cultural resources surveys were performed in the areas that could be directly affected by the project and additional literature search included data for previously recorded sites within a 1-mile radius. A groundwater wells search was also conducted within a 1-mile radius of the BRIMF. Areas considered for potential indirect and cumulative impacts were extended well beyond the boundaries of the proposed BRIMF, including adjacent counties. Noise surveys included potential sensitive receptors at several locations, as shown in Figure 4.10-1. Air quality studies were performed using available data from several modeling locations in the region where relevant data were available. Traffic studies were conducted at several locations, as described in Section 4.12.1 of the EA.

Q – Miscellaneous Questions

Q.1 What actions are being taken by NSR to preserve the quality of life in the McCalla community?

Response: Since announcing plans for the construction of the BRIMF in July 2009, NSR has met with many individuals and groups in McCalla and Jefferson County to gain a full understanding of the concerns of the community regarding the project. These concerns have been assessed in the EA, the responses to comments, or both. In many cases, issues and comments from the community have resulted in changes in the proposed design, construction, or features of the BRIMF in order to preserve quality of life. These include measures to minimize aesthetic, noise, traffic, or other aspects generally considered quality of life concerns. These concerns are discussed in greater detail in Sections 4.10, 4.12, and 4.13 of the EA. In NSR's experience, in addition to creating or benefiting jobs, promoting economic development opportunities, and generating tax revenue, intermodal facilities (IMFs) constructed with productive community input do not adversely affect the local quality of life.

Q.2 Has NSR performed environmental studies within the area proposed for placement of the BRIMF?*

Response: Yes, comprehensive environmental studies regarding air quality, noise, traffic, wetlands, water bodies, threatened and endangered species and their preferred habitats, and other natural features have been completed within the area of the proposed BRIMF. Results of these studies are discussed throughout Section 4.0 of the EA. Also see Response Public Comment to P.6.

Q.3 Who will regulate the trucks to make sure they are safe for the roads?

Response: Standards for trucks, trailers, and chassis fall under U.S. Department of Transportation (USDOT) regulations. Under federal law, motor carriers, such as trucking companies, are required (subject to penalty) to ensure that their vehicles and equipment receive pre-trip inspections to ensure they are in safe working order, and are in compliance with the Federal Motor Carrier Safety Administration's stringent and comprehensive standards enumerated at 49 Code of Federal Regulations (CFR) Parts 300-399. Truck operation is licensed by the state.

Q.4 Is Federal funding being used to help pay for this project? Was Federal money used to help fund the studies/research?

Response: In February 2010, Alabama was awarded funds to support the development of the BRIMF from the U.S. Department of Transportation (USDOT), Transportation Investment Generating Economic Recovery (TIGER) Program. These funds were part of the American Recovery and Reinvestment Act (ARRA) of 2009. However, all studies and research regarding the proposed BRIMF, including the work done for the EA, have been paid for by NSR.

Q.5 I am worried that the smells from the BRIMF will disrupt the learning environment at McAdory Elementary and be a nuisance to the community.

Response: To the knowledge of NSR, there have been no documented cases or known complaints regarding the presence of unwanted odors in areas adjacent to NSR's existing intermodal facilities (IMFs). The BRIMF will comply with all state and federal regulations affecting water stored in the detention ponds to prevent odors. Operation of equipment onsite is not expected to result in any emissions that will affect odor. See Response to Public Comment L.7.

Q.6 What environmental permits or standards will the facility be required to abide by?

Response: The facility will meet, or exceed, the requirements of all applicable regulations and standards that may affect the natural and human environment. Those applicable environmental permitting requirements include: the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, and the Clean Air Act.

Q.7 What security measures will be utilized at the BRIMF?

Response: NSR has a railroad police department, and routinely coordinates with local law enforcement agencies. NSR also uses security cameras and other measures as required to ensure security and theft prevention in intermodal terminals. The BRIMF will also be

secured with fencing and gates that cannot be entered without approved access. Specific details regarding the anticipated security measures at the BRIMF are further discussed in Section 4.11.2.1 of the EA.

Q.8 If illegal substances are discovered or suspected within any container, what steps will NSR take to prevent these items from harming or reaching local residents and/or children?

Response: If illegal materials or substances are found, access to these shipments will be controlled, and local law enforcement agencies will be promptly notified.

Q.9 Will NSR plan an emergency exit from the BRIMF to Eastern Valley Road?

Response: See Response to Public Comment L.3.

Q.10 Will NSR coordinate an Emergency Response Plan with community and county services?

Response: NSR has made initial contact with local emergency responders to discuss the BRIMF. As noted in the responses in Section I – Hazardous Materials, NSR participates in national, state, and local emergency preparedness, response, and training, including coordination with local emergency responders. This coordination will continue through the construction phase and operation. Coordination may include training exercises or drills. See Responses to Public Comments L.4 and L.9.

Q.11 What is NSR's safety record?

Response: Please see Agency Comment L.2. Any accident or incident considered reportable is recorded on the Federal Railroad Administration – Office of Safety Analysis website. This website allows the public to run queries based on numerous criteria and topics. When comparing the four largest railroad companies operating in the U.S., over the last 10 years, NSR has the lowest rate of accidents among the largest Class I railroads.

http://safetydata.fra.dot.gov/OfficeofSafety/Default.aspx

Q.12 What is the life span of an IMF? What measures will NSR take to close down the facility when operations cease?

Response: The BRIMF is anticipated to have a life span of many decades. Facility closure and decommissioning, should it happen, will follow all appropriate laws and regulations to safely remove structures and prepare the site for other uses as appropriate at that time.

Q.13 When transferring containers, are those containers full or empty?

Response: The facility will move both loaded and empty containers.

Q.14 What role is ALDOT playing in this Project?

Response: The Alabama Department of Transportation (ALDOT) is the lead agency in overseeing the National Environmental Policy Act (NEPA) process for this project. ALDOT is responsible for reviewing the Environmental Assessment (EA) and associated studies and reports. Once all project information is reviewed, the lead Federal agency will determine whether the project meets the standard for a Finding of No Significant Impact (FONSI) or if additional studies may be required to make a decision about significance.

Q.15 Will NSR help build new ball fields for the McCalla area?

Response: Recreational facilities are not impacted by the proposed BRIMF and accordingly plans for ball fields are not included in the EA. NSR is committed to improving the quality of life for the McCalla area and understands the community is interested in support for certain projects.

Q.16 How will my property value be affected by the presence of the BRIMF? What have the property value trends been in the neighborhoods adjacent to the Austell IMF?

Response: During construction, there will be the potential for temporary impacts to adjacent residential and institutional property values while NSR is clearing the site, constructing the access road, and installing the visual barriers. Any additional effect on property values in the area is expected to be minimal during construction. Additionally, the impacts will be avoided or otherwise mitigated by routing all but the earliest stages of construction along the new access road to be built to McAshan Drive. Installation of barrier walls or berms will also be completed during the initial stages of construction to provide visual buffers to the extent practical for local viewsheds.

The Transportation Research Board (TRB) has acknowledged the difficulty in predicting property values and observing effects on property values in Section 11 of - Guidebook for Assessing the Social and Economic Effects of Transportation Projects (NCHRP RPT456, Part B). TRB methods for assessing effects on property values hinge on some form of observation of the property-value effects associated with similar types of projects in similar types of areas. To be useful, such observations require observable changes or differences in property values, reflecting a competitive and efficient market for land and buildings, unbiased by subsidies, price controls, or location restrictions. In short, it is exceptionally difficult to find a corresponding example that is appropriate from a location, time, and market perspective.

Following the announcement date of the Whitaker Intermodal Facility (IMF) in Austell, an independent MAI (Member of the Appraisal Institute) appraiser concluded that there should be negligible, if any, impact on prevailing residential property values or rate of sales as a result of the announcement or construction of the NSRIMF. Current findings suggest that the trend for sales prices of homes within the neighborhood closest to the IMF is the same as that in the surrounding zip codes.

While local residential property values have declined throughout the U.S. due to economic conditions, it is anticipated that regional economic benefits stimulated by the project will support the local and regional economy, including residential and institutional property values.

Q.17 Why is the name of this facility "*Birmingham* Regional Intermodal Facility" when it is directly impacting McCalla?

Response: The BRIMF will serve the Greater Birmingham Region and consequently provide economic benefits to the entire region.

Q.18 Please design and construct the BRIMF using "green" materials.

Response: The use of "green" materials will be evaluated during detailed design.

Q.19 Is there any study on file with CH2M HILL concerning other schools in relation to an Intermodal Rail System?

Response: CH2M HILL is aware of a number of studies involving intermodal facilities (IMFs). Several studies include analysis of potential environmental effects of IMFs and some of the facilities studied are located near schools. Most of the IMFs studied are distinguishable from the BRIMF based on the size of the facilities (often much larger than the BRIMF), location of the facilities (each location has unique environmental characteristics as well as differing state regulations and local concerns), and the age of the facility (older that the BRIMF, which will be a new facility, committed to utilizing new technologies, such as Tier 4-engines). CH2M HILL has not conducted a study concerning schools in relation to other IMFs.

Section 4.0 of the EA describes in detail the potential effects of the project, including any effects at McAdory Elementary School. The analysis concludes that the BRIMF will not present substantial adverse effects to the school based upon a comprehensive analysis which included study of air impacts, noise impacts, visual and aesthetics, safety, hazardous materials, and other resources of particular relevance for school uses. See also Response to Public Comment B.5.

Q.20 Does NSR own the Rosser property that extends to Eastern Valley Road? If so, does NSR have any plans for expanding the BRIMF in the future within the area of property that extends to Eastern Valley Road or does NSR intend to sell this land to an Industrial or Commercial corporation?

Response: NSR has purchased the Rosser property that extends to Eastern Valley Road. Currently, there are no plans to extend the facility beyond the current design or sell the property for industrial or commercial uses.

Q.21 Who decides which transportation company will deliver or pick up the containers? Does NSR request specific drivers?

Response: The drivers are hired by the company transporting the containers or trailers outside of the facility; they are not contracted by NSR. However, only drivers who are registered in NSR's Strategic Intermodal Management System (SIMS) will be authorized to access the BRIMF.

Q.22 Does NSR require any special training or certifications for the drivers who are permitted to enter the facility other than the standard DOT requirements?

Response: Drivers must be registered in NSR's Strategic Intermodal Management System (SIMS) prior to gaining access to the BRIMF. In order to be registered in NSR's SIMS and approved for the pickup of shipments, a new driver must present his or her Commercial Drivers License, which is scanned into the SIMS database and retained on file.

Q.23 Does NSR ever open and inspect full containers, and if so, to what extent? Does the DOT ever inspect containers?

Response: No. Containers transported in intermodal service are sealed by the shipper. On rare occasions, a seal may be broken and, for safety or security reasons, the contents may be inspected or evaluated for safe rail or highway shipment.

Q.24 How frequently are the trailers, which carry the containers, inspected or upgraded? And which entity performs inspections and upgrades?

Response: It is the responsibility of the transport company to maintain and inspect trucks, trailers, and chassis (used to transport containers) which carry goods to and from market. Trucks, trailers, and chassis are subject to the regulations and specifications of the U.S. Department of Transportation.

NSR and its contractors are responsible for maintaining and inspecting equipment within the boundaries of the BRIMF that are used for loading and offloading containers from trains to trucks (e.g., cranes and hostlers). NSR requires daily pre-operations checks on cranes in the terminal and periodic inspections at different time periods or operating hour intervals (based on manufacturers' guidelines) on equipment that is in service.

Q.25 If there is an accident involving a truck transporting an intermodal container along McAshan Drive, and the accident is the direct result of equipment failure on the truck, container, or trailer, which entity is responsible?

Response: It is the responsibility of the motor carrier or trucking company to maintain and inspect trucks, trailers, and container chassis which transport the goods to and from market. If an accident involving a truck were to occur along McAshan Drive relating to a container transported to or from the proposed BRIMF, the response will be handled by local emergency response personnel like any other automotive incident.

Q.26 Will NSR consider constructing an indoor playground at McAdory Elementary School?

Response: Extensive studies and modeling indicate that air and noise quality and safety will not be adversely affected at the existing playground at McAdory Elementary School. Accordingly, plans for an indoor playground are not included in the EA. NSR is committed to improving the quality of life for the McCalla area and understands the community is interested in support for certain projects.

Q.27 Was ALDOT invited to visit the proposed Bibb County Site (Woodstock Alternative)?

Response: The Woodstock Alternative site has been visited and reviewed by Project planners, as were other alternatives considered in the EA. This site is thoroughly discussed in the Alternatives Analysis Section (3.0) of the EA. ALDOT has not notified NSR as to whether a site visit to the Bibb County Alternative was performed.

Q.28 Please list the agencies and NGOs that were provided with project details and given an opportunity to provide their input regarding the proposed BRIMF.

Response: Please refer to Attachment A of this appendix for a list of stakeholders who have been provided with project details.

Q.29 Why was the Community Outreach Group (COG) formed?

Response: The COG was formed as an independent group to share the questions, concerns, and needs of the community with NSR. The formation of the COG and the meetings, discussions, and other correspondence are not a formal part of the National Environmental Policy Act (NEPA) process. The Alabama Department of Transportation (ALDOT) has

utilized COGs on other projects and found COGs to be of assistance in improving communication and addressing community concerns.

Q.30 I worry about all the trains on the tracks near our school.

Response: The NSR mainline has been in service for nearly 139 years; and currently, 27 trains of all types are scheduled to pass by McAdory Elementary School per day. Once the BRIMF is in operation, only two additional trains per day will pass by McAdory Elementary School. The addition of two intermodal trains per day is not anticipated to adversely impact the students or faculty at the school. Section 4.0 of the EA discusses the affected environment and potential consequences of the proposed BRIMF. Section 4.0 is divided into sub-sections that elaborate on the potential affects at McAdory Elementary School in terms of Air Quality (Sec. 4.2), Hazardous Materials (Sec. 4.8), Land Use (Sec. 4.9), Noise and Vibration (Sec. 4.10), Social Elements (Sec. 4.11), Traffic and Transportation (Sec. 4.12), and Visual Impacts (Sec. 4.13).

Q.31 The McCalla residents feel like the proposed project was planned long before it was introduced/announced to the public. Residents also believe public officials were aware of the proposed BRIMF, but were forced to keep quiet. Is this true, and if yes, why such secrecy?

Response: As with many large-scale complex projects, the planning phase, which includes identifying potential sites, drafting initial conceptual plans, and assessing the feasibility of a project, involves a large team engaged in numerous meetings and multiple versions of plans and drawings. The potential for the project was announced as early as possible following this assessment, and at this point in the process, the project is still a potential project subject to numerous reviews, approvals, and permits.

Q.32 I am worried about increased acid rain.

Response: The primary pollutant that contributes to acid rain is sulfur dioxide (SO_2). As described in Section 4.2.2 of the EA, the use of transportation-grade ultra low sulfur diesel (ULSD) fuel (0.0015% or 15 parts per million sulfur) at the facility will result in a negligible amount of SO_2 emissions during facility operations. Based on the very low emissions of SO_2, facility operations are not expected to result in an increase in acid rain at any location.

Q.33 I am concerned that there will be a decrease or termination of continued home building in partially developed subdivisions.

Response: Operation of the proposed BRIMF will stimulate economic growth throughout the Birmingham Region. As new businesses open and new jobs are created, an added demand for housing within this region is expected. Neighborhood developments are more likely to continue with the construction of new homes as the demand for housing increases.

Q.34 I am concerned that an increase in train traffic will cause delays for emergency vehicles at the rail road crossings.

Response: As McAshan Drive is grade-separated, emergency vehicles will be able to rely upon that route as having no impacts from train traffic at any time of the day or night. Also, please see the Response to Public Comment M.14.

Q.35 What happens if contraband is discovered to be held within a container?

Response: Please see Response to Public Comment Q.8.

Q.36 It will be helpful to see photos of sites that have the same function and size as the proposed BRIMF.

Response: While the Austell facility is considerably larger than the proposed BRIMF, photographs of NSR's existing John W. Whitaker Intermodal Facility in Austell, Georgia can be viewed at the following website: www.maccallacan.com.

Q.37 How should one go about applying for a position at the new BRIMF?

Response: Information for those interested in career opportunities with NSR is available at NSR's Job Seeker website: http://www.nscorp.com/nscportal/nscorp/Job_Seekers/. This site provides a list of available positions and instructions on how to apply. Jobs associated with contractors retained by NSR will be advertised locally. See Response to Public Comment L.1.

Q. 38 Will NSR consider building a "Norfolk Southern Welcome Center" in the McCalla area which could provide meeting rooms for clubs and other organizations?

Response: This item does not relate to the environmental impacts studied in the EA and accordingly no plans for a Welcome Center are included in the EA. NSR is committed to improving the quality of life for the McCalla area and understands the community is interested in support for certain projects.

Q.39 Will NSR consider assisting in the maintenance and upkeep of three historical homes that were built in the mid-1800s which are located near the proposed BRIMF?

Response: There is no indication that the BRIMF will have any effects on these or other historic homes in the area and accordingly, no plans to assist in the maintenance of these homes are included in the EA.

Q.40 Currently McAdory Elementary test scores fall in the 39th percentile. Will NSR consider providing assistance and guidance toward raising the test scores of the McAdory Schools?

Response: The BRIMF is not expected to cause a negative impact on McAdory Elementary School; accordingly, plans for assistance and guidance toward raising test scores are not included in the EA. There will be local and county economic benefits from the project that may be expected to have benefits in the community, including actions that may be taken by local and county governments that could benefit the school. NSR is committed to improving the quality of life for the McCalla area and understands the community is interested in support for certain projects.

Q.41 This project will create a financial burden to tax payers for the improvements to the roads.

Response: The traffic impact analysis indicates that roadways in the vicinity of the BRIMF will adequately serve the additional truck traffic created by the BRIMF, as discussed in Section 4.12 of the EA. Please see Response to Public Comment M.7. While tax benefits specific to the McCalla area have not been calculated, both direct and indirect tax benefits are estimated to result from the BRIMF. Please see Response to Public Comment L.10.

Q.42 What percent of the noise pollution, air pollution, light pollution, and water pollution caused by the facility will be reduced by a 15-foot berm?

Response: The purpose of the 15-ft landscape berms is to provide a visual barrier between some areas, including the McAdory Elementary School and the proposed BRIMF, which will not be shielded by natural terrain features. These berms are also expected to further reduce noise levels associated with facility construction and operations. There will be a passive effect of reducing the noise by as much as 10 decibels, A-weighted scale (dBA) although current studies indicate that the noise levels are not expected to pass a threshold that would be of concern. There are no water quality related impacts expected from the operation of the facility and appropriate stormwater management plans will be implemented to meet or exceed all state and federal water quality standards. Please see Responses to Public Comments N.2 & N.3.

Q.43 Are upgrades and/or modifications planned for the New Orleans to Birmingham NSR corridor and what is the timeline for these improvements?

Response: The primary purpose of the proposed BRIMF is to meet current and future demand for intermodal (rail/truck) freight transportation in the Birmingham region through expanded capacity, as described in Section 2.0 of the EA (Purpose and Need). The Proposed Action does not include upgrades or modifications to the NSR mainline corridor beyond the proposed BRIMF, as described in Section 3.5.1 of the EA (Proposed Action).

References

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Attachment A

List of Stakeholders Notified by ALDOT of the Proposed Birmingham Regional Intermodal Facility

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Bob Riley
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Transportation Director

July 17, 2009

«Title» «First_Name» «Last_Name»
«Company_Name»
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«Address_Line_2»
«City», «State» «ZIP_Code»

RE: Project: Crescent Corridor Intermodal Freight Project in McCalla Jefferson County

Dear Sir or Madam:

Norfolk Southern Railway Company (NSR), through its Alabama Great Southern Railroad Company (AGS) subsidiary, proposes to construct and operate a new intermodal facility in McCalla, Jefferson County, Alabama. The proposed project, referred to as the Birmingham Regional Intermodal Facility (IMF) (attached Figure), will meet current and future demands for freight transportation between the Birmingham region and the Northeast U.S., Southeast U.S. ports, and western destinations. The proposed facility, designed to optimize transportation efficiency, will provide additional benefits by: (1) reducing energy usage and carbon emissions, (2) reducing highway congestion and enhancing safety through the reduction of long-distance truck traffic, and (3) attracting local economic development and job creation.

Background

Intermodal is a method of moving freight involving two or more modes of transportation from origin to destination. Intermodal improves the overall efficiency of the transportation system by using the best and most efficient transportation mode for each segment of the shipment's route. In an intermodal transportation network, trains, trucks, ships, and aircraft are connected in a seamless system that is efficient and flexible, meeting the needs of consumers, carriers, and shippers. The Birmingham Regional IMF would facilitate the intermodal movement of freight via rail for long distances and via highway for localized pick-ups and deliveries.

The Federal Highway Administration (FHWA) Freight Analysis Framework (FAF) forecasts that U.S. freight tonnage will almost double between 2006 and 2035. This increase will be driven primarily by the expansion of economic activity, population, and international freight. The FHWA projects intermodal transportation will grow at faster rates than all other transportation methods except air. The Birmingham Regional IMF would help address these projections of future freight transportation in the Birmingham region. The growth of U.S. intermodal traffic also is being driven by factors such as highway congestion, higher fuel prices, the quest for energy efficiency and smaller carbon footprints, truck driver shortages, and improvements in intermodal service offerings. The result is an increasing need for new intermodal terminals where rail to truck and truck to rail mode conversion occurs. One train can take up to 280 truckloads of freight off our congested highways.

Existing infrastructure and transportation facilities are not adequate to serve future freight transportation needs in the Birmingham region. Current capacity limitations result in a pent-up demand for intermodal service between the Birmingham region and the Northeast U.S. NSR projects that, by developing sufficient rail intermodal infrastructure and competitive rail intermodal services, over 69,000 domestic truckloads can be converted from all-highway to rail intermodal between the Birmingham Regional IMF and the Northeast.

The proposed Birmingham Regional IMF is also ideally located to handle domestic and international freight between the Birmingham region and western destinations, and international freight to and from the Southeast ports of Savannah, Georgia and Charleston, South Carolina. All volumes combined, NSR estimates the need for a Birmingham area intermodal facility that can annually perform 165,000 total lifts of trailers and containers.

The Birmingham Regional IMF would also improve the regional economy and provide needed jobs. Beyond the economic benefits, the projected conversion of freight from all-highway to rail intermodal service would substantially reduce future highway truck traffic on interstate highways between Birmingham and the Northeast. This conversion to rail intermodal transport would produce significant safety and environmental benefits and help relieve highway congestion.

Project Description

The Birmingham Regional IMF would be built and owned by AGS, an NSR subsidiary, on property owned or controlled by AGS (see attached Figure). It would have the following main components:

- Three pad tracks averaging 4,600 ft each.
- A support yard with approximately 21,700 ft of track.

- 7,500-ft lead tracks on both ends of the facility. These leads would allow two trains to switch the facility at the same time and avoid blocking the main track for other rail traffic. A very short segment of lead track at the southwest end of the facility would be located in Tuscaloosa County within AGS' existing operating right-of-way.

- Paved areas for the parking of approximately 1,440 trailers and containers mounted on chassis.

- An automatic gate system, administration building, maintenance and operations buildings, equipment maintenance pad, and related ancillary facilities.

Location is a critical component of the Birmingham Regional IMF. The selected site must have the following components:

- Sufficient Land: The selected 316-acre site has enough land for a facility that can meet market demands and support the facility's operational requirements. Safe and efficient facility operations require a site with minimum dimensions of approximately 7,500 ft by 1,500 ft.

- Proximity to Rail Infrastructure: The selected site is adjacent to the AGS Birmingham to Meridian mainline, between mileposts 161.17 and 165.98. This location on the west side of Birmingham is key because it will enhance the flexibility of rail operations and maximize the number of markets that can be served by the facility by allowing trains to use either of the two NSR mainline routes east of Birmingham.

- Proximity to Highway Infrastructure: The selected site has excellent highway access. Trucks would access the Birmingham Regional IMF via McAshan Drive, which connects to Interstates 20 and 59 approximately 1.4 miles from the proposed IMF.

- Customer Base: The selected site is centrally located for its customer base. Industrial and commercial economic activity is spread throughout the Birmingham region.

Existing transportation capacity limitations, combined with future projections for intermodal traffic growth, indicate the need for a large intermodal facility in the Birmingham region. Such a facility must be close to existing major highways and rail lines and have adequate size and scope to meet future capacity demands. The proposed Birmingham Regional IMF would meet these requirements to serve national and regional transportation needs.

Views and Comments

NSR is investigating all aspects of this proposal in order to determine its feasibility. The FHWA is very much interested in the views of public officials and agencies concerning this proposed highway facility. The early identification of effects a transportation project may have on an area is needed to assure proper planning.

Additionally, this letter is to officially begin consultation as required under Section 106 of the National Historic Preservation Act (16 U.S.C.470f) and its implementing regulations (36 CFR Part 800). All requirements of the Section 106 process will be met as part of completing the project environmental document. Therefore, your review is requested.

We would appreciate any comments or useful information that you might have on potential social, economic, or environmental effects of the proposed project. We also solicit your comments on the purpose and need for the proposed project and potential alternatives to the project. The comments will be taken under consideration during preparation of the environmental document.

Sincerely,

William F. Adams, P.E.
State Design Engineer

By: Alfedo Acoff
Alfedo Acoff, Coordinator
Environmental Technical Section

AA/GL/mmz

pc: ETS File

Appendix B - Summary of Agency Comments from the August 18 and November 12, 2009 Public Meetings

BRIMF Agency, Non-government Agency, and Organization Comments and Responses

The comments summarized below were developed from comments submitted by governmental agencies and public institutions. These comments were received in response to a Views and Comments letter submitted by the Alabama Department of Transportation (ALDOT) on July 17, 2009. Some comments were received in response to a 30-day public notice of the August 18, 2009 Public Information Meeting, a 30-day public notice of the November 12, 2009 Public Information Meeting, and for 10 business days following each of the Public Information Meetings. The entirety of each comment is available within this Appendix.

Multiple comments, questions, and concerns were submitted to Norfolk Southern Railway Company (NSR) and/or ALDOT prior to the commencement of comprehensive studies or the completion of the proposed facility design. These particular statements are indicated by an asterisk (*) at the end of the comment.

A – Purpose and Need

A.1 The need, potential transportation benefits, and adverse effects of the proposed project should be clearly stated and substantiated.*

Response: Section 2.0 of the EA (Purpose and Need) defines the purpose and need for the proposed Birmingham Regional Intermodal Facility (BRIMF). The primary purpose and need for the proposed BRIMF is to meet current and future demand for intermodal (rail/truck) freight transportation in the Birmingham region through expanded capacity. Factors influencing the need for this facility at this time include current and future demand for rail intermodal service capacity and market drivers in the Birmingham region.

The proposed new BRIMF would provide transportation alternatives to long-haul truck traffic to and from the Birmingham region. Section 2.2.3 of the EA (Additional Benefits of Proposed Action) summarizes the potential transportation benefits of the proposed project. In addition to the efficiencies gained in freight transportation and reduction of future demands on highways supporting interstate commerce and energy sources through the development of the BRIMF, the proposed project would also improve the regional economy and provide needed jobs.

Section 4.0 of the EA (Affected Environment and Environmental Consequences) analyzes the environmental consequences of the proposed action and describes how potentially adverse effects would be avoided, minimized, and/or mitigated. Section 5.0 (Indirect and Cumulative Impacts) evaluates the project's indirect and cumulative impacts associated with the proposed BRIMF for each of the affected resource areas.

Substantiation of the purpose and need is provided in Section 2.0 and includes national transportation need projections from the Federal Highway Administration (FHWA) and analysis by Cambridge Systematics, documenting projected freight traffic demand impact, as well as fuel consumption, emissions, safety, and economic and non-monetized impacts.

B – Proposed Action and Alternatives

B.1 What modifications were made to the conceptual plan to help minimize adverse effects to McAdory Elementary School?

Response: The site for the proposed BRIMF is in the viewshed of McAdory Elementary School, and therefore, NSR modified the original design to provide a vegetated earthen landscape berm between the facility and the school as a visual barrier. This berm would provide the added benefit of noise reduction. Part of the southwestern end of the facility footprint was relocated to avoid or reduce impacts to wetlands and the nearby tributary to Mill Creek; this relocation also increased the distance between the school and the proposed facility road nearest the landscape berm. In addition, the entrance to the facility access road was redesigned and signage proposed that will lead trucks exiting the facility toward I-20/59, away from Eastern Valley Road, and deter the potential movement of trucks in the vicinity of McAdory Elementary School.

Section 3.4.3 of the EA (Design Modifications in Response to Public and Agency Comments) discusses the sub-alternatives that have been developed through the conceptual planning phase to respond to various issues, including modifications to minimize potential adverse effects to McAdory Elementary School, as well as mitigation of project effects in general.

B.2 The U.S. Environmental Protection Agency (USEPA) recommends that the National Environmental Policy Act (NEPA) document incorporate a robust alternatives analysis section given their environmental concerns related to the siting of the intermodal facility in proximity to area schools. The document should also discuss any alternative site locations that were examined.*

Response: Section 3.0 of the EA (Proposed Action and Alternatives) describes seven alternative sites considered for the BRIMF and presents the two-part screening analysis which resulted in the selection of the preferred alternative site. The first level screening applied two mandatory criteria for the successful expansion of intermodal capacity in the Birmingham region and resulted in the elimination of two sites. The second level screening examined criteria which are also important in the analysis, including construction, operational, environmental, and social attributes of each of the five remaining sites, and resulted in the identification of the McCalla site as the preferred alternative.

The second level screening presented in Section 3.2.2.2 of the EA (Second Level Screening for Construction, Operational, and Environmental Considerations) included an evaluation criterion for potential impacts of an IMF on the community, including residential communities, schools, churches, and parks. The analysis of potential community impacts compared residential land use areas and the number of non-residential sensitive receptors within 0.5 mile of each alternative. Non-residential sensitive receptors, including schools, were located within 0.5 mile of several alternatives, as described in Section 3.3 of the EA (Description of Alternatives Considered), including the preferred alternative. The magnitude of potential impacts associated with the alternatives considered resulted in selection of the McCalla site as the preferred alternative, consistent with meeting the project purpose and need.

C – Air Quality

C.1 All emissions resulting from the project must be in compliance with all applicable air quality regulations, particularly relative to the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (e.g., ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, lead and particulates) in designated nonattainment areas. Based on

USEPA's initial review, the proposed project area is designated as non-attainment for fine particulate matter (PM2.5) and ozone. There are two types of activities (e.g., facility construction and operation) that contribute to air pollution in the proposed project area.*

Response: NSR will comply with all applicable air quality regulations during both facility construction and operation. While Jefferson County is currently designated as a nonattainment area for PM2.5 and as a maintenance area for ozone, a comprehensive air quality analysis of maximum projected facility emissions demonstrated that BRIMF operations will not cause or contribute to an exceedance of the NAAQS for PM2.5 (or any other pollutant) at any location. A discussion of the air quality analysis methodology, results, and conclusions, is provided in Section 4.2 of the EA.

C.2 USEPA recommends that the NEPA document discuss what will be done to minimize emission impacts. For example, retrofits and other measures to reduce truck emissions and idle reduction measures (e.g., idle reducing hook-ups, appointment scheduling, and other queuing reduction measures). Also, all construction equipment should be tuned to manufacturer's specifications to reduce air emissions. By June 2010, the Ultra Low Sulfur Diesel (ULSD) fuel standard of 15 parts per million (ppm) sulfur will apply to non-road diesel fuel production. Beginning in 2010, locomotive diesel fuel must meet the ULSD fuel standard of 15 ppm sulfur. Open burning should also be minimized or avoided, since such emissions are precursors to ozone. Open burning should be coordinated with the state and/or county regarding permitting needs. USEPA further recommends using water for fugitive dust control during construction, instead of oils and other chemicals.*

Response: Although there is no requirement to do so, NSR has already committed to reducing its emissions by using only new Tier-4 engines that will meet USEPA's future emission standards in its container handling equipment (cranes and hostler yard trucks) at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available, which (as noted) should be the case following USEPA's June 2010 fuel standard schedule. Currently, low sulphur diesel fuel is available in the Birmingham area. Also as noted by USEPA, the ULSD fuel standard commences in 2010, providing for further reductions in sulfur content. Other mitigation measures are being considered as part of the environmental review process.

The operation of the facility, in and of itself, can be characterized as an "environmentally beneficial project" since it will result in net annual reductions of more than 81 million truck miles and more than 10.5 million gallons of diesel fuel used nationwide. These reductions are consistent with national energy and environmental policy goals for congestion mitigation, dependence on fossil fuels, and air pollutant emission reductions (including greenhouse gases).

During the construction phase of the project, open burning (if required) would only be performed with the approval of the Jefferson County Department of Health. Fugitive dust emissions during construction would be minimized using appropriate Best Management Practices (BMPs) as described in Section 4.2.1 of the EA.

C.3 An evaluation of a project of this magnitude (165,000 transfers per year) should include consideration of the impacts of Mobile Source Air Toxics (MSAT) emissions

on nearby populations. The NEPA document should include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations at each of the locations being considered for the facility in order to allow an informed comparison of the level of acceptability of each of the locations being considered. The screening level evaluation could be conducted using the approach described in USEPA's Air Toxics Risk Assessment Reference Library (ATRA Library). USEPA refers the sponsor of the project to the ATRA Library, Volume 1 Section 3.3.3 for further details (http://epa.gov/ttn/fera/risk_atra_main.html). The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-roadway receptors, including sensitive receptors such as children and the elderly. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.*

Response: An evaluation of MSAT emissions during facility operation has been performed and is described in Section 4.2.2 of the EA. The evaluation was based on a detailed emission inventory of all emission sources that will be operating at the facility, at maximum design capacity. The evaluation of MSAT emissions was performed consistent with FHWA and USEPA guidance, as described in Section 4.2.2.4 of the EA. MSAT emission evaluations were only performed for the preferred alternative. It was not necessary to conduct air emissions analysis at alternative locations because other criteria more critical to the acceptability of each of the locations being considered was not met.

The Automated Gate System (AGS) proposed for the facility will ensure quick entry and exit from the facility with minimal stoppage time and associated idling. The transaction time for trucks at the AGS is typically under 3 minutes. Once entering the facility, trucks are driven to their designated cargo location for hookup or release of their intermodal cargo, a matter of a few minutes. Trucks then exit through the AGS with its automated security and inventory control. The entire process is designed to be quick and efficient with minimal idling. There is no incentive in the transportation system for idling, which not only slows the delivery process but also wastes expensive fuel. NSR will install signs at selected locations to further discourage idling.

As mentioned above in Response to Agency Comments C.2, NSR has already committed to reducing its emissions by fielding only new Tier-4 engines that will meet USEPA's future emission standards in its container handling equipment (cranes and hostlers) at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available, which (as noted) should be the case following USEPA's June 2010 fuel standard schedule.

D – Cultural, Historic, and Archaeological Resources

D.1 A cultural resource survey concurrence should be coordinated with the State Historic Preservation Officer (SHPO). Besides the consideration of listed historical sites, the NEPA document should also discuss procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until SHPO and/or Tribal approval of continued construction is received.*

Response: A cultural, historic, and archeological survey has been completed for the site and no discoveries of any kind that may be considered significant or having potential for listing under Section 106 of the NHPA were found. Formal clearance through SHPO has been requested. An Unanticipated Discoveries Plan will be drafted for the project before construction begins and made available to all site contractors to follow during the construction phase.

E – Fish, Wildlife, and Vegetation

E.1 Has there been an adequate assessment of potential impacts to imperiled species (terrestrial, aquatic, and vegetation) within the project area and beyond (indirect impacts)?*

Response: Site-specific threatened and endangered species surveys were conducted to assess the occurrence of protected fish, mussels, and snails, and terrestrial and wetlands species. These surveys did not find potentially suitable habitat for protected plant and wildlife species nor were any Federal or State protected species identified in or immediately adjacent to the proposed project area. Section 4.4.2.3 of the EA provides additional information on these surveys. To obtain a copy of the protected aquatic species survey reports (*Threatened and Endangered Mollusk Survey in the East and West Forks of Mill Creek and Cooley Creek in the Cahaba River Drainage* and *Survey for Protected Fish in the Vicinity of Proposed Norfolk Southern Project in Jefferson and Tuscaloosa Counties, Alabama*) please submit written request to ADOT.

F – Water Resources

F.1 Post-development stormwater runoff volumes will not approximate pre-development runoff volumes, which will cause significant negative water quality impacts.*

Response: In addition to the control of volume releases of stormwater, a stormwater retention aspect was added to the ponds for detention or stormwater flow runoff velocity reduction. A spray irrigation field supplied by retained water will be installed to reduce water volume in releases and minimize potential impacts to adjacent streams. Section 4.5.2.2 of the EA provides detailed information on stormwater runoff values.

F.2 This is a fundamental, significant issue concerning the health of the Cahaba River system that can no longer be ignored, and must be fully addressed by this NEPA process.

Response: The EA addresses the potential water quality impacts from construction and operational impacts associated with the development of the BRIMF. Additional information is provided in Section 4.5.2 of the EA. All state and federal protocols for BMPs will be met along with all applicable water quality criteria for any released surface water. Although not required under the Clean Water Act, the facility is being designed to provide for a match of pre- and post-construction hydrology from the site. As mentioned above in Response to Agency Comment F.1, the spray irrigation field will assist in managing water volumes onsite.

F.3 How will the facility yard design plans address water quality concerns? Furthermore, will flooding events impact downstream properties and infrastructure? USEPA

recommends that the rail yard be designed to collect stormwater runoff. The runoff should then be constructively used for landscape watering or grey water use in the infrastructure, i.e., flushing toilets or locomotive/rail car cleaning, etc.*

Response: In addition to the control of volume releases of stormwater, a stormwater retention aspect was added to the ponds for detention or storm flow rate reduction. Industry standards were consulted for the retention volume and depth to achieve desired water quality. A spray irrigation field will also be utilized to minimize water volume in releases and reduce potential impacts to adjacent streams. The retention/detention ponds and pond outlet control structures are designed with maximum outflows from the most downstream pond not to exceed the pre-development 2 year storm at the pond outfall. Section 4.5.2 of the EA provides additional information on proposed stormwater management at the BRIMF. The detention ponds are designed with a shutoff valve in order to be able to control any spill that may occur on site. The alignment of the leads on the west side of the terminal was designed so as to reduce stream impacts.

F.4 The document should include an erosion control plan or reference the State erosion control regulations and a commitment to compliance. Compliance should include both BMP application and maintenance. BMPs for the design operation life of the facility should also be considered.*

Response: An erosion control plan will be completed prior to the start of construction of the project and will comply with State erosion control regulations. Design of the facility includes BMP implementation during both construction and operations.

F.5 The document should discuss any proposed crossings of water bodies. In general, crossings should be minimized. Unavoidable crossing should be strategically placed to reduce harm by avoiding fish spawning areas, avoiding fringe wetlands, approaching at right angles to streams, etc.*

Response: Bottomless culverts and bridge crossings will be used to minimize impacts to the movement of aquatic organisms. The design of the tracks included strategic placement to minimize impacts to wetlands. Stream crossings have been designed to be at right angles to the streams wherever feasible to do so. A wall design for two of the incoming tracks will be used instead of culverts to reduce the width of the culvert crossing thereby reducing impacts to the stream and wetlands and provide daylight for aquatic organisms. Water body crossings at the facility will also be governed by the requirements of Section 404 of the Clean Water Act, under the purview of the U.S. Army Corps of Engineers under separate permit which will include full mitigation of impacts to waters and wetlands.

F.6 USEPA notes that the proposed project is located in an impaired watershed. The ADEM has identified Shades Creek as not supporting its designated use of fish and wildlife due to low dissolved oxygen, pathogens, siltation, turbidity, and other habitat alternations. Land use in the headwaters of Shades Creek is urban in its headwaters south of Birmingham. ADEM has also identified collection system failure and urban runoff/storm sewers as probably causes of impairment of Shades Creek. In addition to Shades Creek, three tributaries (Cooley, Mill, and Mud Creeks) are also listed as impaired due to pathogen impairment and are designated as partially supporting their designated use.

The NEPA document should indicate how the proposed project will impact the Shades Creek watershed. What improvements will be made to that portion of the urban storm-water system in the vicinity of the proposed action to help Shades Creek meet existing water quality standards? What improvements need to be made to the collection system to prevent the proposed action from further degrading Shads Creek? How will the proposed action affect the existing sewer (and drinking water) infrastructure? *

Response: Several site visits were completed to characterize the streams in the area of the proposed BRIMF that had any potential to be affected by construction or operation of the facility. Sections ES 5.4 and 4.5.2.2 of the EA includes information from these site visits. The stormwater system that has been designed, consisting of four retention ponds, a weir that can be closed if necessary, and a spray irrigation system, will provide management of runoff from the facility and achieve the required water quality compliance goals and standards. See response to question F.9 for information on the stormwater system included in the proposed BRIMF. All construction and operation activities will apply additional BMPs as needed to further avoid impacts to streams in the watershed as well as designs for retention ponds to manage water flows and quality before the water is released into adjacent streams. These protocols, as described in more detail in Section 5.5.3 of the EA, will be expected to avoid impacts to the tributaries adjacent to the site and thereby avoid impacts to the Shades Creek watershed.

I – Hazardous Materials

I.1 NSR declares that only a "small percentage" of 3 to 4% of intermodal shipments are regulated as hazardous commodities. What does that mean in terms of quantities of hazardous materials being transferred? Most hazardous chemicals are shipped in bulk containers of 88,000 or more gallons. Specifically, what hazardous chemicals will be shipped?

Response: Intermodal traffic is carried on separate trains within the NSR network.

Annually, NSR typically transports approximately 2.2 to 2.9 million shipments or containers through their existing IMFs across the eastern United States, of which only 3 to 4 percent contain hazardous materials. During the period 2004 through 2009, NSR intermodal transported 16,070,989 intermodal units. During that same time there were 25 hazmat spills from intermodal units inside IMFs, or 0.000156% for each shipment. Additionally, the trend has been toward fewer spills each year (2004-10, 2005-5, 2006-2, 200704, 2008-1 and 2009-3). Of these 25 spills, 17 were one gallon or less in size and only one spill was over 25 gallons.

The large railway tank cars (which average 22,000 gallons, with a limited number hauling up to 43,000 gallons), are restricted from NSR intermodal transport and consequently will not be handled at the BRIMF. Specifically which hazardous materials can be shipped is governed by U.S. DOT regulations, which determine shipping requirements that allow certain hazardous materials to be shipped while prohibiting others. These regulations are detailed at 49 CFR 172. Examples of hazardous commodities typically shipped through NSR's intermodal system in containers include cans of paint, cases of household size cleaners, components of fire extinguishers, and air bags. Some materials that are corrosive, toxic or potentially harmful are transported in intermodal service as permitted by U.S. DOT

regulations. A more detailed discussion of hazardous commodities transported through NSR's intermodal system is available in Section 4.8 of the EA. NSR does not foresee any plans to transport railway tank cars through the intermodal system in the future, and this equipment therefore will not be transported through the BRIMF. A very small number of tank containers (less than 0.4 percent of all NSR intermodal shipments) are shipped in intermodal service. These tank containers commonly have a capacity of 6,000 gallons and have proven to be a very safe type of equipment. The commodities shipped in tank containers are controlled by USDOT and NSR, and include non-hazardous food-grade commodities and regulated hazardous commodities. Toxic Inhalation Hazards, as well as certain explosives and other similar commodities are forbidden from transit in intermodal service by NSR.

I.2 Even though NSR claims that none of the hazardous materials pose inhalation hazards, how can NSR guarantee that a plume of toxic chemicals would not occur when certain corrosive chemicals (acids and bases) are released during an event?

Response: The very small percentages (less than 4 %) of shipments that carry products that are considered hazardous do not represent highly corrosive acids or bases in large quantities. Prior operating history for NSR's other intermodal facilities has demonstrated that if an incident occurs that causes release of chemicals in a container, the materials released are quantities on the order of ounces to a few gallons. These quantities are managed on site by local staff and vendors. In the very few cases of leaks or spills at the NSR intermodal facilities, hazardous materials have not caused harm to individuals or the environment. Additionally, intermodal facilities are designed to prevent any material or substance from reaching any offsite land or water resources. Shipments of hazardous chemicals through intermodal are regulated by the U.S. DOT and NSR. DOT requirements for shipping, containerizing, and marking are discussed in Section 4.8.2 of the EA.

I.3 The NEPA document should address issues related to potential accidents that may occur related to the proposed intermodal facility. What are the emergency response plans to address issues associated with potential hazardous-cargo accidents, e.g., tractor trailer traffic bringing in the cargo or cargo container transfer incidents between the truck and the train, in an area with elementary, middle, and high schools, day care, and residences.*

Response: Please see Response to Public Comment I.1.

J – Land Use

J.1 If the land use plan is to be "over-ridden" then such a decision should be subject to open public review and involvement. Comprehensive land use planning is an extremely important function that property owners, both families and businesses, in America rely upon to make investment decisions and build towards the future. That important deliberation is not included in the present "EA" material. A full EIS could help resolve those actual and perceived incompatibilities and address the need to consider economic and other impacts to local property owners and the surrounding community.*

Response: Location of rail facilities and certain other infrastructure vital to national interests in interstate commerce were established many years ago. The location of the rail line

through McCalla was established in the late 1800's. Accordingly, rail use of the area was established long ago and dictates the general location for transportation facilities like the intermodal facility. Land use plans typically do not address rail facilities due to longstanding legal doctrines limiting local governmental authority over interstate transportation (such as highways, rail, etc.) as well as other nationally important infrastructure (e.g. power, energy pipelines, water). Public and agency input was vital to the development of the alternatives, the analysis of impacts, the selection of the preferred alternative, and the measures to minimize harm that have been developed to mitigate project impacts. Public meetings were held August 18 and November 12, 2009, at the Bessemer Civic Center. Approximately 750 people attended these two meetings and about 300 comments were received. Consideration of economic and other impacts to local property owners has been considered and is described in the EA. A public hearing is scheduled in April 2010 to further provide a venue for public involvement.

K – Noise and Vibration

K.1 The NEPA document should indicate what noise levels can be expected from the project, and the distance to the closest residence or other sensitive receptor (school, medical facility, etc.). Background (ambient) noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise.*

Response: Section 4.10 of the EA provides the noise levels at adjacent receptors (e.g., McAdory Elementary School, Saddler Ridge Neighborhood) that can be expected as a result of the BRIMF. Additionally, ambient noise levels are provided in the report. The evaluation of noise impacts in the EA and noise study conclude little to no incremental increase in noise.

K.2 All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises.*

Response: Provisions would be included in the construction plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as proper maintenance of muffler systems. NSR observes all applicable Federal Railroad Administration and OSHA regulations for employees potentially affected by job noises. Additional details regarding construction generated noise and anticipated mitigation are included in Section 4.10 of the EA.

K.3 If noise impacts are significant at residences just outside the normal width of the right-of-way, relocation of residents should also be considered at the discretion of the affected residents. Avoiding noise impacts via alignment/route shifts or less impacting alternatives is frequently more effective than mitigation. The proposed project does have communities that are located within the vicinity of the project area. Because of their proximity, the NEPA document should indicate how the construction and ongoing operational activities will affect existing area residents and schools. In addition, the documents should also disclose how noise impacts will be minimized and mitigated.*

Response: Results from the noise monitoring and modeling studies indicate that adjacent neighborhoods will not be substantially affected by construction or operation noises from the IMF. Therefore relocating of access roads or other mitigation options is not expected to be required. However, there will be several areas on the site where current planning includes the placement of 15-foot landscape berms or walls to shield the visual impacts from local residences, these walls will provide added reduction of noise levels as well. Additional details regarding construction generated noise and anticipated mitigation are included in Section 4.10 of the EA.

L – Social Elements and Environmental Justice

L.1 Will there be an impact on McAdory Fire Department or the Sheriff's Department, due to the construction or operation of the BRIMF? If so, will NSR assist in funding an increase in manpower and training?

Response: Section 4.11.1.3 of the EA discusses the availability and proximity to community facilities such as police, fire, and emergency medical services (EMS) while Section 4.11.2.1 summarizes the Safety and Security measures proposed by NSR as part of the BRIMF, including emergency preparedness. NSR does not anticipate an impact to the McAdory Fire Department or the Sheriff's Department due to the construction or operation of the BRIMF. However, NSR will offer training to local first responders. Additionally, the NSR Police Department coordinates with local law enforcement agencies in training and exercises.

L.2 NSR claims that it has a stellar safety record. But the citation they give for the E.H. Harriman Gold safety award is for employee safety. It says nothing about derailments and other accidents involving NSR trains and cars. Please provide detailed information on NSR's train safety record: how many derailments, accidents, etc.? How does NSR's record compare with the industry?

Response: Any accident or incident considered reportable is recorded on the Federal Railroad Administration – Office of Safety Analysis website. This website allows the public to run queries based on numerous criteria and topics. When comparing the four largest railroad companies operating in the U.S., over the last ten years NSR has the lowest rate of accidents among the largest Class I railroads. These safety statistics report accidents for all types of trains operated by NSR. Figure 4.11-6 in Section 4.11 of the EA provides a 10-year overview of accidents and incident rates occurring over the rail networks of the four largest Class I Railroads. http://safetydata.fra.dot.gov/OfficeofSafety/Default.aspx

L.3 The NEPA document should address the issues associated with residential and children's health and safety issues regarding their potential exposure to increased diesel emissions, heavy truck traffic, noise, lighting and visual impacts. The NEPA document should also indicate whether the existing transportation infrastructure (e.g., Eastern Valley Road) is equipped to handle the additional capacity. What are the plans for addressing the anticipated traffic congestion and associated environmental impacts and safety issues implied by the increased truck traffic? The NEPA document should discuss the following:

- **Whether air monitors will be used to monitor pollutant levels on the school grounds. Monitoring may help to indentify appropriate mitigation to protect children's health.**

- **Filtering air intake to the extent feasible to minimize intake of these particulates into the school's HVAC system, as well as filtering within the HVAC system.**
- **Whether increased truck traffic and noise associated with the facility operation will impact school classes and how this impact can be mitigated, e.g., providing/installing sound proof materials for the class rooms and planting vegetative buffers.**
- **The design plans for the intermodal facility and technology that will be used to reduce associated emissions/noise. Will berms/noise barriers be implemented to separate the facility from neighboring properties? Scheduling outdoor activities at the school when vehicular traffic is low, banning vehicular idling at the intermodal facility, and planting evergreen trees/vegetation should minimize air and noise impacts.***

Response: The EA that has been prepared for the Proposed BRIMF addresses the issues that are raised in this comment. Additional information can be found in the following sections of the EA:

- Section 4.2 (Air Quality)
- Section 4.10 (Noise and Vibration)
- Section 4.11.2. (Environmental Consequences)
- Section 4.12 (Traffic and Transportation)
- Section 4.13 (Visual and Lighting)

More specific responses to each issue are as follows:

- Traffic Congestion - The projected increase in truck traffic on McAshan Drive north of the facility entrance is expected to represent only a small increase in the average annual daily traffic (AADT) volume. Based on traffic studies and the projected truck volume for the project, the increase in traffic on McAshan Drive will be less than 8.5 percent of existing and projected traffic volumes for all foreseeable future scenarios. Traffic studies have also indicated that the facility will not lead to a deterioration of the level of service (LOS) at any intersection between the facility entrance and Interstate 20/59. The facility is being designed such that visiting truck traffic will not enter or leave the facility via Eastern Valley Road. Please also refer to Section 4.12 of the EA.
- Air Quality Monitoring - NSR currently has no plans to perform ambient air quality monitoring at the facility. Ambient air quality monitoring is typically not performed to assess mobile sources of air emissions. USEPA's approach to mobile air source emissions includes regulation of engine emissions through industry standards and analyses of projected emissions (qualitative, or under some circumstances quantitative). NSR believes that the comprehensive qualitative and quantitative air quality analyses that have been performed have adequately demonstrated that the facility will not result in an adverse impact on ambient air quality at any location. Please also refer to Section 4.2 of the EA.
- Air Quality at McAdory Elementary (HVAC Systems) – Comprehensive air quality analyses of the air emissions from the proposed facility (operating at design capacity) have demonstrated that there will be no adverse impacts at or in the vicinity of the

McAdory Elementary School or at any other location. Based on the results of these analyses, NSR does not believe that any modifications to the HVAC system should be necessary at the school related to the construction or operation of the BRIMF. Please also refer to EA Section 4.2.

- Traffic and Noise Impacts at McAdory Elementary – Visiting truck traffic will enter and leave the facility via McAshan Drive and travel between the facility entrance and Interstate 20/59. No increase in truck traffic is expected on Eastern Valley Road as a result of facility operations. Additionally, the majority of the trucks and equipment at the facility will be operating on the site at distances between ½ and 1 mile from the school. Earthen berms (15 ft above grade), will also be constructed between the school and the facility to provide a visual barrier. These berms, which will be vegetated, will also substantially reduce or eliminate any potential noise propagation from the facility to the school. Noise analyses of the facility (including the presence of the berms) while operating at maximum design capacity have indicated that there will be no substantial increase in noise levels in the vicinity of the McAdory Elementary School. Based on the results of these analyses, NSR does not believe that additional noise reduction mitigation at the school should be necessary. Please also refer to EA Section 4.10.
- Visual and Lighting - Additional visual barriers, including earthen berms and walls, will be constructed at various locations around the facility to provide visual barriers between the facility and neighboring locations. Please also refer to EA Section 4.13.

L.4 Consistent with Executive Order 12898 (2/11/94), potential EJ impacts should be considered in the NEPA document.*

Response: Consistent with Executive Order 12898 and including assessment under USEPA guidance, Section 4.11 of the EA fully reviews potential Environmental Justice impacts and concludes that no Environmental Justice impacts could result from the proposed BRIMF.

L.5 The demographics of the affected area should be defined using the U.S. Census data for the year 2000 (Census blocks) and compared to other nearby Census block, county, and state percentages for minorities and/or low-income populations. If percentages of these populations are elevated within the project area, other alternatives should be considered, or coordination with affected populations should be conducted, to determine the affected population's concerns and comments regarding the proposed project. This coordination should include a clear discussion of the project, project updates or expansions, inclusion of the affected population (or their community leader, pastor, or equivalent) on the NEPA document mailing list, any economic benefits (job opportunities, etc.) and adverse impacts of the project to the affected population, and the opportunity for informal and/or formal comments (e.g., EIS scoping meeting and EIS public hearing, or other public meetings). Regardless of the demographic makeup of the affected population, impacts of the project should be controlled so that significant effects on human health are avoided and/or minimized.*

Response: Section 4.11.1.3 of the EA describes the analysis performed by the Regional Planning Commission of Greater Birmingham's (RPCGB) Transportation Planning Division to evaluate potential Environmental Justice issues across Jefferson and Shelby Counties using FWHA procedures at the U.S. Census Bureau block group resolution (Birmingham MPO, 2005). As noted in Section 4.11.1.3, there is not a noticeable concentration of low-

income populations in the area around the proposed BRIMF, while minority groups represent approximately 10 to 25 percent of the nearby population as compared with 36 percent of Jefferson and Shelby Counties' overall population. As a result, the development of the proposed BRIMF is not anticipated to have a disproportionate impact on Environmental Justice populations and further coordination is not required. The numerous public participation opportunities for this project include information on the project, economic benefits, potential adverse impacts, and opportunities for comments to solicit view of all of the public, including minority and low-income populations.

M – Traffic and Transportation

M.1 Currently, when a train is present in Bessemer, it divides the city in half. On 22nd Street, there is a two-lane, 10-foot high bridge culvert which doesn't allow fire trucks or semi-trucks to pass under the tracks, which is a dangerous situation during emergencies. The additional train traffic will only make this issue worse. The City of Bessemer requests a new overpass in this area.

Response: Only two additional trains will utilize the mainline once the BRIMF is in operation. Accordingly, it is not anticipated that there will be a substantial adverse impact on traffic in Bessemer. The City of Bessemer's concerns are outside of the scope of this EA; however, NSR anticipates communications with the City of Bessemer regarding this separate project.

M.2 The Traffic Study does not address railroad operations and the impacts to local grade crossings. Train traffic operations and the restrictions or conflicts to local traffic should be included in the study. If the rail operations are expected to negatively impact traffic at grade crossings, alternate routes and the impacts associated with the use of the alternate routes should be included in the study.

Response: As discussed in Section 5.9 of the EA, trains approaching the intermodal facility from the south will be traveling the same speed through the crossing as a train approaching the existing passing track at McCalla. Therefore there should be no additional effects on local traffic. An estimated six trains, each operating 5 or more days per week, would pickup or deliver containers at the BRIMF. Of these six trains, four currently travel along the existing adjacent mainline each day. These four trains would stop at the BRIMF to set out and/or pick up trailers and containers on rail cars. Additionally, one train is projected to originate at the BRIMF and one train is projected to terminate at the BRIMF each day. These two additional trains originating and terminating at the BRIMF will be serving markets in the Northeast, and will not impact any road crossing south of the terminal. The intermodal trains will operate on a set schedule; however, delays often occur and schedules are frequently modified. Accordingly, it is difficult to accurately predict when crossings will be made by train traffic.

M.3 The appropriate design vehicle should be identified for operation and design purposes.

Response: The design vehicle will be a WD-50 truck.

M.4 Given the high volume of truck traffic that will use the proposed facility, the maximum approach grade for the driveway entrance should be identified for safe access and acceleration onto McAshan Drive.

Response: In a meeting with Jefferson County on February 24, 2010, NSR agreed to a 2% grade for 80 feet where the IMF entrance meets McAshan Drive.

M.5 Access restrictions, such as gates and receiving check points; peak volumes; and hours of operation should be included in the study to address and eliminate offsite parking and truck queues on McAshan Drive.

Response: The gate system is designed to move trucks through the gate area quickly and prevent trucks from backing up. Currently the gate system has multiple inbound and outbound lanes. It typically takes approximately 3 minutes for a truck to be processed through the gate system. It is anticipated that the peak hourly inbound traffic will be 29 trucks. In addition the length of the access road leading to the gate system for the facility is over 3,400 feet from the intersection of McAshan Drive which will provide ample space for queuing of as many as 29 trucks if needed; therefore, no offsite parking or queues will be required.

M.6 As the site access driveway is located in an unlighted area that is zoned for agriculture, recommendations for entrance signing and lighting should be included in the study.

Response: Proposed plans include installing a street light at the intersection of the entrance with McAshan Drive.

M.7 Advanced warning signs and signals for trucks entering should be required. A W110-10 "Truck Symbol" with a W16-13p "When Flashing" supplemental plaque and an actuated flashing beacon should be located on each approach in advance of the entrance.

Response: As described in Section 4.12.2, NSR proposes to install warning signs on McAshan Drive that have yellow flashing lights that will be sensor-activated when a vehicle is pulling out of the BRIMF onto McAshan Drive. These signs will assist in alerting north and southbound drivers on McAshan Drive that a truck is approaching the exit of the BRIMF.

M.8 The McAshan Drive shoulder will have to be widened adjacent to the right turn lane and taper, and the guardrail will have to be reset accordingly and installed along the proposed entrance driveway.

Response: Comment noted. NSR will also install signage along the exit lane of the BRIMF to notify truck drivers that trucks are prohibited from making right turns out of the facility.

M.9 Home Depot has opened a new warehouse facility in the Jefferson Metropolitan Industrial Park. Truck traffic has increased and the traffic study should be updated to account for the significant impact of additional traffic along McAshan Drive from I-59/20 to Jefferson Metropolitan Parkway.

Response: A comparison study was performed in April, 2010 to adequately account for additional traffic volumes (including heavy trucks) on McAshan Drive since the opening of the Home Depot warehouse. Results from this study were compared with those collected during counts performed in 2009 The counts taken reflect an increase of approximately 170 heavy truck trips per day between the truck stop and I-59/20 which is equivalent to approximately 85 new trucks (1 trip inbound and 1 trip outbound per truck) on McAshan Drive for the day. Also note that the truck traffic on McAshan between the railroad and Eastern Valley Road is significantly reduced, likely a result of the truck restrictions on Eastern Valley Road. It is also likely that trucks previously utilizing using Eastern Valley Road to access the industrial park and other destinations on McAshan Drive have been rerouted away from Eastern Valley Road and now utilize McAshan Drive. This accounts for 31 truck trips per day or approximately 15 trucks (1 trip in and 1 trip out per truck) on a daily basis.

N – Visual and Lighting Conditions

N.1 The NEPA document should discuss the type, magnitude, duration, and direction of the lighting. It should also indicate what measures will be made to minimize and mitigate lighting related issues on the neighboring community.

Lighting an intermodal facility also represents a substantial expenditure of energy. In addition, the document should also disclose the conservation potential of various alternatives including the preferred alternative.*

Response: Section 4.13 of the EA discusses NSR's intent to provide the minimal lighting necessary to assure the safety of workers and to provide for the safe and proper circulation of motor vehicles within the parking area. Consideration of energy efficiency will be integrated into the Exterior Lighting Plan noted in Response to Public Comment N.1 and Section 4.13.2 of the EA. Please also see Response to Public Comments N.3.

N.2 The industrial nature of the proposed action is inconsistent with the zoning restrictions and the nature of the residential community. The NEPA document should indicate the measures that will be taken (e.g., building design, layout, landscaping, etc) to make the proposed action look less industrial, and more fitting to the surrounding residential character.*

Response: NSR is actively exploring LEED certified building designs as part of the facility planning process. Viewshed barriers with vegetation in strategic locations will be constructed to reduce terminal visual impact. The vegetation on portions of the landscaping berms will be irrigated using water from terminal detention ponds which has an additional benefit of reducing runoff. See Responses to Public Comments J.5, J.7, N.1, N.2 and N.4 as well as Section 4.13 of the EA.

O – Indirect and Cumulative Impacts

O.1 Have indirect and cumulative impacts and mitigation been adequately considered?*

Response: Indirect and cumulative impacts have been assessed in accordance with NEPA and guidance from numerous agencies including the Council on Environmental Quality, USEPA, FHWA, and others. This includes assessment of secondary impacts from

anticipated future growth indirectly induced by the BRIMF, as well as cumulative impacts including both direct and indirect effects. Please also see Responses to Agency Comments O.2, O.3, and O.4.

O.2 The NEPA document should estimate cumulative impacts associated with the proposed project. Cumulative impacts include the additive effects of a relevant parameter (e.g., in this case, air emissions and noise) for all contributing past, present, and reasonably foreseeable projects in the defined project area.*

Response: Section 5.0 of the EA describes the indirect (secondary) and cumulative impacts associated with the proposed BRIMF for applicable resource areas addressed in Section 4.0 with the addition of Energy as a topic area; Table 5-1 provides a summary of potential cumulative impacts that could result from construction and operation of the BRIMF.

O.3 The document should define what cumulative environmental as well as social impacts would result from implementation of the proposed project.*

Response: Section 5.0 of the EA assesses potential cumulative environmental impacts as well as social impacts that could result from implementation of the Proposed BRIMF.

O.4 Since it does not appear as though a corridor planning document is being developed for the Crescent Corridor, the NEPA document should provide a discussion on the various segments of the Corridor that are being proposed within Region 4.

Response: The EA is focused on describing the current and future need for intermodal infrastructure in the Birmingham region and on addressing potential effects that could result from the proposed construction and operation of the BRIMF in accordance with the National Environmental Policy Act (NEPA). The BRIMF has independent, stand alone utility to the Birmingham region and its purpose and need are such that the facility would be developed regardless of segments of the Corridor (EA, Section 2.0). While planned NSR projects attempt to meet the long term goals for improving the operations of the Crescent Corridor, each project also has stand alone, independent value as discussed in Section 2, Purpose and Need, and documented in the EA. Potential indirect and cumulative impacts are discussed in further detail in Section 5.0 of the EA.

P – NEPA Process

P.1 The studies associated with the development of an EA are not available for full review by the public, whereas studies related to an EIS are available for full review by the public. Studies for the proposed BRIMF should undergo full public review.*

Response: All studies once final are available to the public and agencies for full review. The studies are included in the administrative record for the EA and NEPA process and are available by request from ALDOT at. Public involvement throughout the process of writing this EA has been a critical component to accurately capturing public concerns and questions. Prior to writing this EA, two Public Involvement Meetings were held followed by 30 day comment periods, which provided opportunities for the public to submit questions, comments, and concerns. This EA will also be provided to the public for review prior to holding a third Public Hearing, where the public will be given the opportunity to provide additional questions, comments, and concerns that need to be addressed within the report.

Some of the reports and studies related to this EA are included as appendices, as appropriate. However, due to the wealth of information developed for this EA and to facilitate public distribution, not all studies in the administrative record have been included as appendices to the EA. To acquire a copy of a study that was not included as an appendix to the EA, please contact ALDOT.

P.2 The NEPA document should include discussions of possible conflicts between the proposed action and the objectives of federal, regional, state, and local land use plans, policies, and controls for the area concerned and the urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternative and mitigation measures.*

Response: The location of rail transportation facilities was developed long ago, and the rail line in the McCalla area was established in the late 1800's. As noted in Response to Agency Comment J.10, rail transportation is typically not included in local land use and zoning due to the national interest in interstate commerce and limited ability of state and local governments to regulate or specify locations for infrastructure such as rail, highways, power, energy (gas pipelines), water and other similar projects. The EA contains an extensive discussion and assessment of land us plans, policies, and controls and discusses how the project may affect land use resources.

P.3 Overall, USEPA's preliminary scoping review has identified potential environmental impacts requiring additional consideration as part of the NEPA process including alternatives analysis, noise, air, water resource and community impacts. Beyond the documentation of air, noise, wetland, and other environmental impacts of the proposed facility, the NEPA document should assess the societal effects (EJ, children's health, etc.) of these impacts on nearby neighborhoods consisting of residents, school children and other sensitive receptors. Mitigation, as appropriate, should also be discussed and offered by the sponsor for unavoidable impacts. Moreover, it should be noted that proper site selection – where sensitive receptors and other impact parameters are avoided – obviates/reduces the need for and is more effective than such mitigation.*

Response: The EA identifies potential environmental impacts to air quality, noise, water resources, wetlands, wildlife, threatened and endangered species, and the community. These resource areas were also considered in the alternative analysis (Section 3.0). The EA also discusses potential societal, environmental, and health impacts to adjacent neighborhoods and residents, the students and faculty of McAdory Elementary School, and other sensitive receptors. Proposed mitigation for potential impacts to the resources and groups in the project area are discussed throughout the EA.

Q – Other Topics

Q.1 A full Section 4(f) Evaluation is required. See 49 U.S.C. § 303(2).

Response: Section 4.9.2.3 of the EA discusses Section 4(f) Evaluations. The proposed BRIMF would not use lands that contain historic sites, parks, recreation areas, wildlife or waterfowl refuges. Additionally, there is not a constructive use of any Section 4(f) lands, as no Section 4(f) lands near the proposed BRIMF. Therefore, a Section 4(f) Evaluation is not required.

Q.2 In response to NSR's assertion that no "off loading" of goods and commodities will be conducted on site, what provisions have been made to respond to accidents when containers are transferred from trains to trucks or vice-versa?

Response: NSR intermodal terminals have a very high safety record, with a very small percentage of container accidents during transfer on site. These accidents rarely have any spills of transported hazardous substances and when they do the quantities released are usually a few gallons or less. These small releases are easily and readily handled by terminal personnel and if required additional resources to prevent any off site impacts. Section 4.8.2 of the EA describes emergency response and the variety of resources available for such response.

Q.3 NSR contends that fencing will deter any curious children who may be drawn to the facility. What remote train operations (i.e. trains stopped or moving with no human oversight) could occur at the facility where they may not be able to see a child on the tracks when the trains are moving or stopped?

Response: The fencing and berms proposed for the BRIMF will preclude children from having access to the site. Other measures including cameras and security gates will further restrict access or improve detection of trespassers so appropriate action can be taken. There should be no activities that take place inside the facility that cannot be observed.

Q.4 What plans have been put in place to ensure no accidents will occur like the NSR Graniteville, S.C. accident that resulted in 9 deaths and 529 injuries? Additionally in June, 2004 in Texas, 41 people were injured in a derailment where toxic chemicals were released. In August 2002, a Missouri flex hose ruptured and 67 persons were injured.

Response: All of these incidents involved toxic inhalation hazards or other similar substances. Toxic inhalation hazardous materials and other dangerous goods such as certain explosives, are prohibited in intermodal shipment. The BRIMF is being designed to handle the transfer of intermodal units between trucks and rail cars. Please see Response to Public Comment I.3.

Q.5 Please provide a copy of NSR's liability insurance coverage in case of injuries to the public.

Response: NSR carries appropriate levels of insurance in excess of a self-insured retention limit of $25 million. Specific information about insurance coverage is proprietary and will not be disclosed.

Q.6 Please provide a list NSR's owners and Board of Directors.

Response: NSR is a wholly owned subsidiary of Norfolk Southern Corporation. Norfolk Southern Corporation is a publicly traded Fortune 500 company listed on the New York Stock Exchange. Information relating to Norfolk Southern's corporate governance is available at:
http://www.nscorp.com/nscportal/nscorp/Investors/Corporate_Governance/Board_Directors_Committee_Membership/

References:

Dinkins Biological Consulting, LLC. 2010. *Survey for Protected Fish in the Vicinity of Proposed Norfolk Southern Project in Jefferson and Tuscaloosa Counties, Alabama.* January, 2010.

Appendix C - Summary of Public Comments from the October 14 to November 24, 2010 Environmental Assessment Public Review Period and November 9 Public Meeting

2010 Comments and Responses (October 14 – November 24 Public Comment Period)

The comments summarized below were developed from comments submitted by members of the public in response to a public review period from October 14, 2010 through November 24, 2010 for the BRIMF Environmental Assessment (EA) and a Public Meeting held on November 9, 2010. Comments were submitted at the meeting, through the mail, through an electronic mail account, and by speaking to a court reporter at the November 9 Public Meeting date. The entirety of each comment is available in the administrative record for the environmental analyses established by the Federal Highway Administration (FHWA).

Based on those persons who signed in, approximately 80 members of the public attended the November 9, 2010 Public Meeting. In response to this meeting and the public review of the EA, FHWA received approximately 45 public comments concerning 89 topics, some of which are related. These comments were submitted at the meeting, mailed to FHWA, or submitted via email. This compares to a total of 629 comments from the August 2009 public meeting and 221 from the November 2009 public meeting.

For each summarized comment, responses are provided below. To facilitate analysis and review, the summary of comments is organized into topic areas which correspond to sub-sections of Sections 4.0 and 5.0 of the EA. Studies and reports referenced in these responses are available upon request by contacting FHWA.

A - Purpose and Need

No comments submitted.

B - Proposed Action and Alternatives

B.1 While NSR has reviewed alternative sites and found all but the proposed site to be insufficient, a full EIS with a thorough alternatives analysis could potentially identify an appropriate urban "grayfield" or "brownfield" site. While an alternative site may not be ideal for NSR, it may be workable and would better serve the public's interest overall by utilizing an area which already has infrastructure in place to serve the facility and the associated development, as well as by catalyzing reinvestment in that area. The public will pay the expense of some needed infrastructure improvements; therefore, the public should have the benefit of helping to determine if an existing area with adequate water, sewer, and transportation infrastructure already in place is preferred to one where associated growth and development will require significant new investment and could have greater environmental and community impacts. Norfolk Southern is asserting that the McCalla site will yield benefits for the greater public good; but, alternative sites have not been evaluated from the public's perspective. A full EIS would help assure that the public's perspective would be considered.

Response: Seven different alternative sites were considered and analyzed as build alternatives for the BRIMF. These alternative sites are described in Section 3.3 of the EA

(Description of Alternative Sites Considered). The scope and detail of alternatives analysis was developed in response to comments from the public and agencies, including alternative site locations offered by local interests. Initially, six sites were identified in Jefferson and Tuscaloosa Counties, including Irondale, Ensley (an urban "brownfield"), three in McCalla, and Vance. However, based on public comments and input received on these alternatives at the August 18, 2009 Public Information Meeting held in Bessemer, Alabama, a seventh alternative site in Bibb County (Woodstock) was added for consideration and analysis in the EA.

The seven alternatives were thoroughly analyzed through a two-part screening process presented in Section 3.0 of the EA (Alternatives Analysis). The second level screening presented in Section 3.3.2.2 of the EA (Second Level Screening for Construction, Operational, and Environmental Considerations) included an evaluation criterion for potential impacts of an IMF on the community, including residential communities, schools, churches, and parks. The analysis of potential community impacts compared residential land use areas and the number of non-residential sensitive receptors within 0.5 mile of each alternative. Non-residential sensitive receptors, including schools, were located within 0.5 mile of several alternatives, as described in Section 3.4 of the EA (Description of Alternatives Considered), including the preferred alternative. The magnitude of potential impacts associated with the alternatives resulted in the selection of the McCalla site as the preferred alternative, consistent with meeting the project purpose and need. The BRIMF is proposed to be located at the site referred to in the EA as the McCalla M1 site (Alternative 3). The site satisfies the purpose and need for an IMF as described in Section 2.0 of the EA.

The EA includes an evaluation of long-term direct, indirect, and cumulative effects including those that are likely to affect the elementary school in Sections 4 and 5. The Federal Railroad Administration (FRA) and Federal Highway Administration (FHWA) are the lead Federal agencies preparing this EA pursuant to NEPA. Please see the response to Comment P.1 below regarding the National Environmental Policy Act (NEPA) process. In the NEPA process, a review moves from an EA into an Environmental Impact Statement (EIS) if the analysis determines there is a significant environmental impact which cannot be mitigated. For this EA, the following technical studies were completed: Traffic Impact Study, Cultural, Historic, and Archaeological Resources Report, Noise Assessment, Threatened and Endangered Species Survey, and Air Quality Technical Report. Based on the analysis, FRA and FHWA have decided there were no significant impacts which could not be mitigated and an EIS is not required.

B.2 The EA states that the IMF meets all Federal standards but children at the school will now have more noise, worse air quality, and be put at a safety risk if a derailment or accident occurs. Meeting standards does not mean children should be subjected to these risks when there are other alternatives.

Response: It is acknowledged that there will be slight increases in noise and ambient concentrations of some air pollutants as a result of facility operation. However, the analyses that have been performed and described in the EA demonstrate that these increases will be small and well below all applicable guidelines or regulatory requirements. Since these guidelines and regulatory requirements are established to protect the public health and welfare, including risks to sensitive populations such as children and the elderly, no significant increase in environmental related risks is identified. The applicant's evaluation

of potential site alternatives has also demonstrated that the proposed site is the most appropriate for its intended use as an intermodal facility.

C- Air Quality

C.1 Table 4.2-7 depicts the impact of facility emissions in 2015 as a percentage of 2002 county emissions. Given that area-wide emissions are generally less over time, facility emissions would be a higher percentage of county emissions if county emissions were extrapolated to 2015. It is recommended that equivalent years be used for comparison purposes.

Response*:* EA Table 4.2-7 compares the proposed BRIMF criteria pollutant emissions with existing Jefferson County emissions. Reductions from mobile sources (highway and off-road) will occur due to increasingly tighter federal standards for mobile sources and fuels. Emissions from stationary industrial source emissions; however, are likely to be more stable over time, although some reductions are likely to occur in some categories as new federal emission standards are phased in. The intent of the EA comparison of maximum projected BRIMF emissions with the regional emission inventory in 2002 was merely to provide a point of reference that would illustrate the relative contribution of the BRIMF to existing regional emissions. The year 2002 was selected because it was the most recent year available from the U.S. Environmental Protection Agency (USEPA) web site that is referenced in Table 4.2-7 of the EA. Based on the analysis presented in EA Section 4.2, it was concluded the impact of the facility on ambient air quality when operating at design capacity would be negligible. One important factor in this conclusion was the fact that the BRIMF emissions of $PM_{2.5}$, CO, VOC, and NO_X will be less than 0.016 percent, 0.0052 percent, 0.0083 percent, and 0.093 percent, respectively of Jefferson County emissions, based on the 2002 inventory. Given the very low percentage contribution of the project to total county emissions, it does not appear that the use of an estimated 2015 county emission inventory, even if available, would result in a different conclusion. To illustrate this point, it is noted that, even if there is a substantial decrease in area-wide emissions in Jefferson County by 2015, the BRIMF's contribution to the area-side emissions would still be negligible.

C.2 A nationwide reduction of 81 million vehicle miles travelled annually as a result of the diversion of trucks from highways is referenced on page 4-20. A corresponding reduction in truck related emissions for particulates, volatile organic compounds, and nitrogen oxides would provide a better perspective.

Response: Emissions of particulate matter (PM), volatile organic compounds (VOCs), and nitrogen oxides (NOx) are tracked primarily at the local level because they are generally considered to affect only local ambient air quality. To illustrate this point, it is noted that PM emissions are generally limited to smaller geographic areas because gravitational settling of the denser than air particles causes them to settle to the surface. Similarly, VOC and NOx emissions are considered to be local pollutants of concern because they are ozone precursor pollutants that can react in the presence of sunlight to form local ground level ozone (different than stratospheric ozone) for which there is an ambient air quality standard. For these reasons, the EA did not quantify total PM, VOC, and NOx reductions for the project since the reduction of those emissions would not provide the same level of perspective as the reductions of CO_2. However, based on the estimated reduction in vehicle miles traveled (81 million miles/year), the projected reductions in emissions of PM, VOC, and NOx are estimated to be 15, 25, and 740 tons/year, respectively. These estimates are based on 2010

emission factors published by FHWA (http://www.fhwa.dot.gov/environment/freightaq/appendixb.htm) for heavy duty combination diesel trucks. Estimates for future years would be expected to be less based on reductions in fleet average emissions.

C.3 The impact of on-site emissions as a percentage of countywide emissions depicted in Table 4.2-9 should be reflected as a percentage of projected 2015, rather than 2002, emissions.

Response: EA Table 4.2-9 compares the proposed BRIMF Mobile Source Air Toxic (MSAT) emissions with existing Jefferson County emissions. MSAT emissions in Jefferson County are likely to decrease over time; however, the decrease in MSAT emissions over time is less predictable than for criteria pollutant emissions. Emission reductions will occur for mobile sources (highway and off-road) due to increasingly tighter federal standards for mobile sources and fuels. The emissions from stationary and industrial source emissions; however, are likely to be more stable, although some reductions are likely to occur in some categories as new federal emission standards are phased in. The intent of the EA's comparison of maximum projected BRIMF air toxic emissions with the regional air toxic emission inventory for 2002 was merely to provide a point of reference that would illustrate the relative contribution of the BRIMF to existing regional emissions. The year 2002 was selected because it was the most recent year available from the USEPA web site that is referenced in Table 4.2-9 of the EA. Based on the analysis presented in EA Section 4.2, the EA concluded that the impact of the facility on ambient levels of MSATs when operating at its design capacity would be negligible. One important factor in this conclusion was that the BRIMF MSAT emissions would range from only 0.0013 to 0.1 percent of Jefferson County's air toxic emissions, based on the 2002 inventory. Given the very low percentage contribution of the project to total county emissions, FHWA does not believe that the use of an estimated 2015 county emission inventory, even if available, would result in a different conclusion. To illustrate this point, it is noted that, even if there is a substantial decrease in area-wide emissions in Jefferson County by 2015, the BRIMF's contribution to the area-side emissions would still be negligible. Please also note the response to Comment C.1 above.

C.4 The claim that the project would reduce GHG/CO_2 emissions by 120,000 tons per year needs to be supported by documenting the methodology used to calculate that number.

Response: As described in Section 4.2.2.5 of the EA, the estimate of the CO_2 emissions reduction for the project (120,000 tons/year) was based on an analysis performed by Cambridge Systematics, Inc. in 2010. The Cambridge Systematics analysis predicted the annual number of truck trips that would be diverted from truck to rail (113,961 trips/year). Based on estimated average truck speeds and typical fuel consumption rates, the amount of fuel that would be saved was estimated to be approximately 10.5 million gallons annually. Using the USEPA's estimate for the amount of CO_2 generated from diesel fuel combustion (22.2 lb/gallon), the estimated CO_2 emissions reduction would be approximately 120,000 tons/year.

C.5 The following comment was a quotation from a McAdory Elementary School PTA Resolution dated July 27, 2009:

- **Whereas, this intermodals' use of semi trucks, trains, cranes, and other utility vehicles with diesel-powered engines, including idling and/or moving at slow speeds, would emit substantial volumes of harmful diesel exhaust emissions; and**

- **Whereas, diesel exhaust, a major source of fine particulates, is easily inhaled deep into the lungs; and particle pollution, especially fine particles, is linked to a series of significant health problems including decreased lung function, aggravated asthma, chronic bronchitis and irregular heartbeat; and**

- **Whereas, research has proven children are especially vulnerable to environmental risks and a child's developing lungs are highly susceptible to damage from exposure to environmental toxicants. These toxic diesel exhaust emissions would be harmful to the health of children who congregate near and/or attend McAdory Elementary School and cause a substantial increase in school absences.**

Response: These three bullet points, as stated in the July 27, 2009 Resolution made by the McAdory Elementary School Parent Teachers Association (PTA), were prepared prior to the issuance of the EA, which subsequently evaluated and addressed both facility emissions and the potential health impacts of those emissions on the population, including sensitive groups such as children and the elderly. EA Section 4.2 Air Quality includes the results of a detailed analysis that 1) quantifies the maximum potential emissions that could be released from the BRIMF during peak facility operations, 2) predicts the worst-case impacts on ambient air quality that could be attributable to peak facility operation, 3) combines the predicted impacts with nearby long-term ambient air quality monitoring data, and 4) compares the predicted and existing impacts with the National Ambient Air Quality Standards (NAAQS). The NAAQS comparison demonstrates that there will be little or no change in air quality as a result of the operation of the BRIMF and that no NAAQS will be threatened or exceeded as a result of facility operation.

C.6 The medical profession clearly states the harmful effects that diesel emissions have on children. Emissions within 500 feet are considered high impact. Even within 1500 feet, children are still impacted. Understanding these dangers, Jefferson County Commission passed a resolution requesting a minimum of 2000 feet buffer from McAdory Elementary School and/or school property.

Response: Refer to the response to Comment C.3 above.

C.7 Jefferson County is in "non-attainment." This intermodal could keep Jefferson County in that status, as mentioned to the Jefferson County Department of Health, raising concern of exposing over 1000 children, faculty, and staff at McAdory Elementary School to the harmful effects of fine particulate $PM_{2.5}$.

Response: Please also refer to the response to Comment C.2 in Appendix A (Responses to Comments from the August and November 2009 Public Information Meetings). It is noted that the air quality analysis that is presented in the EA was based in part on published Jefferson County air pollution monitoring data for the period 2006 through 2008. The analysis of more recent data (2009 through mid-2010) demonstrates that the air quality in the Birmingham area has improved every year since 2007 (reference: The Birmingham News, *Air Passes EPA Test This Year*. October 25, 2010).

C.8 What assurances are there for protecting the children, faculty, staff, and parents that regularly attend McAdory Elementary School from diesel emissions associated with the proposed IMF?

Response: Please also refer to the response to Comment C.1 in Appendix A (Responses to Comments from the August and November 2009 Public Information Meetings). Diesel emissions are a subset of the emissions of particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The air quality analysis in Section 4.2 of the EA has demonstrated that BRIMF operations will not cause or contribute to an exceedance of the NAAQS for PM2.5 (or any other pollutant) at any location on or near the IMF. NAAQS are protective of sensitive populations, such as children.

C.9 An air quality model prepared by a Professor at the University of Alabama shows that children are at risk with this facility being so close (referencing Attachment 5 to comment).

Response: The information provided in Attachment 5 is untitled, undated, and its author is not identified. Additionally, no supporting information is provided with Attachment 5 that would allow it to be evaluated in any detail. However, a review of the information that is provided in Attachment 5 of the commenter's letter indicates that it appears to be only a basic screening level analysis that utilized a number of simplifying assumptions. Many of these assumptions are not representative of the proposed configuration of the facility or the ambient conditions in which the facility will operate. Examples of these assumptions include the following:

- All emissions are indicated to have been modeled assuming that all trucks and equipment would be modeled as a "point source" of emissions located approximately 984 feet from the school. The analysis presented in the EA was based on realistic projections of where the equipment (trucks, cranes, and hostlers) would actually be during operation. In general, the majority of the trucks and equipment in use at the facility will be located substantially farther from the school than approximately 984 feet. The Automated Gate System (AGS) at the entrance to the facility will be located approximately 1 mile from the school. A detailed description of the operating locations of all equipment is provided in Section 4.2 of the EA and in a report entitled Air Quality Summary, Birmingham Regional Intermodal Facility, a copy of which is included as Appendix A of the EA.

- All emissions are indicated to have been modeled as ground level releases (i.e., with an initial pollutant release height of zero). The emissions from the facility were modeled at their actual expected release heights, which varied by equipment type.

- The emissions estimates used in the calculations were based on the assumptions that all equipment would be idling for 20 minutes. The analysis presented in the EA was based on the assumption that visiting trucks would be onsite for 25 minutes, with a combination of vehicle operation and movement (including 13 minutes of idling), consistent with the observations of actual onsite activities at other Norfolk Southern intermodal facilities. Additionally, "No Idle" signs will be posted at the facility to discourage idling.

- The emissions used in the analysis appear to have been obtained from a 2006 reference (Khan et al, 2006). The analysis presented in the EA was based on the emission factors derived from the USEPA MOBILE6.2 emissions model which is the USEPA recommended method for estimating emissions from mobile sources.

- The analysis appears to have been based on the use of Turner Stability Category "C" dispersion coefficients (a measure of the atmospheric dispersion potential of the atmosphere) and a "slow" wind speed as a basis for predicting pollutant concentrations. This appears to have been done in lieu of using actual long-term meteorological observations. In contrast, the modeling analysis presented in the EA was based on five years (43,800 hours) of observed meteorological data from the Birmingham Regional Airport. These long-term data were used to determine the Turner Stability Category for each hour of the five year period of record used in the model, as well as all hourly meteorological parameters (including wind speed, wind direction, ambient temperature, and mixing height), all of which are required by the dispersion model.

The modeling analysis presented in the EA was performed to be consistent with guidance provided by the USEPA and it demonstrates that the facility will not cause or contribute to an exceedance of any national ambient air quality standard (NAAQS) at any location during facility operation. The NAAQS are established to protect the public health, including sensitive groups such as children and the elderly.

C.10 The increased truck traffic will increase diesel fumes as will the train engines and constant machinery running at the Facility. Suggestion: Require all trucks entering the facility be powered by natural gas. This would also advance the Pickens Plan to get the US off dependence on OPEC. A partnership with the trucking companies to retrofit their trucks, replace their trucks, or rent natural gas powered trucks could be created. The bill in Congress, if passed, would pay for the capital cost.

Response: The trucks that will be visiting the BRIMF will not be under the control of Norfolk Southern and it is not feasible to require that these vehicles be retrofitted to burn natural gas. Norfolk Southern has, however, agreed to utilize low emitting "Tier 4" certified engines in its equipment at the facility (i.e., cranes and hostlers), which will generate emissions that are 50 to 90 percent less than current generation equipment. Locomotives servicing the site will use ultra low sulfur (0.0015 percent sulfur) transportation grade diesel fuel by the time the facility becomes operational.

D – Cultural, Historic, and Archaeological Resources

No comments submitted.

E – Fish, Wildlife, and Vegetation

E.1 In working with several State organizations to look at the aquatic life in the creeks and springs, there have been numerous reports that Mill Creek has a reduced amount of species due to the development in the area and some of the impacts that the development has had on the spring. In this valley located near the crossing of Tannehill Parkway, there is a snail, not currently on the Federal endangered species list, that was once thought to only exist in this one place in the world. After our research, we did find that the snail also exists about 200 yards off-site on the edge of Mill Creek. There is work in progress to have the snail placed on the list, through work with State departments, but the documentation of that was never formally presented as something that was a part of this site.

Response: The snail of interest appears to be the cockle elimia (*Elimia cochliaris*), which has been reported in Tannehill Spring. See p. 4-42 (2nd paragraph in Section 4.4.2.3) of EA

where this reference was cited through personal communication with ADEM on the snail species occurrence. Cockle elimia is not listed as Federal or State protected species, as pointed out in the EA (p. 4-42) and by the commenter. The proposed stormwater management measures described in the EA would afford this species the same protections as the other mollusks of conservation concern found in FHWA's surveys.

E.2 There has not been an adequate review of potential impacts on imperiled species. Specifically, there are 47 aquatic species highlighted in Alabama's Comprehensive Wildlife Conservation Strategy 4 that are found in streams of the Cahaba River Basin. Many of these species are known to occur downstream of the proposed IMF. One of only three existing populations of *Elimia cochliaris*, the cockle elimia, is in a spring on Mill Creek about 0.5 miles downstream of the southwestern boundary of the proposed IMF location. The cockle elimia is a State of Alabama "Priority 1 – Species of Highest Conservation Concern". The cockle elimia has also been identified by the Mobile River Basin Mollusk Restoration Committee, as a Tier 1 species, which means "taxa facing imminent extinction or extirpation from the (Mobile River) basis."

Response: As evaluated in the EA (Section 4.4), construction and operation of the proposed BRIMF would not adversely affect any Federally or State protected species. The U.S. Fish and Wildlife Service concurred with the finding that no Federally listed species or critical habitat occurs in the project area, as documented in Appendix B of the EA.

Regarding other imperiled species, the EA reviews species of conservation concern known to occur in the project vicinity or detected during the fish and mollusk (mussel and snail) surveys conducted in the project area in 2009. Section 4.4.2.3 of the EA identifies the known occurrence of cockle elimia in Tannehill Spring in Tuscaloosa County, but the proposed project would not affect Tannehill Spring, and the mollusk surveys conducted in streams adjacent to the proposed BRIMF project site did not detect this species. Three mussel species of conservation concern were detected downstream of the site during the field surveys, as described in Section 4.4.1.2, but no fish species of conservation concern were found.

The commenter does not cite the source or documentation for an occurrence record for cockle elimia in a spring on Mill Creek, and thus, it is unclear where the spring is located in relation to the Mill Creek tributaries draining the proposed project site. Nevertheless, the proposed stormwater management system, including the retention pond system and its outlet and control features, would control flow releases from the site to minimize or avoid downstream changes in erosion, sedimentation, and water quality. These measures would afford the same protections to any cockle elimia located downstream of the project as to the other mollusk species of conservation concern found in the FRA surveys. Water quality in this area will not be adversely affected nor impact other biota downstream.

E.3 Significant portions of the Cahaba River, downstream from the proposed IMF, have been designated by the Federal government as "critical habitat" due to the presence of a number of Federally listed species, which means any project that could affect the habitat of those species must consult with the U.S. Fish and Wildlife Service (USFWS) to find ways to minimize potential impacts to the stream habitat. Increased sediment loading resulting from significant increases in impervious surfaces in a watershed would require consultation with the USFWS.

Response: Coordination with USFWS and the Cahaba River Society was conducted in an effort to minimize impacts to downstream habitats. As described in Sections 4.4.2.2 and

4.5.2.2 of the EA. The proposed stormwater management system, including the retention pond system and its outlet control features, would minimize changes in flow discharging from the site and retain peak stormwater for gradual release. Additionally, the retention pond system would treat stormwater runoff from the impervious surfaces to minimize changes in downstream water quality. A spray irrigation network would be designed and operated as needed to both irrigate landscaped areas of the site and reduce the volumes of stormwater that might otherwise be routed directly into the Mill Creek tributary, thus further avoiding potential impacts to water quality from operation of the facility.

F – Water Resources

F.1 The Stormwater Management Plan is acceptable. Would like to talk about the stream channel "monitoring" feasibility and long term plans for monitoring and stormwater controls.

Response: Comment noted. Stream channel monitoring is not required for permitting and is not justified based on the studies conducted through the EA. Nevertheless, NSR has agreed to work with the Cahaba River Society to develop appropriate plans to collect information concerning stream cross sections outside and separate from this NEPA process.

F.2 What about the underground water and sink holes? Why build the hub near an elementary school? Requesting an EIS from the Corps of Engineers.

Response: See Section 4.7.2.2 of the EA. Construction and operation of the proposed BRIMF would be unlikely to substantially alter the physiography and geology of the project area. The geotechnical study completed for this project (TTL, 2009) included 140 test borings and determined that the site is underlain by an expansive clay layer which would prevent any substantive connection between surface water and groundwater. These soil and geology surveys found no evidence of geological features that would affect the construction of the BRIMF or affect the adjacent elementary school.

Please see response to Comment B.2 above regarding the Alternatives Analysis and site selection process. The EA includes an evaluation of long-term direct, indirect, and cumulative effects including those that are likely to affect the elementary school in Sections 4 and 5. FRA and FHWA are the lead Federal agencies preparing this EA pursuant to NEPA. In the NEPA process, a review moves from an EA into an EIS if the analysis determines there is a significant environmental impact which cannot be mitigated. For this EA, the following technical studies were completed: Traffic Impact Study, Cultural, Historic, and Archaeological Resources Report, Noise Assessment, Threatened and Endangered Species Survey, and Air Quality Technical Report. Based on the analysis, FRA and FHWA have decided there were no significant impacts which could not be mitigated and an EIS is not required.

The United States Army Corps of Engineers (USACE) is not the lead agency for this EA. The USACE will prepare an EA, consistent with its regulations.

F.3 In the normal course of operations, small spills of oil, antifreeze, and other liquids are dropped on the property and rain carries the spills to the ground for possible entry into the watershed. The runoff feeds the creeks that flow to public parks. Suggestion: Clean, measure and report. An all natural product is already on the market and approved by USEPA that encapsulates and biodegrades such spills. Applying this product directly to spills or as regular maintenance for

cleaning will eliminate the hazard. Measuring the contaminant component in the public creeks will be evidence no harm is done and will be a service to the community. Installing the measurement now before the Facility begins will provide the baseline of the creeks' conditions.

Response: Emergency protocols for the IMF will provide for employees onsite to handle emergency spill response. Additionally, the BRIMF is designed such that fluid materials which leave the large concrete pad are directed to the onsite retention ponds which will be equipped with valves and gates to prevent contaminated water from leaving the BRIMF. The retention pond system is being designed to provide passive treatment of stormwater runoff from impervious surfaces to prevent or minimize changes in downstream water quality. In addition, an oil/water separator will be used at the maintenance pad to further prevent releases of oil or petroleum-based products from leaving the maintenance area. Please refer to Section 4.8.2 of the EA for additional details.

F.4 The proposed facility will be built up to accommodate retention ponds. The location of the retention ponds have changed within the facility plans numerous times since the initial Public Involvement Meeting. The retention ponds would have an outflow into Mill Creek, which flows through Tannehill State Park and eventually meets the Cahaba River which is Federally protected.

Since the proposed facility is planned within a flood zone, how will runoff be managed so that it will not negatively impact the Shades Creek and Cahaba River Watersheds? The underlying soil is clay, therefore returning rainwater into the ground is not an option. Norfolk says they will utilize the pond water to irrigate vegetation. How does irrigation with water contaminated by oil, gas, and rubber work?

How will the facility impact the creek drainage upstream from the facility? This stream currently runs next to and under Eastern Valley Road. The stream frequently floods Eastern Valley Road and backs up into yards after a hard rain. How will the stream be impacted with a concrete slab interrupting its flow?

What type of monitoring system will be provided to assure us of no ecological impacts? What impact will the diesel emissions have on nearby wetlands, streams, and creeks?

Because McAdory Elementary School is in a low-lying area, what assurances are there that the run-off will not flood school grounds?

Response: Please see the response to Comment E.3 above regarding the onsite retention ponds, treatment of stormwater, and spray irrigation.

Upstream and downstream flows are expected to remain at pre-construction levels as described in EA Section 4.5.2.2. As demonstrated in the EA analysis, all stormwater from the facility will meet water quality standards. With respect to monitoring, discharge from the facility's maintenance pad will be monitored in accordance with permit requirements. In developing its regulations regarding stormwater management and permitting, USEPA determined that stormwater only from those portions of a transportation facility which are involved in vehicle maintenance or equipment cleaning is anticipated to contain pollutants of concern and require permitting and associated conditions and monitoring. The EA analysis supports the conclusion that the facility will not have a significant impact as a result of stormwater. Although not required as part of a facility permit, as a protective

measure, NSR has included the stormwater detention/retention facilities identified in the EA at Section 4.5 to provide further protection of water quality. The EA documents the benefits of the detention/retention facilities, which include flow control, channel protection, and pollutant removal. As the EA analysis concludes that water quality standards would be met, and in light of USEPA's regulatory determinations and the analysis supporting its stormwater program, there is no indication or basis for a conclusion that pollutants in irrigation water would result in a concern. In addition, according to USEPA, the detention/retention ponds of the type at the facility are among the most effective stormwater management practices at removing stormwater pollutants.

The BRIMF is being designed so that runoff from the facility will be intentionally directed to one of the retention ponds. The ponds will be designed to limit the release of discharges at a rate equal to or below the 2-year predevelopment rate for 2-, 5-, 10-, 25-, 50-, and 100-year storm events. By designing the ponds for a 100-year storm event, areas downstream of the facility will not be any more prone to flooding than they were prior to construction of the BRIMF.

G – Wetlands

G.1 What is the impact to the wetlands if a fuel spill or HAZMAT release occurs at the facility or as a result of a derailment?

Response: There will be no impacts to wetlands as a result of a fuel spill or a hazardous material release on the Norfolk Southern property. Please see response to Comment F.3 above.

I – Hazardous Materials

I.1 How are emergency services provided concerning hazardous spills and/or major derailments?

Response: The containers that will be transported through the BRIMF will not contain materials in quantities that would result in a release to any offsite location if a container is accidently damaged during handling on the BRIMF. U.S. Department of Transportation (USDOT) container, packaging, packing, and handling requirements are established to minimize the potential for accidental releases. Spills of transported hazardous materials on IMFs are rare, but if a leak or spill does occur onsite, trained terminal staff will quickly respond to contain the spill, manage its recovery, and clean it up.

NSR's operating records indicate that, during a 6-year period (2004 thru 2009), their intermodal facilities handled over 16 million shipments. During that timeframe there were a total of 25 spills of transported hazardous materials. Of these spills, 17 were 1 gallon or less, and only one spill exceeded 25 gallons. In all cases, none of the spilled substances left the terminal pavement or entered adjacent waterways. In the unlikely event of a hazardous material spill from a container, emergency protocols for response and recovery will go into immediate effect and a variety of emergency response resources will be made available as necessary. Emergency protocols for the BRIMF will provide for trained employees onsite to initially handle any spill of transported hazardous materials. Section 4.8 of the EA provides additional information. Major derailments of a train on the BRIMF are also highly unlikely, in part because the trains entering or leaving the facility will be operating at very low speeds. Please also see Section 4.2 of the EA.

I.2 What protections do people have to insure there are adequate evacuation routes in emergency situations?

Response: An evacuation plan for BRIMF employees and visitors will be developed once the terminal is constructed. This plan will address the emergency evacuation of BRIMF personnel. Coordination will be conducted with local emergency management agencies in the development of BRIMF emergency planning. Community evacuation plans are the responsibility of local emergency management agencies.

I.3 Has an emergency evacuation plan with local fire and police department been established in the event of a major spill or accident at the facility?

Response: Please see response to Comment I.2 above.

I.4 3-4 percent of the cargo going through this facility is classified as hazardous materials. That is over 5,000 containers of HAZMAT per year coming by the school that does not travel by the school today. NSR's 10 year accident summary shows that most accidents do not occur on the mainline, but on side tracks and yards. This facility has the characteristics of side tracks and yards. The accident summary also shows that NSR averages 5 HAZMAT releases a year. The train switching mechanisms are also directly behind the school. According to NSR's accident history, most derailments are the result of incorrect switching. What type of HAZMAT recovery plan will NS have in place?

Response: The data shown in the attachments that were submitted with this comment are for all types of rail operations. The BRIMF has been designed to handle only intermodal shipments, which are limited to sealed shipping containers. NSR intermodal facilities have an excellent safety record, as discussed in Section 4.8.2 of the EA. During a 6-year period (2004 thru 2009) NS intermodal handled over 16 million shipments. During that timeframe there were a total of 25 spills of transported hazardous materials in intermodal facilities. Of these 25 spills, 17 were 1 gallon or less, and only one spill exceeded 25 gallons. In all cases, none of the spilled substances left the terminal pavement or entered adjacent waterways. Please see response to Comment I.1 above for additional information.

I.5 How and where will Norfolk Southern store fuel?

Response: Fuel necessary for the operation and maintenance of facility vehicles and equipment will be stored in aboveground tanks onsite. Tanks will be located in the maintenance area, on the northeast side of the facility, approximately 1 mile northeast of McAdory Elementary School. These tanks will have secondary containment structures to confine all leaks to the area immediately surrounding the tanks and prevent releases from migrating offsite. The tanks will be constructed, inspected, and operated in compliance with federal law. Additional details regarding onsite fuel storage are presented in Section 4.8.2 of the EA.

I.6 Will refrigerated containers be used at this intermodal facility?

Response: Yes, a very small percentage of containers transported through the intermodal system are refrigerated. Emissions from refrigeration units on containers are discussed in Section 4.2 of the EA.

J – Land Use

J.1 Jefferson County's Planning and Zoning Commission has deemed McCalla as a residential community. The intermodal facility does not fit the residential criteria. The intermodal facility is clearly a violation of the "Land Use Plan" set forth by the Jefferson County Planning and Zoning Commission. The Land Use Plan is a legal document and residents of this area have used it when deciding where to live and where to purchase a home, the largest single investment most individuals will make in their lives. It was stated in the EA that 90 percent of the comments submitted during the 2009 meetings were negative due to the proposed location of the facility. Can FHWA use our tax payer dollars for a facility that has public opposition and not violate our rights?

Response: Section 4.9.2 of the EA discusses the potential environmental consequences of the proposed BRIMF with regard to land use, comprehensive planning, and zoning. The proposed BRIMF site is currently zoned A-1, Agriculture District. Adequate infrastructure is in place to support the BRIMF, as well as current and planned land uses in the area. Note that rail transportation has existed in the area since the late 1800s, and in recognition of the federal interest in interstate commerce and state and national needs, federal law preempts local zoning and planning with respect to rail transportation, including rail facilities such as the BRIMF. While NSR plans to voluntarily comply with local criteria whenever possible, there may be instances where those criteria would be incompatible with operation of the BRIMF. However, NEPA is designed to provide consideration of public issues that may exist when federal funding is used for projects, including providing for appropriate study, protective measures, and mitigation where warranted. In recognition of this, NSR, FHWA, and ALDOT will be participants in a Memorandum of Agreement, in which NSR will commit to the mitigation and amelioration of the impacts detailed in the EA of the construction and operation of the BRIMF. ALDOT and FHWA will be responsible for ensuring these commitments are adhered to by NSR. It should also be noted that the Jefferson Metro Park McCalla (Figure 4.9-2 in the EA), an industrial park, is located immediately adjacent to the project area.

J.2 Has Norfolk Southern consulted with the Jefferson County Planning and Development Department? In most respects, the proposed IMF does not conform to the existing and recently updated land use plan for the unincorporated McCalla area, which has already determined that the area should be slated for residential development. On a local scale, the residential and associated service development potential value for the McCalla area may provide more appropriate economic growth and other community benefits than would an IMF and that value should be balanced with the broader regional and national potential benefits of the proposed facility.

If the land use plan is to be "over-ridden" then such a decision should be subject to open public review and involvement. Comprehensive land use planning is an extremely important function that property owners, both families and businesses in America, rely upon to make investment decisions and build towards the future. A full EIS could help resolve those actual and perceived incompatibilities and address the need to consider economic and other impacts to local property owners and the surrounding community.

Response: Please see the response to Comment J.1 above. Regarding the suggestion to perform an Environmental Impact Statement, please also see the response to Comment F.2 above.

J.3 Section 4(f) of the Department of Transportation Act of 1966 prevents a federal project from using publically owned lands unless (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use [49 USC §303(c)]. When there is no feasible and prudent avoidance alternative, the regulation implementing Section 4(f) states that "the Administration may approve only the alternative that causes the least harm" 23 CFR §774.3(c)(1); see 49 USC §303(2).

In the EA it states that a Section 4(f) evaluation is not needed. Since the proposed IMF is in close proximity to a public school, which includes a public recreation area, a Section 4(f) evaluation should be required. Even if land is not taken from the school for use to operate the IMF, the adverse impacts from the IMF will constitute a constructive use of the recreational property. Therefore, a Section 4(f) evaluation is needed for this project, including a determination of whether there are feasible and prudent alternatives for this project, as well as a determination that all harm has been minimized to the maximum extent.

Response: As documented in the EA, no public park, recreation land, wildlife refuge, or historic sites, which are considered 4(f) resources, are within the project area. Although McAdory Elementary School is a publicly owned school, it is not public recreation land and is not therefore a 4(f) resource.

K - Noise and Vibration

K.1 Requests that the berm be installed as the second item of work to provide an immediate buffer for noise and visibility purposes.

Response: Sections 4.10 and 4.13 of the EA discuss noise and visual, and lighting impacts associated with the project. While no significant noise and visual, or lighting impacts are anticipated, landscape berms will be installed as visual and security features as the second item of proposed project construction.

K.2 Concerned that noise is not being blocked by a berm or some kind of barrier near the schoolyard. The McCalla area has historically been a very quiet area, with a lot of residential growth. The Jefferson County Planning and Zoning Commission comprehensive land use plan, adopted a number of years ago, planned for this entire area to be only residential growth. The industrial growth is not something that was intended by a lot of people that live in the area. Even though the decibel of noise does not seem to be much louder than a normal conversation, it is sound that was not there before.

Response: Studies which include ambient noise monitoring and modeling have been performed at adjacent locations such as the McAdory Elementary School, the Sadler Ridge neighborhood, and other potentially sensitive areas. Section 4.10.1 (specifically Table 4.10-3 and Figure 4.10-1) of the EA indicates the locations where ambient noise monitoring was conducted. The results of this study and projected impacts are discussed in Section 4.10.2 of the EA. Results from the noise monitoring and modeling studies indicate that adjacent

neighborhoods will not be significantly impacted by noise from the BRIMF. There will be several areas on the site where current planning includes the placement of 15-ft landscape berms that will provide added reduction of noise, as well as provide a visual barrier for most local residences. Additional details regarding operational noise are included in Section 4.10 of the EA. Also, please see the response to Comment J.1 above regarding planning and zoning concerns.

K.3 Regarding the residential neighborhood on the ridge up above the track where the IMF is going to be constructed: what about ambient noise? Because that berm is going to reduce the noise level down low, how will the noise coming up over the berm to where we live be addressed?

Response: Please see the response to Comment K.2 above. Additional details regarding operational noise are included in Section 4.10 of the EA.

K.4 At conversation level (60 db) all day and much of the night, the brains in the area will be processing much more to either filter out the useless data or segregate the sound from other pertinent sounds that are necessary for their daily activities. Once accustomed to the Facility roar, each abnormal sound will trigger an alarm response, adding stress to the body. Those living in constant fear that the IMF will have a detrimental accident will likely experience stress-related health decline. The constant exposure to the roar could cause hearing loss and mental dullness. Suggestion: Build a soundproof canopy from the berm to cover the Facility. An eco-friendly cover could absorb the sound and noise cancelling devices could be installed to protect the workers in the Facility. The lights would be under the cover and directed inward. A structural cover could be installed to reclaim the surface area over the Facility for public use or a venue that is privately run but provides value to the community.

Response: Please see the response to Comment K.2 above. Additional details regarding operational noise are included in Section 4.10 of the EA. The EA did not indicate any impacts that warranted consideration of a structural cover, nor is it feasible to construct one.

K.5 The medical profession states that children are easily distracted by noise. The increased noise from the increased vehicular traffic associated with this proposed terminal is likely to impede learning if the noise penetrates into classrooms. McAdory Elementary School has some portable classrooms outdoors. What considerations have been taken for students in these classrooms?

What considerations have been taken for children that are on the playground for P.E. or other reasons? The proposed IMF is located on the same side of the school as the playground and portable classrooms. What measures have been taken to assure that these children will be able to adequately hear instructions given when outside on the playground or field?

Response: The hourly Leq noise from operation of the proposed BRIMF at McAdory Elementary School is projected to be 55 dBA. The existing hourly Leq noise levels measured near the school during normal school hours varied from 47 dBA to 53 dBA. Evaluation of these existing and projected noise exposures for Category 3 land uses per the FRA/FTA guidance concludes that there would be no impact. Please also see Section 4.10 of the EA.

K.6 NSR representatives have provided multiple levels regarding noise impacts during the three separate public meetings. At the first meeting in August 2009, it was said that the facility would be no louder than the ambient sounds that exist today. In the EA it now states that the facility

will emit noise at the same level as a conversation. NSR should be required to mitigate this more actively by moving traffic from the boundaries of the facility and increasing the berm sizes.

Response: Please see Section 4.10.2 of the EA. Because the increase in noise levels from the facility are projected to be minimal, noise mitigation is not required; however, visual barriers such as multiple earthen berms are planned, which will provide added noise level reductions.

K.7 The ridge where the Rosser home is located should also be built up more to prevent noise and visual impacts to the neighborhood on the adjacent ridge. If it is not built up and vegetation planted, these residents will have a direct view into the facility.

Response: Please see responses to Comments K.2 and K.3 above. No significant impacts from noise and visual impacts are anticipated. Please see EA at 4.13. Visual berms are planned for the facility.

K.8 I have read a newspaper article that discusses Norfolk Southern's Maple Heights facility causing noise problems in Ohio.

Response: The physical plant location in Maple Heights, OH is very different from McCalla, AL. The Maple Heights IMF is much closer to homes in Maple Heights than will be the case for the BRIMF in McCalla. In Maple Heights, some homes are approximately 150 ft from the intermodal facility. Additionally, a regional short line railroad's operations are also the source of noise and vibration complaints at Maple Heights. This short line railroad runs adjacent to the backyard of many homes. The NSR mainline tracks (much busier than those through McCalla) are also relatively close by at Maple Heights.

In McCalla, by contrast, the houses and school are much further away, and additionally the visual berms planned for the BRIMF will offer additional sound reduction. Because of the extreme close proximity of homes at Maple Heights, NSR has been very cognizant of the noise concern. Back-up alarms had been one of the frequent noise complaints at Maple Heights. Consequently, the Maple Heights IMF was used as a test location for a new, quieter, type of back-up alarm on the IMF equipment. This test was deemed a success by NSR safety and the new broad band white noise reverse alarm will be fielded at the BRIMF in McCalla.

L – Social Elements and Environmental Justice

L.1 Requests that local people get the construction jobs associated with the project since there are a lot of qualified people in the area.

Response: Jobs associated with contractors retained by NSR will be advertised locally. Approximately 68 percent of the jobs projected through 2020 are anticipated to occur within Jefferson County, with the balance coming from the other six counties in the Birmingham-Hoover, Alabama, Metropolitan Statistical Area (MSA) (Insight Research Corporation, 2009). The construction of the facility will be bid out to a general contractor, who may employ numerous subcontractors. If the general contractor or sub contractors are not from the local area, they typically hire local construction workers. Any local firms contracted will generate work for their local employees. See response to Comments L.1 and L11 in Appendix I of the EA.

L.2 Requests that the outermost perimeter fence be installed as the first item of work (in conjunction with erosion control measures) to prevent workers from entering the school campus and to prevent children from entering the construction site.

Response: Section 4.11.2.1 of the EA discusses safety and security measures for the proposed BRIMF, including protection of children, the public and worker safety during construction. Access to the construction site will be strictly controlled by the general contractor. The outermost perimeter fence will be installed during the first phase of construction.

L.3 Concerned with the site's location near the elementary school and the potential dangers that happen on these yards. One of the concerns is that there's a berm that is located to the north of the site; however, the trains are still visible from the southwest of the schoolyard. Because of the location and closeness to the yard, there is also a concern of a derailment reaching the schoolyard.

Response: The existing vegetation located between the school and the lead track into the facility will remain in place and provide a visual barrier between the school and the tracks. Other berms that are proposed are expected to further obscure the visibility from the school grounds, such as the playground area of the school, from the trains and other activities on the IMF. Trains entering or leaving the BRIMF are not likely to have an impact or pose dangers to the school, in part because they will be entering or leaving at very slow rates of speed. A derailment reaching the schoolyard is not a realistic possibility under those conditions.

L.4 Concerns over physical hazard and distractions for children have no absolute, "guaranteed" remedy. Suggestion: Ask the school board to use the same criteria for site selection that led to building the elementary school to review the Facility plans. If the IMF had been present first, would the school board still have chosen the current location? What items would have triggered a rejection of the site for the school? Are those items curable with a modification to the IMF plans? If no, purchase the school property so the JEFFCO School Board can rebuild on a suitable lot.

Response: The EA provides substantial documentation that demonstrates that the proposed BRIMF will be constructed and operated in compliance with all applicable environmental requirements. Accordingly, this demonstration of compliance is consistent with the conclusion that the project will be protective of the public health and welfare, including the children at the McAdory Elementary School, since the environmental standards are health and welfare based standards that account for sensitive groups, including children and the elderly. Therefore, there is no basis for relocating the school. Regarding the School Board's review of the project plans, the Jefferson County Board of Education engaged the services of two independent engineering firms to review the EA and advise the Board as to their opinions. The School Board was also involved in the review of the EA. Any questions regarding the School Board's criteria for the site selection of the McAdory Elementary School should be directed to the Jefferson County Board of Education. Physical hazards, including the potential for any spills of transported materials have been evaluated and addressed in Section 4.8 of the EA as well as in previous Responses to Comments I.1 through I.5 in Appendix A of the EA.

L.5 The nuisances of the Facility are the focus. The term "railroaded" has its negative definition from the practices of the powerful company in the past. The frustration of losing what one enjoys about their neighborhood with no recourse to protect their lifestyle is creating the resistance. The helplessness of knowing that the government, not the people, gives the railroad corporation the right to do what is profitable for the corporation no matter what the costs to the individuals in the area is amplifying the emotional displeasure for the project.

Suggestions: Voluntarily provide value to the area without the demand of the law. (1) Although the obligation to repair the road in front of Flying J belongs to the City of Bessemer, NSC could pay to keep the road repaired. Expanding that concept NSC could sponsor a nonprofit subsidiary whose purpose is to "lessen the burdens of government" in the McCalla area. (2) Provide educational programs in the McAdory Schools that teach railroad safety and hazardous spill safety. Create an interactive program that utilizes students as "safety patrol" to report unusual conditions to a NSC employee and to monitor safety precautions by the student body. This could be developed into a safety program that rewards each class for accident and vandalism prevention related to the IMF. (3) Provide an accredited course taught by NSC professionals for each of the McAdory Schools that teaches the interrelation dynamics of the railroad and the local economy. The course would explain how the IMF works and is important to many businesses in the area. The courses would bridge real-world application with the numerous subjects students are learning. Engineering, Economics, Business Development, Product Development, History, Communication, Safety, and Law are a few topics that NSC could explain to enhance the learning experience for students. (4) Provide a Work/Study program for older students to have an afternoon job that also earns them academic credit as they apply their math and science learning to real situations in a corporation. GOAL: NSC presence in the neighborhood improves the academic achievement of McAdory students, prepares them for a vocation, and gives them early insight on how their education applies to real world situations. (5) For residents who find living near the Facility is too unbearable, buy their home. NSC needs employees living in the neighborhood for positive public relations anyway so the homes could be occupied by employees as part of their compensation. (6) Create a local business development team that identifies what locals could do of value for NSC to be compensated. These part-time tasks will build more positive relations with more of the residents changing the perception that IMF "moving in" is a good thing. Rather than fearing more outsiders taking over the area, help residents become the supporting functions that NSC can use. (7) Offer "good neighbor" discounts on shipping. Any existing business in the area that uses NSC for their shipping could receive a 10% discount on shipping cost, for example. (8) Create new services that NSC can offer the local market. For example, although the IMF is for freight, is it possible to offer a passenger station in the area? For the many University of Alabama fans in the area, an excursion from McCalla to Tuscaloosa on Game Day could be better than tailgating! The club car could provide a meal and shuttle to the stadium, eliminating parking hassles. The potential uses for passenger service from McCalla are endless: educational and entertainment trips to Tuscaloosa, Mobile, Huntsville and beyond could be attractive for students or senior adults. (9) Add a research project to the IMF location so the site is not a duplication of what has been but a premier site of innovation in a) noise reduction, b) pollution control, c) just-in-time rail shipping, d) human factors engineering, e) public health and safety, f) community integration of corporation cooperation, and g) alternative fuels and horsepower, etc. In cooperation with the state universities the site could be the beta trial for new concepts. The Facility could be a

showcase for continuous improvement for which the McCalla community could be proud to have as a good neighbor. (10) Look at the complaints from the community not as a source of annoying noise, but as data for building a better future. The question is not what is the least we can do and obtain the permits required but what is the most we can afford to do that compensates the area for the losses they will experience as a result of our presence. Ask the question, what could we do for the area that would make them want us to be there?

Response: Comment Noted. The EA addressed each of the described concerns and indicates that there are no significant impacts. While there is no nexus between many of these comments and the resource areas affected by the project, Norfolk Southern will coordinate with the Jefferson County School Board and/or the McAdory Elementary School to provide Operation Lifesaver programs. These programs are part of a national program designed to teach children about safety around railroad tracks. Through public outreach and in school programs, Operation Lifesaver programs also raise awareness among students and school officials about railroad operations, the dangers of trespassing on active rail rights-of-way, and grade crossing safety.

L.6 NSR has indicated in the EA that they have done everything in their power to mitigate the risk of the children at the school. Careful review of the project plan proves they are very far from mitigating risk. The berm that is proposed to be constructed behind the school needs to be substantially extended to fully protect the school from a derailment. When cars derail, even at slower speed, the cars can travel a great distance tearing up everything in their path. After asking this question at the November 2010 meeting, the answer received was that this addition would require NSR to purchase more wetland credits and that would be too costly. Is cost or mitigating risk for children the concern?

Response: The facility is being designed such that there is no realistic possibility that a train derailment would encroach upon school property. The lead tracks on the south side of the BRIMF property will only be used to access the facility by very slow moving trains. Not all trains will access the BRIMF from the south, with the remainder using the lead tracks on the north side of the property. The location of the lead tracks on the south side of the property has been designed to avoid wetland impacts, while still maintaining adequate distance from the school.

L.7 Raising the floor of the facility by 15 feet (in order to accommodate the retention ponds), will make the trains level with the school as they pass by the rear of the school. How is this acceptable? The children at the school should not be subject to these types of distractions and an immediate mitigation plan (preferably by moving the school) should be required of NSR.

Response: The facility will not be raised to accommodate the retention ponds but to provide a level surface on which the facility will operate. To accomplish this, it will be necessary to add fill to some areas of the property and in other areas it will be necessary to excavate soils to prepare a level concrete pad. On the southern end of the property nearest the McAdory Elementary School, it is estimated that approximately 15 feet of fill material will need to be added. However, the proposed visual berm between the school and the facility will be constructed above the base elevation of the pad. Berms are planned that will block the view of the facility. The tops of the berms will be approximately 5 to 10 feet higher than the roof of the school. Refer to response to Comments L.4 and L.6 above.

L.8 What considerations have been taken to assure the safety of the children, faculty, and staff at McAdory Elementary School in case of an emergency associated with the proposed intermodal facility?

Response: Please refer to response to Comment L.5 in Appendix I of the EA.

M – Traffic and Transportation

M.1 What plans are there to improve infrastructure, roads, etc. to accommodate the impact of additional traffic?

Response: The traffic study conducted for this project incorporated extensive surveys of current and future traffic conditions on McAshan Drive, including modeling of the added traffic that will be associated with operation of the facility. The data from the traffic study indicates that McAshan Drive will accommodate the added traffic from the IMF without reducing USDOT service level ratings. The traffic study also demonstrated that IMF traffic represented a small fraction of the total traffic on McAshan Drive. Additional details regarding the results of the traffic study are discussed in Section 4.12 of the EA. See response to Agency Comment M.9 in Appendix H of the EA regarding additional traffic counts performed to account for the recent opening of the Home Depot warehouse at the Metropolitan Industrial Park. The overall conclusion from the Traffic Study for the BRIMF indicated no significant impact from the added traffic. Results of the traffic impact analysis for the BRIMF are discussed further in Section 4.12 of the EA. The traffic impact analysis indicates that McAshan Drive will adequately serve the additional truck traffic created by the BRIMF without the need for modifications or improvements. McAshan Drive, between the proposed BRIMF and the Bessemer city limits near I-20/59, is under the City of Bessemer jurisdiction and any improvements to that section of the road must be approved by the City of Bessemer.

M.2 Concerns with truck traffic entering and leaving proposed facility.

Response: Trucks entering and exiting the BRIMF will only use the segment of McAshan Drive between the BRIMF access road and Interstate 20/59. The design of the access road and signage will direct all trucks leaving the site to make a left turn onto McAshan Drive to further ensure they do not turn toward Eastern Valley Road. A recent Jefferson County ordinance now restricts all but local delivery trucks from using Eastern Valley Road. See discussion in Appendix I, Section M of the EA.

M.3 Concerns with additional traffic without any road improvements or controls.

Response: The traffic study conducted for this project incorporated extensive surveys of current and future traffic conditions on McAshan Drive, including modeling of the added traffic that will be associated with operation of the facility. The data from the study indicates that McAshan Drive will accommodate the added traffic without reducing USDOT's service level ratings. Additional details regarding the results of the traffic study are discussed in Section 4.12 of the EA. See response to Agency Comment M.9 in Appendix H of the EA regarding additional traffic counts performed to account for the recent opening of the Home Depot warehouse at the Metropolitan Industrial Park.

M.4 Concern about the condition of Exit 104. Will roads be widened and will the City of Bessemer repave the roads? Suggests using federal money to fix roads since the City of Bessemer says they are broke.

Response: The Interstate 20/59 on and off ramps at Exit 104 are under the jurisdiction of ALDOT. McAshan Drive, near I-20/59, adjacent to the Flying J truck stop, is under the City of Bessemer's jurisdiction. The traffic impact analysis indicates that McAshan Drive, even including this section, will adequately serve the additional truck traffic created by the BRIMF. The traffic study revealed that IMF related traffic represented only a fraction of the traffic on McAshan Drive and Exit 104. Any decision regarding maintenance, funding, or other decisions for this area would be within the purview of those agencies under separate action. The study also found that this intersection would operate at a Level of Service of E with or without the operation of the BRIMF. Results of the traffic impact analysis are discussed further in Section 4.12 of the EA.

M.5 In favor of the project since the beginning. Would like to see McAshan road improved (widened) between Old Tuscaloosa Highway & I-59.

Response: Comment noted. Please see response to Comments M.1 and M.4 above. McAshan Drive and results of the traffic impact analysis are discussed in Section 4.12 of the EA.

M.6 What is going to be done to Exit 104 on I-59 in front of the Flying J?

Response: Please see response to Comments M.1 and M.4 above. Any decision regarding maintenance, funding, or other decision for this area would be within the purview of the agencies responsible for those roadway segments.

M.7 Who will improve and maintain the roads? Our residential neighborhood should be protected from City of Bessemer and any other entity converting to industry.

Response: McAshan Drive, between the proposed BRIMF and the Bessemer City limits near I-20/59, adjacent to the Flying J truck stop, is under the City of Bessemer's jurisdiction. Results of the traffic impact analysis are discussed further in Section 4.12 of the EA. Any decision regarding maintenance, funding, or other decision would be within the purview of those agencies under separate action. Please see response to Comments M.1 and M.4 above.

M.8 McAshan Drive is a very congested road. There continues to be industrial growth whether it is through the Jefferson County metropolitan part or whether it is from the potential industrial growth on Bay Drive. Also, the truck stop has become busier over recent years. The traffic makes it extremely difficult to get on and off the road for local business owners.

The stretch of road that is maintained by the City of Bessemer has been in disrepair for over 15 years with no success in getting the basic maintenance and improvements done to this road despite the amount of revenue that the City of Bessemer receives off of the Flying J truck stop. Concerned that no matter what happens along this road, the City of Bessemer will never improve it. We would like to see some kind of moneys or some kind of intervention – whether it be from the USDOT or whether it be from Norfolk Southern – to make improvements on this road and also to make the road a safer place to travel.

Request to see stoplights placed at the off ramps of Exit 104, the Flying J truck stop, and also the access to the intermodal facility, not necessarily because the amount of traffic requires it, but mores so to give traffic break points.

The proposed IMF may have a major impact on a residential community and also has environmental impacts on our community.

Response: The traffic study discussed in the EA indicated that traffic lights were not warranted at Exit 104, Flying J truck stop, or at the facility's entrance. As depicted in Figure 4.12-3 of the EA, a sign with sensors will be placed in both directions at the facility exit, to notify drivers on McAshan Drive that a truck is approaching the exit of the facility. Through the EA process, potential impacts to the community and the environment have been carefully studied. Results of the analysis are available in Sections 4 and 5 of the EA and no significant impacts are likely to occur. Please refer to response to Comment M.4 above.

M.9 The strength and condition of the pavement on McAshan Drive should be addressed. Observations of the pavement condition on McAshan Drive, particularly on the northern section closer to the interchange, suggest that additional truck traffic could accelerate the degradation of the roadway.

Response: Numerous public comments were received regarding the condition of pavement on McAshan Drive. Please refer to response to Comment M.4 above.

M.10 The operations and potential future traffic congestion at the I-20/I-59 interchange with McAshan Drive should be adequately addressed. Traffic queues on the westbound off ramp have been observed to extend onto the mainline freeway during peak truck traffic.

Response: Recent construction efforts on I-459 have been completed which provide for increased storage for the southbound exit ramp of I-59/20 at McAshan Drive. The current ramp is approximately 1,600 feet long with approximately 1,360 feet of full width right turn deceleration length for the I-59/20 southbound exit ramp. As a result, approximately 2,960 feet of storage is provided adjacent to I-59/20 and on the southbound I-59/20 exit ramp to accommodate the southbound I-59/20 exit ramp traffic flows.

Observations conducted for existing conditions did not indicate that queuing on the I-59/20 southbound ramp from McAshan Drive would extend to a point which impaired the mainline traffic flows on southbound I-59/20. Additionally, Level of Service "C" or better were calculated for the I-59/20 southbound exit ramp's left turn movement at McAshan Drive during each of the peak periods evaluated. Birmingham Regional Intermodal Facility Traffic Operations Study, Table 1, page 11, January 25, 2010, Skipper Consulting (Skipper).

Levels of Service for the 2015 No Build and 2015 Build conditions indicate the left turn movement from the I-59/20 southbound exit ramp at McAshan Drive would operate at Level of Service "D" or better during the morning and afternoon school peak hours. During the afternoon commuter peak hour, Level of Service "E" were calculated for this movement for both 2015 No Build and 2015 Build conditions, (Skipper, Tables 3 & 7 on pages 18 and 27). Although Level of Service "E" indicate that the movement is operating at or near capacity, the projected 2015 peak hour traffic volumes do not reflect volumes that would result in peak queues that would exceed the available storage.

Recommendations for this intersection include monitoring traffic operations for additional traffic control measures as conditions warrant. Recommendations for monitoring this intersection by the local jurisdiction is noted in Skipper, Page 20 under the Improvements for 2015 No Build Conditions section of the report and noted in Skipper, Page 30 in the 2015 Build Capacity Analyses with Traffic Control Modifications section of the Traffic Study."

M.11 Peak truck traffic hours were described as 6 am and 12 noon. The volume is 400 trucks arriving per day. At an arrival time of 1 minute apart, the traffic would be a constant flow of trucks for 6 hours and 40 minutes. The bottle neck points at the interstate off/on ramps, waiting for safe entry into flow on McAshan, and the traffic light at 4th Avenue create an immediate queue of trucks that will be constant. Suggest building a dedicated "flyover" from interstate for exclusive use by trucks entering and leaving the IMF.

Response: Comprehensive traffic studies have been performed to evaluate the impact of the trucks that will service the proposed BRIMF on roadway traffic flow and congestion between the proposed facility entrance on McAshan Drive and Interstate 59/20, including the on/off ramps to the Interstate. The results of the analysis are described in EA Section 4.12 and demonstrate that the additional traffic can be handled by the existing roadway, with no change in the USDOT's "Level of Service" categorizations for the roadway segments. See also responses to Comments M.1 through M.19 in Appendix I of the EA.

M.12 The increased truck traffic from the IMF on McAshan Drive and surrounding roads would increase danger to our children, especially as they travel to and from school. Trucks mixed with school traffic increases congestion which leads to car pool gridlock. McAshan Drive was not designed for this amount of traffic. What assurances are in place to guarantee that no intermodal truck traffic will commute on surrounding roadways, specifically Eastern Valley Road and Old Tuscaloosa Highway?

Is it true that ALDOT wants a Comprehensive Traffic Study to be performed to determine the impacts to the interstates? When will this be completed and shouldn't it be completed prior to the project receiving approval?

Is there an evacuation route in case there is an accident at the IMF? If so, where is the exit? Would semi trucks use it?

Response: Trucks entering and exiting the BRIMF will only use the segment of McAshan Drive between the BRIMF access road and Interstate 20/59. As depicted in Figure 4.12-3 of the EA, the design of the access road and signage will direct all trucks leaving the site to make a left turn onto McAshan Drive to further ensure they do not turn toward Eastern Valley Road. A 2009 Jefferson County ordinance now restricts all but local delivery trucks from using Eastern Valley Road. The majority of NSR's customer base is located in the Birmingham area, which is north-northeast of the proposed BRIMF. Drivers are expected to use the most direct route available to access the interstate from the BRIMF. McAshan Drive provides the most direct route to I-20/59 and because trucks will not be permitted to use Eastern Valley Road, drivers will also use McAshan Drive to access I-459 by way of I-20/59. Old Tuscaloosa Highway does not provide direct access to I-459; therefore, it is not a desirable route. Old Tuscaloosa Highway does provide access to I-20/59; however, the distance from the BRIMF to I-20/59 on Old Tuscaloosa Highway is approximately 3.7 miles farther compared to using McAshan Drive to access I-20/59.

A traffic study was completed for the BRIMF, was reviewed and approved by ALDOT, This study is discussed in Section 4.12.2 of the EA.

Please see response to Comment I.2 above regarding emergency evacuation of the BRIMF.

M.13 There is only one way in and out McAdory Elementary School. What considerations have been made on evacuating the school if necessary in an emergency related incident at the IMF? Has it been determined if the school can be evacuated in a timely manner if an accident occurs at the IMF?

Response: Please see response to Comment I.2 above. Decisions about community evacuation plans are under the purview of the relevant local emergency management organizations. However, ALDOT and NSR are available and willing to meet with community officials should they have additional concerns related to the BRIMF and emergency management issues affecting the local community, including the school.

N - Visual and Lighting Conditions

N.1 The night lights could also have the effect of elevated brain processing stimulation; thus causing sleep deprivation. Suggestion: Build a soundproof canopy from the berm to cover the Facility. An eco-friendly cover could absorb the sound and noise cancelling devices could be installed to protect the workers in the Facility. The lights would be under the cover and directed inward. A structural cover could be installed to reclaim the surface area over the Facility for public use or a venue that is privately run but provides value to the community.

Response: Section 4.13.2 of the EA describes plans to develop an exterior lighting plan to safely illuminate the proposed project with reduced light levels. Specially designed "downward directed" lights will be used that will reduce the amount of light projecting away from the facility. This will result in the proposed BRIMF having minimal light emissions that should have no impact on residential areas or the McAdory Elementary School. Constructing a cover over the entire facility is not required based on the EA and not feasible from a construction, operation, aesthetics, or environmental standpoint.

O – Indirect and Cumulative Impacts

O.1 What are the environmental impacts statewide and nationwide associated with this proposed intermodal?

Response: An intermodal train can haul the equivalent of approximately 280 truckloads of freight. Each ton of freight transported by rail travels an average of 436 miles on one gallon of fuel. Data (Cambridge Systematics, 2010) show that a ton of freight transported by truck uses approximately 3.5 times as much fuel to travel an equivalent distance on routes served by NSR from the BRIMF. Greater use of rail intermodal transport, in lieu of all-highway freight movement, would provide for a significant reduction in greenhouse gas (GHG) emissions (primarily CO_2) on a state and national level. As discussed in EA Section 4.2.2.5, it is estimated that the BRIMF will result in an annual reduction of more than 81 million truck miles to rail that would otherwise provide long-haul transport from the Birmingham region to the Northeast (Cambridge Systematics, 2010). The estimated nationwide reduction in CO_2 emissions due to the implementation of this project is more than 120,000 tons per year, resulting directly from an estimated reduction in diesel fuel usage of more than 10.5 million

gallons/year by the year 2020. Please see Section 5.2.10 of the EA, which describes the broader benefits of energy conservation related to the BRIMF.

O.2 Indirect and cumulative impacts are likely to be significant for the proposed IMF even though the EA expects them to be negligible. Norfolk assumes that local zoning laws will prevent unwanted development to come into the residential community. Since this area is unincorporated, land can be annexed into another city and rezoned. This has already happened with 350 acres that was zoned agriculture by Jefferson County. The land was annexed into Bessemer and rezoned industrial to allow warehouses to be built to support the intermodal facility. This rezoning was a direct impact of this proposed facility and will only be the beginning of the land grab. Norfolk should be required to address what our community will look like with sprawling warehouse developments. They should also address how our "Community Character" is being destroyed because this facility will be at the heart of our community.

Response: Since announcing plans for the construction of the BRIMF in July 2009, NSR has met with many individuals and groups in McCalla and Jefferson County to gain a full understanding of the concerns of the community regarding the project. These concerns have been addressed in the EA, as well as in the responses to comments. In many cases, feedback from the community has resulted in changes in the proposed design, construction, or features of the BRIMF in order to preserve quality of life. These include measures to minimize aesthetic, noise, traffic, or other aspects generally considered quality of life concerns. These concerns are discussed in greater detail in Sections 4.10, 4.12, and 4.13 of the EA. In addition to creating or benefiting jobs, promoting economic development opportunities, and generating tax revenue, IMFs constructed with productive community input do not adversely affect the local quality of life. Section 5.2.6 of the EA discusses potential impacts from projected developments indirectly resulting from the BRIMF. Section 5.3 of the EA addresses all reasonably foreseeable cumulative impacts of the proposed action. Regardless of any incorporation or annexation or rezoning that may be contemplated, decisions that govern local land uses will go through local planning protocols and procedures established by local elected officials and Alabama law.

O.3 Norfolk Southern's economic projections forecast that significant development will occur both in the immediate area and in the surrounding communities. The potential for a connection with the new Port of Mobile container terminal will bring even greater growth potential. Significant infrastructure improvements will be necessary to accommodate the forecasted growth. The public may be called upon to fund some of those road, sewer, and storm water management infrastructure improvements for the IMF and associated developments that may results if this facility is built. The magnitude of the forecasted growth does not come without environmental impacts and need for mitigation. Even where no single development may be cited as the cause for specific environmental degradation, the indirect and cumulative effects of development, absent intentional mitigation, are widely recognized to contribute to significantly increased storm water runoff, with all the negative impacts associated with the water quality, water quantity, potential for flooding, and changes in seasonal flows associated with that runoff

Response: The direct and indirect growth impacts attributable to the implementation of the proposed BRIMF have been evaluated and are described in Section 5.0 of the EA. These evaluations have been performed based on the assumption that the BRIMF will be operating

at its design capacity. Section 5.0 of the EA considers the potential growth the proposed BRIMF would bring to the Birmingham region, in part due to anticipated growth in international freight movement between the Birmingham region and major southeastern U.S. container ports. FHWA anticipates growth in international freight movement to occur to and from such southeastern ports as Savannah, Georgia; Charleston, South Carolina; and Jacksonville, Florida (EA Section 2.5).

It is acknowledged that future growth induced facilities could represent additional potential for stormwater runoff. It is noted that those projects would individually need to comply with all applicable stormwater requirements, including the collection, treatment, and release of all onsite stormwater.

The EA (Section 5.0) assesses indirect and cumulative impacts within geographic boundaries at which the proposed BRIMF project may affect given resources. Thus, for cumulative impacts to surface water resources, the areas of interest are the affected watersheds in the Cahaba River and Black Warrior River basins. As evaluated in EA Sections 5.2.3 and 5.3.2, no significant adverse indirect or cumulative effects to surface water quality or quantity are anticipated, as existing regulatory programs are available to protect these resources.

P – NEPA Process

P.1 Since the facility lies in the Cahaba river watershed, it will be impacted to some level. An environment assessment does not cover long term effects with sufficient data. An EIS is appropriate in this case to make sure there will not be a deferential impact in the years after completion and operation.

Response: The potential effects to the Cahaba River watershed have been addressed in Section 4 of the EA. The stormwater management approach, including four separate ponds, has been designed to handle rainfall events that might otherwise affect the watershed and protect water quality; this approach includes a spray irrigation program to further minimize the potential for impacts.

An EA has been prepared that includes an evaluation of long-term direct, indirect, and cumulative effects, as outlined in Sections 4 and 5 of the EA. Pursuant to the NEPA, a review moves from an EA into an EIS if the analysis determines there is a significant environmental impact which cannot be mitigated. For this EA, the following technical studies were completed: Traffic Impact Study, Cultural, Historic, and Archaeological Resources Report, Noise Assessment, Threatened and Endangered Species Survey, and Air Quality Technical Report. Analysis of these and additional resources is provided in detail in the EA. Based on the analysis, there were no significant impacts which could not be mitigated and an EIS is not required under the regulations.

P.2 Requests an environmental impact study by the Army Corps of Engineers to see how this facility will affect the entire community in McCalla.

Response: The EA includes an evaluation of long-term direct, indirect, and cumulative effects, including those that are likely to affect the McCalla community. Specifically, Sections 4.11 and 5.2.8 of the EA evaluate social and community impacts. No significant social and community impacts are anticipated.

Please see response to Comments F.2 and P.1 above concerning EAs and the NEPA review process. USACE is not the lead federal agency for this EA. The lead federal agencies, FHWA and FRA, have determined an EA is appropriate for this project and an EIS is not required under the regulations.

P.3 Requests an environmental study be done because of the proximity to Sadler Ridge neighborhood.

Response: The EA includes an evaluation of long-term direct, indirect, and cumulative effects, including those that are likely to affect the Sadler Ridge neighborhood. No significant impacts were identified. Please see response to Comments F.2, P.1, and P.2 above discussing EAs and the NEPA review process. The lead federal agencies, FHWA and FRA, have determined that an EA is appropriate for this project and an EIS is not required under the regulations.

P.4 I don't believe that the NEPA process for public involvement has been met for this project. Public involvement meetings were held in July and November of 2009. Responses to the comments and questions from the 2009 meetings were posted to the McCallacan.com website the day of the November meeting. Responses to the comments and questions from the November 2009 meeting were never published. How can the public involvement process required by NEPA be fulfilled when the community's questions and concerns were never addressed? Since November 2009, the community has not heard anything about this project until October 2010. How is this keeping the public involved? This long lapse in time without public information was very beneficial to Norfolk. It caused the majority of the public impacted by this proposed action to dismiss the entire process. Was NEPA designed to frustrate and inconvenience the public?

Response: Frequently asked questions compiled from the August 2009 Public Meeting were posted on the McCalla Can website. After the second Public Meeting in November 2009, FHWA began preparing the EA based on public comments and feedback received during two formal Public Meetings, concerns raised during Community Outreach Group (COG) meetings, and through numerous McCalla Can meetings. Responses to questions and comments from the August 2009 and November 2009 Public Meetings were provided in Appendix I of the EA which was provided to the public for review on October 14, 2010. As discussed in the opening paragraphs of Appendix I, over 265 comments were submitted. Where two or more comments raised common issues, questions, or concerns, or provided information also found in another comment, the comment was summarized into one comment and a common response was provided.

From November 2009 through October 2010 McCalla Can held 5 informative meetings, which were all advertised on the McCallaCan.com website. In the same span of time, the COG held 6 meetings to discuss topics such as air quality, traffic concerns, the NEPA process, hazardous materials, and noise. Information and COG meeting minutes from each meeting were made available on the McCalla Can website shortly after each meeting. The NEPA requirements regarding public involvement for this project have not only been met, but have been exceeded.

P.5 Most of the statements in the EA do not have definitive answers. They contain phrases like "should", "we don't anticipate" and "may". Is FHWA held accountable if these statements turn

out to be inaccurate? It would seem NSR has enough experience with these types of facilities to give definitive answers. Is FHWA willing to take responsibility if something happens at the facility that impacts a child's health or safety?

Response: The environmental impacts that are discussed in the document are necessarily based on predictions using the best available methods and procedures for estimating the worst-case impacts associated with the facility operating at projected design capacity. Since the facility is not yet built, the use of definitive and conclusive statements is not always possible. However, statements regarding facility impacts are, in most cases, qualified and explained to provide context as well as an indication of the level and extent of the conservative assumptions that have been used in the analysis being described. The NEPA process was followed.

Q – Miscellaneous Questions

Q.1 Email with comments on traffic, noise, lights, air quality, spill hazard, creek contamination, school vulnerability, benefit to neighborhood.

Response: These topics are discussed in Section 4 of the EA. As described in the EA, traffic conditions will not change significantly from estimated growth in the area, with or without the BRIMF. Studies have demonstrated that the noise levels in the area will not result in a significant increase over current ambient levels. Air quality changes in the area will not be significant and will be within acceptable levels following USEPA guidance to protect human health and welfare. The proximity to the McAdory Elementary School has been thoroughly evaluated to confirm that there will be no significant impacts to the children or others at the school and the additional security fences and berms to be built will afford further protection. The overall community benefits will include substantial economic opportunities through new, saved, or benefitted jobs in the area.

Q.2 Comment card with all boxes checked for areas of concern, but no formal comments.

Response: These topics are discussed in Section 4 of the EA. As described in the EA, impacts to land use could result since the proposed BRIMF would alter the character and use of the land at the project site. Air quality changes in the area will not be significant and will be within acceptable levels following USEPA guidance to protect human health and welfare. Traffic conditions will not change significantly from estimated growth in the area, with or without the BRIMF. Studies have demonstrated that the noise levels in the area will not result in a significant increase over current ambient levels. Visual impacts will be mitigated by visual barriers, including earthen berms in certain areas around the facility boundary. Given NSR's safety record, USDOT's comprehensive regulatory program governing hazardous materials shipments, emergency response planning and preparedness measures and the design of the BRIMF, a spill of a hazardous material at the BRIMF is extremely unlikely. Construction impacts will be mitigated by installing fences and visual barriers during the first phase of construction and by limiting the movement of construction equipment to the BRIMF access road once it is built. Adverse impacts to soils and geology are not anticipated as there are no high quality farmland soils present at the site and the BRIMF will not substantially alter the physiography or geology of the project area. The proximity to the McAdory Elementary School has been thoroughly evaluated to confirm

that there will be no significant impacts to the children or others at the school and additional security fences and berms to be built will afford further protection. The overall community benefits will include substantial economic opportunities through new, saved, or benefitted jobs in the area. No impacts to cultural or archeological resources are anticipated; and concurrence from the State Historic Preservation Officer (SHPO) is available in Appendix C of the EA.

As noted in the EA, no significant effects are expected from any of the resource areas noted.

Q.3 Fear property values will drop drastically.

Response: See response to Comment Q.16 in Appendix I of the EA. During construction of the facility, there will be the potential for temporary impacts to adjacent residential and institutional property values during site clearing, construction of the access road, and installation of the visual barriers. Any additional effect on property values in the area is expected to be minimal during construction. Installation of visual barriers, including berms, will also be completed during the initial stages of construction to provide visual buffers to the extent practical for local viewsheds. While local residential property values have declined throughout the U.S. due to economic conditions, it is anticipated that regional economic benefits stimulated by the project will support the local and regional economy, including residential and institutional property values.

Q.4 Not every household subscribes to the newspaper - there should be comment signs announcing these meetings.

Response: The notice of availability of the EA and the announcement for the public meeting on November 9, 2010 were published 30 days prior to the meeting in The Birmingham Times, The Birmingham News, The Birmingham News West Zone Edition, and the Western Star. Local agencies were provided with hard copies of the EA. An electronic link to the EA was sent to all participating/cooperating agencies. Copies of the EA were available for inspection at:

- Bessemer Public Library, 400 19th Street North, Bessemer, AL 35022.
- Hueytown Public Library, 1372 Hueytown Road, Hueytown, AL 35023

Electronic copies of the EA continue to be available for download from the McCalla Can website.

Q.5 Requests a couple of weeks extension to the public comment period.

Response: This project has followed the NEPA process. Decisions were made to distribute environmental documentation early, providing over 40 total days of review time whereas FHWA regulations and statutory provisions would provide only 30, see 23 U.S.C. §139(g)(2); 23 CFR §771.119. In addition, decisions were made to hold public meetings and hearings (3 total, plus additional meetings through McCalla Can) regardless of any public request or expressions of interest in doing so. Both FRA and FHWA regulations, as well as the President's Council on Environmental Quality (CEQ), provide for hearings/meetings at an agency's discretion. The process was very effective in soliciting public input and addressing issues in accordance with NEPA. A Community Outreach Group was established to address community concerns about the BRIMF. Extensions cannot be given except where 'good cause' is shown.

Q.6 Concern regarding whether the November 9, 2010 public meeting was published in the newspaper and brought to the total public's attention.

Response: The notice of availability of the EA and the announcement for the public meeting on November 9, 2010 were published 30 days prior to the meeting in The Birmingham Times, The Birmingham News, The Birmingham News West Zone Edition, and the Western Star. Local agencies were provided with hard copies of the EA. An electronic link to the EA was sent to all participating/cooperating agencies. Copies of the EA were available for inspection at:

- Bessemer Public Library, 400 19th Street North, Bessemer, AL 35022.
- Hueytown Public Library, 1372 Hueytown Road, Hueytown, AL 35023

Q.7 Because of the amount of springs on this site which create Mill Creek and the location in a valley, the site poses major problems to construction and water entering and leaving the site.

Response: See Section 4.7.2.2 of the EA. Construction and operation of the proposed BRIMF would be unlikely to substantially alter the physiography and geology of the project area. The geotechnical study completed for this project (TTL, 2009) included 140 test borings and determined that the site is underlain by an expansive clay layer which would prevent any substantive connection between surface water and groundwater. These soil and geology surveys found no evidence of geological features that would affect the construction of the BRIMF or affect the adjacent areas around the project site. There have been no significant impacts identified through these and other studies conducted for the EA or facility preliminary design related to the Mill Creek area or associated springs in the area.

Q.8 Because this rail connects New Orleans to the Northeast, what is the status of a whole corridor wide study/planning document? What upgrades or modifications are in the works?

Response: The purpose and need for the project is discussed in Section 2.0 of the EA. BRIMF has independent utility to the Birmingham region and its purpose and need are such that the facility would be developed regardless of other corridor activity. This EA is focused on the current and future need for intermodal infrastructure in the Birmingham region.

R - In Support of Project

R.1 Great addition to Birmingham area, jobs are important.

Response: Comment noted. The EA provides detailed analysis regarding benefits to the Birmingham area including economic and job related benefits.

R.2 Please approve and allow project to move forward. NS has done an excellent job in moving the process forward and doing due diligence in all areas.

Response: Comment noted.

R.3 No concerns or issues with this project and are in full support of this project becoming a reality.

Response: Comment noted.

R.4 In support of project approval and construction (member of the Transportation Citizens Committees and The Birmingham Regional Planning Organization).

Response: Comment noted. The IMF will benefit both regional and transportation planning goals.

R.5 In favor of this project. It will bring a tremendous amount of jobs and economic impact in the area. All questions and concerns have been answered.

Response: Comment noted. The EA provides additional detail regarding jobs and economic benefits.

R.6 Fully support this.

Response: Comment noted.

R.7 NSR has done well above what should be expected of them.

Response: Comment noted.

R.8 Glad to have NS as a neighbor. The project will have an impact in many direct and indirect ways for not only McCalla and Jefferson County but the state as well. Thank you for going the extra mile to address the many issues that were raised to distort the facts.

Response: Comment noted.

R.9 Great project for the community. The jobs that will be brought to our region are very important. This project will be an asset to our community. Lots of opportunities with this intermodal facility coming to our community.

Response: Comment noted.

R.10 NSR has a good sensible plan. In retrospect your early efforts to keep the community unaware of your plan was a mistake and caused some of the resistance. Appreciate NSR's later efforts to keep the public abreast.

Response: Comment noted.

R.11 Project is going to be a great economic impact on Birmingham, the local community, and provide quite a few jobs.

Response: Comment noted.

R.12 In favor of this project, it brings tax revenue and jobs to a county that desperately needs it and puts Americans and Alabamians to work. I understand the concerns around local residents that live in the area, but in reviewing the plans that Norfolk Southern has, it seems like they have addressed concerns very well and have taken appropriate measures to mitigate any risks to the environment and to allay local citizens' concerns. The overall effect of the project is much more positive than negative for McCalla and for Jefferson County.

Response: Comment noted.

R.13 From a transportation standpoint, in support of project. It brings efficiencies to our transportation system that we need. Our roads are clogged with traffic right now, and if we can take some traffic off highways and increase efficiency with rail traffic to do the same thing, enhancing our ability to get goods and products to the market, then that is a positive thing. Regarding the environmental aspects of this project, as an environmental professional with 26

years of experience, this EA was very thorough. It has crossed all the Ts and dotted all the Is. The areas of concern for wetlands and stream channels have been addressed in the report from a mitigation standpoint, which is very thorough. The EA has covered all the areas needed, from endangered species to archaeological artifacts. The water aspect of it from a storm water runoff aspect, is very thorough. The controls that are proposed are sufficient. In fact, they probably go a little bit overboard, which is not a bad thing. From an air pollution standpoint, it is going to help us in general in Jefferson County, where we have had trouble meeting air quality standards for years. This project by itself is going to help because it's taking trucks off the highway, which are not efficient burners and high emitters of pollution, and putting it on rail lines, which are much more efficient. It is going to create jobs that are important to people in this area and the people in surrounding areas as well, and we all know, in this economy, we need jobs. Because it is going to draw people here, not just the direct jobs associated with the facility but the outflow of jobs, the trucking and manufacturing and movement of goods and services. All of those industries will be impacted in a positive way from this project.

Response: Comment noted.

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