CHAPTER 6 - COMMENTS AND RESPONSES

This chapter includes the responses to written and oral public and agency comments received during the Southeast Corridor DEIS review period and Section 4(f) public hearing and comment period. The responses represent a formal means of addressing issues raised by agencies and the public.

6.1 DEIS AND COMMENT PROCESS

The DEIS complied with applicable state and federal regulations and acts as public disclosure document by presenting the anticipated environmental consequences of each alternative with possible reasonable and feasible mitigation measures. Once the DEIS was approved for public circulation by the FTA, copies of the document were distributed to members of the community and interested organizations, as well as the appropriate local, state, and federal agencies for their review and comment. Availability of the Southeast Corridor DEIS was officially advertised in the Federal Register on February 22, 2002.

The Federal Register announcement initiated DART’s 45-day comment period (February 22, 2002, through April 8, 2002) as required by FTA. During this comment period, formal public hearings were held within the Southeast Corridor on March 12, 2002, at the Tom Landry Center, March 13, 2002, at the Pleasant Grove Public Library, and March 14, 2002, at Clean South Dallas. The purpose of these hearings was to provide interested parties an opportunity to formally submit comments on the Southeast Corridor DEIS. The public hearings also served to obtain testimony in compliance with Texas law regarding potential DART Service Plan changes. After a technical presentation on the project, verbal testimony was taken. Additional comments were submitted in writing at the public hearing and received at DART headquarters.

In response to the Southeast Corridor DEIS, DART received 43 written statements from individuals, organizations, and agencies and 22 verbal statements. A total of 84 people attended the three public hearings. Thirteen speakers testified at the March 12, 2002, public hearing, six speakers testified at the March 13, 2002, public hearing, and three speakers testified at the March 14, 2002, public hearing. In addition, four people provided comment on the project during the regularly scheduled public comment forum during the April 9, 2002, DART Board of Directors meeting.
6.1.1 Comments Received

Table 6.1 lists agencies, persons, or groups who submitted written comments or provided oral testimony at the public hearings.

<table>
<thead>
<tr>
<th>Commenter ID Number</th>
<th>Person</th>
<th>Organization or Address</th>
<th>Corresponding Comment No.</th>
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<tbody>
<tr>
<td><strong>Federal Agencies</strong></td>
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</tr>
<tr>
<td>1</td>
<td>Jimmy Arterberry</td>
<td>EPA Director, Comanche Nation, PO Box 908, Lawton, Oklahoma</td>
<td>77</td>
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<tr>
<td>2</td>
<td>Willie R. Taylor</td>
<td>Director, Office of Environmental Policy and Compliance, US Department of the Interior</td>
<td>1, 78, 102, 103</td>
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<tr>
<td>3</td>
<td>Michael P. Jansky</td>
<td>Regional Environmental Review Coordinator, EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas</td>
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<td><strong>State Agencies</strong></td>
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<tr>
<td>4</td>
<td>Lawrence Oaks</td>
<td>State Historic Preservation Officer, Texas Historical Commission</td>
<td>8, 14, 79, 80, 81, 82, 83</td>
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<td><strong>Local Agencies</strong></td>
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<td>5</td>
<td>Michael Hellmann</td>
<td>City of Dallas, Park and Recreation Department, 1500 Marilla, Dallas, Texas</td>
<td>74, 95, 96, 97, 98, 104, 120</td>
</tr>
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<td>6</td>
<td>Allison Reaves-Poggi</td>
<td>City of Dallas Landmark Commission, 1500 Marilla, Dallas, Texas</td>
<td>9</td>
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<tr>
<td><strong>Interested Organizations, Property Owners, and Persons</strong></td>
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<tr>
<td>7</td>
<td>Frances James</td>
<td>Historical Research, 4322 St. Francis Avenue, Dallas, Texas</td>
<td>40, 41, 46, 50, 51, 56, 84, 85, 86, 87</td>
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<tr>
<td>8</td>
<td>Joseph G. Beard</td>
<td>Westdale Asset Management, 3300 Commerce, Dallas, Texas</td>
<td>11, 14</td>
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<td>9</td>
<td>Linda P. Evans</td>
<td>The Meadows Foundation, 3003 Swiss Avenue, Dallas, Texas</td>
<td>11, 14, 15</td>
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<tr>
<td>10</td>
<td>Carlene Washington</td>
<td>3101 Peabody Avenue, Dallas, Texas</td>
<td>11</td>
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<td>11</td>
<td>Jeanne Martin</td>
<td>3025 Commerce Street, Dallas, Texas</td>
<td>11</td>
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<td>12</td>
<td>Richard Schumacher</td>
<td>Not provided.</td>
<td>11, 16, 52</td>
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<td>13</td>
<td>Jeff Swaney</td>
<td>Delphi Group, Inc., 3002A Commerce, Dallas, Texas</td>
<td>11</td>
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<tr>
<td>14</td>
<td>Stephen G. Turner</td>
<td>8765 Ferndale Road, #166, Dallas, Texas</td>
<td>13</td>
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<tr>
<td>15</td>
<td>Mary D. Tyson</td>
<td>4385 Turfway Trail, Harbor Springs, Missouri; 1702 Dakota Circle, Garland, Texas</td>
<td>37</td>
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<td>16</td>
<td>Jay Teitelbaum</td>
<td>Adolph's Coffee Service, 2601 Swiss Avenue, Dallas, Texas</td>
<td>15</td>
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<td>17</td>
<td>Charles F. Terry</td>
<td>Terry &amp; Moore, Inc., 2601 Gaston, Dallas, Texas</td>
<td>11, 15</td>
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<td>18</td>
<td>Linda Pelon</td>
<td>Piedmont-Scyene Homeowners Association, 3015 Nutting Drive, Dallas, Texas</td>
<td>47, 48, 57, 87, 99, 112, 113</td>
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<td>19</td>
<td>Irby Foster</td>
<td>President, Rail Employees Association, 2331 Gus Thomason Road, Suite #118, Dallas, Texas</td>
<td>63, 122, 123, 124, 125, 126, 127</td>
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<td>20</td>
<td>Doug Taylor</td>
<td>Texas Viewpoint Photography, 1410 Perrin Street, Arlington, Texas</td>
<td>121</td>
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<td>21</td>
<td>Al Daniels</td>
<td>President, The Villas on Holland, Inc., 4210 Holland, #107, Dallas, Texas</td>
<td>11, 17</td>
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<td>Person</td>
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<tr>
<td>22</td>
<td>Linda Milton</td>
<td>P.O. Box 710711, Dallas, Texas</td>
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<td>23</td>
<td>Marcel Quimby, FAIA</td>
<td>Preservation Dallas, 2922 Swiss Avenue, Dallas, Texas</td>
<td>10</td>
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<tr>
<td>24</td>
<td>William Wadkins, Jr.</td>
<td>2843 Modesto Drive, Dallas, Texas</td>
<td>2, 53, 54, 58, 64, 65, 100, 129, 135, 136</td>
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<td>25</td>
<td>Charles Allen</td>
<td>Trinity River Expeditions, 615 South Montclair, Dallas, Texas</td>
<td>66, 88, 94, 105, 106, 107, 119</td>
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<tr>
<td>26</td>
<td>Timothy Dalbey</td>
<td>2719 Santa Cruz Drive, Dallas, Texas</td>
<td>3, 4, 5, 6, 42, 43, 44, 45, 46, 55, 59, 60, 62, 67, 68, 69, 70, 71, 73, 75, 76, 89, 90, 91, 92, 101, 108, 109, 110, 111, 114, 115, 116, 117, 118, 119, 133, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146</td>
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<td>27</td>
<td>Kay Wilde</td>
<td>9312 Moss Trail, Dallas, Texas</td>
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<td>28</td>
<td>Luke Vajo</td>
<td>Not provided</td>
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<td>29</td>
<td>Campbell Read</td>
<td>Dallas County Audubon Society, 5839 Monticello, Dallas, Texas</td>
<td>99, 105, 121</td>
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<td>30</td>
<td>Donald Giddings</td>
<td>Giddings &amp; Wells Body Shop, 2606-08 Swiss Avenue, Dallas, Texas</td>
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<td>31</td>
<td>RJ Smith</td>
<td>526 Golden Meadows, Duncanville, Texas</td>
<td>11</td>
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<td>32</td>
<td>Larry Carter</td>
<td>730 W. Church, Grand Prairie, Texas</td>
<td>11</td>
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<tr>
<td>33</td>
<td>Fred Earley</td>
<td>3713 Willowood, Garland, Texas</td>
<td>11, 14, 15, 16</td>
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<tr>
<td>34</td>
<td>James Harcrow</td>
<td>2510 N. Hwy. 175, Seagoville, Texas</td>
<td>15</td>
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<tr>
<td>35</td>
<td>A. Teitelbaum</td>
<td>5200 Keller Springs, #323, Dallas, Texas</td>
<td>15</td>
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<tr>
<td>36</td>
<td>Carl Schieffer</td>
<td>Live Oak Bank, 3206 Live Oak, Dallas, Texas</td>
<td>11</td>
</tr>
</tbody>
</table>

**March 12 Public Hearing Speakers**

| PH1 | General Audience | Question & Answer Session of the meeting | 7, 21, 23, 24, 25, 26, 28, 29, 30, 31, 32, 61, 72, 131, 147 |
| PH2 | Charles Terry | 2601 Gaston Avenue, Dallas, Texas | 11, 19 |
| PH3 | Glen Boudreaux | 2614 ½ Elm Street, Dallas, Texas | 11 |
| PH4 | Jay Teitelbaum | Adolph’s Coffee Service, 2601 Swiss Avenue, Dallas, Texas | 11, 15 |
| PH5 | Suzanne Cruz-Sewell | Shared Housing Center, 402 North Good-Latimer, Dallas, Texas | 11, 15 |
| PH6 | Bob Weiss | Meadows Foundation, 3003 Swiss Avenue, Dallas, Texas | 11, 14, 15 |
| PH7 | Hurdie Burke | Deep Ellum Association, 2772 Gaston, Dallas, Texas | 15 |
| PH8 | Tim Dalbey | 2719 Santa Cruz Drive, Dallas, Texas | 32 |
| PH9 | Don Blanton | 2822 Commerce, Dallas, Texas | 11, 16 |
| PH10 | John Kennedy | 6430 Malcolm Drive, Dallas, Texas | 12 |
| PH11 | Doug Aldridge | 3417 Main Street, Dallas, Texas | 18 |
| PH12 | Wayne Bazzle | 2634 Elm Street, Dallas, Texas | 11, 16 |
| PH13 | Steve Elsaesser | 2900 Main Street, Dallas, Texas | 11 |
| PH14 | Frank Compagda | Director of Tunnel Visions, 8651 Forest Hills Boulevard, Dallas, Texas | 35 |
6.1.2 Comments and Responses by Subject Area

All letters, cards, and transcripts of the public hearings were reviewed. Substantive comments have been identified, classified into one of the 17 different areas and numbered consecutively. Because there was some overlap and repetition, similar comments were consolidated and paraphrased. Paraphrasing was used for brevity and to aid in classifying comments that address more than one issue. As a result, the comments that appear in this chapter are seldom the precise words found in the commentator’s letter or verbal testimony. This approach has been taken for clarity and to reduce duplication of similar comments and responses. Copies of the original letters and complete public hearing transcripts are available for review at DART Headquarters. The subject areas covered include:

- Alternatives and Alignment
- Good-Latimer Area
- Acquisition and Displacements
- Neighborhood, Community, Social and Environmental Justice
- Businesses, Employers and Economics
- Transportation, Traffic and Parking
- Service and Ridership
• Air Quality
• Noise and Vibration
• Visual Aesthetics
• Cultural Resources and Historical Properties
• Parks and Recreation Areas
• Ecosystems and Wildlife
• Floodplains and Water Quality
• Safety and Security
• Stations
• Other

Although complete responses are given to each comment, more detail can be found in relevant chapters of this Final EIS, often a response will reference to the appropriate chapter and section.

6.1.2.1 Alternatives and Alignments
The DEIS included two options for the LRT alignment in the Good-Latimer Area. Option A runs down the median of Good-Latimer and will require razing the Deep Ellum Tunnel. Option B shifts from the median to the west side of Good-Latimer and rises on an aerial structure across the top of the Deep Ellum Tunnel. A third option was added and discussed in meeting before the Southeast Corridor public hearings. Option C shifts from the median to the east side of Good-Latimer and avoids the tunnel. The three options are discussed in detail in Appendix E.

1. We support the build alternative because it utilizes the existing Southern Pacific Railroad (SP RR) corridor. (Commenter 2)
Response: Comment noted.

2. The SP alignment would have been proven more cost effective if given proper consideration during the MIS process. (Commenter 24)
Response: Comment noted.

3. The No-Build Alternative should be the preferred plan. The LRT Alternative would adversely impact the Deep Ellum Historic District, specifically the Good-Latimer Tunnel (which is eligible for inclusion in the National Register), the Fair Park Historic District, the Great Trinity Forest vegetation, and the floodplains of White Rock Creek. (Commenter 26)
Response: Comment noted.
4. The UP RR alignment with noise mitigation is a practical alternative because it avoids potential construction impacts to wetlands and floodplains. (Commenter 26)  
Response: Comment noted.

5. What is the difference between the UP RR Mainline and UP RR (DART)? (Commenter 26)  
Response: The UP RR Mainline is a north-south railroad, west of White Rock Creek and Parkdale Lake, which links the UP RR and SP RR (DART) corridors. The UP RR (DART) is a previous rail line now owned by DART from Good-Latimer to junction of the north-south UP RR. Section 3.4.3 and Figure 3.14 illustrate the railroads in the corridor.

6. The EIS process should have taken place prior to DART’s purchase of the Southeast corridor rail line and right-of-way for all the reasons stated in CFR 1500. DART’s purchase of the right-of-way for later transportation use is a violation of CFR 1506.1 (a), thereby limiting the choices of reasonable alternatives. Instead of environmental scoping meetings, DART should be holding investment meetings based on the rationale for choosing a cost effective alternative. (Commenter 26)  
Response: Through a corridor preservation program, DART purchased the SP RR corridor in 1988 as part of a larger purchase of railroad rights-of-way throughout the DART Service Area. DART has followed the FTA project development process (Section 1.5.1 and Figure 1.4) for implementing a major transit project in the Southeast Corridor.

7. Will there be gates or a road closure at the intersection of Live Oak and Florence and Swiss? How would street movements be affected? (Commenter PH1)  
Response: The intersection of Good-Latimer and Live Oak will remain open. Similar to the median running LRT on Lancaster Avenue, traffic signals will be used to control traffic movements at the intersection of Live Oak and Good-Latimer. The median of Good-Latimer will be closed at Florence and Swiss Avenue prohibiting through traffic. The new at-grade intersection of Good-Latimer at Gaston will improve traffic circulation through the area. DART is working with the City of Dallas to identify method of improving access and circulation along this portion of the alignment.

6.1.2.2 Good-Latimer Area

8. The section on analysis of anticipated effects contradicts itself. The analysis specifies adverse effect for the Good-Latimer Tunnel under one criterion, but under another criterion, it specifies no adverse effect. In addition, the statement specifying that Option A
(burying the Good-Latimer Tunnel) and Option B (constructing an elevated track over the Tunnel) would not adversely affect the tunnel appears to be inaccurate. (Commenter 4)

Response: Contradictions in the text and Table 5.16 have been eliminated. Option A will have an adverse affect on the tunnel because it will require removal of the tunnel and filling in the area. This will have no adverse affect on other historic properties. Option B will have a direct impact and adverse impact on the Knight of Pythias property as well as a visual effect to the tunnel. Option C will have a direct impact and adverse impact on the St. James AME Temple.

9. The Dallas Landmark Commission concurs with the THC that the Good-Latimer Tunnel is eligible for the National Register listing as a contributing structure as part of a potential Multiple Property listing of the circa 1930 citywide transportation and Trinity River improvements. (Commenter 6)

Response: Comment noted.

10. The Board of Trustees of Preservation Dallas believes that the tunnel is of historical significance based on the Ulrickson Committee Report of 1925-27. We encourage DART to explore alternatives other than demolition and removal of the tunnel. (Commenter 23)

Response: As outlined in Appendix E, the MIS which preceded this EIS evaluated numerous alignment options and selected an alignment along Good-Latimer as the best combination of service, impacts, community support, and costs. Streets that run parallel to Good-Latimer that could have potentially been used for an alignment are narrower and discontinuous. An alignment along these parallel streets would not provide sufficient room for placing stations within street right-of-way without causing substantial impacts to adjoining properties. Additionally, the 480 unit Gaston Yard Apartments, extending from Good-Latimer to Malcolm X Boulevard, provides a formidable barrier to most parallel options.

11. The following are comments supporting Option A:
   a. The Good-Latimer Tunnel has already been adaptively reused for economic reasons that are unrelated to historical preservation purposes. (Commenter 9, PH6)
   b. Install a new gateway. (Commenter 8, PH3)
   c. Fill in the tunnel at Good-Latimer under Gaston. (Commenter 11, 13, 17, 22, 31, 32, PH2, PH4, PH5, PH16, PH21, PH 23)
   d. Protect a landmark church. (Commenter 9, 10, 11, PH6)
   e. Disrupt the least number of businesses. (Commenter 9, 10, PH6)
f. The Dallas Police Department accident statistics for 2001 reported 23 vehicular accidents between 200 and 500 blocks of North Good Latimer. (Commenter 9, PH6)
g. A roadway safety hazard should not be kept because of its historical status. (Commenter 21)
h. Poor visibility and design rendering the tunnel unsafe. (Commenter 9, PH6)
i. It is unsafe to walk through. (Commenter 12, 33, 36, PH9, PH12)
j. DART has agreed to provide a new tablet for public art work. (Commenter PH9)
k. Option A is the best way to tie a forgotten part of this area in with Deep Ellum. (Commenter PH13)
l. Option A is the most feasible and prudent economic alternative. (Commenter 9, 10, PH6)
m. The tunnel floods and serves as a moat or barrier between downtown and Deep Ellum. Option A would eliminate that barrier. (Commenter PH12)
n. Option A would resolve the homeless situation currently existing in the tunnel. (Commenter PH12)
o. Removing the tunnels would dramatically improve the area. (Commenter 36)

Response: Comments noted.

12. I am against filling in the tunnel. It is traditional art and it is beautiful. The tunnel is the gateway to Deep Ellum. (Commenter PH10)

Response: Comment noted.

13. The following are comments supporting Option B:
   a. Option B runs the DART LRT west of Good-Latimer and elevates the alignment over the bridge. (Commenter PH18)
   b. Option B would not disturb the bridge or the new apartments located on the east side of Good-Latimer or conflict with historic buildings located on the east side. (Commenter 14)

Response: Comments noted.

14. The following are comments opposing Option B:
   a. In comparison with Option A, Option B would have more of a negative visual impact to our property. (Commenter 8)
   b. The statement that Option B (constructing an elevated track over the tunnel) would not adversely affect the tunnel appears to be inaccurate based on information provided. (Commenter 4)
c. Option B displaces four businesses adding to the cost. (Commenter 9, 33, PH6)
   Response: Comments noted.

15. The following are comments opposing Option C:
   a. The Deep Ellum Association does not support Option C because of impacts
      properties. Deep Ellum Association supports our businesses and our community and
      do not want to see any businesses or people displaced. (Commenter PH7)
   b. Option C threatens the historically designated site St. James AME Temple. Designed
      by Williams Sidney Pittman, this church is considered one of the most significant
      African American buildings in Dallas. (Commenter 9, PH6)
   c. Option C impacts the Shared Housing Center, a non-profit agency, which was recently
      acquired, and renovated with funds from private foundations, individuals, and the city.
      This facility provides counseling, comprehensive supportive services and training to
      the homeless. (Commenter 9, PH5, PH6, PH16)
   d. Option C will seriously alter and adversely affect the nature and fabric of this
      neighborhood. (Commenter 16, 17, PH4)
   e. Option C is too costly and too time consuming. (Commenter 35)
   f. Option C impacts will require partial and/or total property acquisition for St. James
      AME Temple, Adolph's Coffee Service, Giddings & Wells Body Shop, Dallas Shared
      Housing Center, the Latino Cultural Center, and Gaston Yard Apartments.
      (Commenter 16, 17, PH4)
   g. Option C displaces four businesses adding to the cost. (Commenter 9, 33, PH6)
   h. Option C would impact projects, such as the Meadows Foundation, which strategically
      borders the Wilson Historic District. (Commenter 9, PH6)
   i. Opposed to Option C. (Commenter 34)
   Response: Comments noted.

16. Do not place a station on the north side of the tunnel from Deep Ellum. This would require
    walking through the unsafe tunnel. (Commenter 12, 33, PH9, PH12)
    Response: Comment noted.

17. The same type of art currently displayed on the tunnels walls should be painted on the
    permanent panels of the proposed gateway entrance to Deep Ellum. (Commenter 21)
    Response: Comment noted.

18. The stations should be placed closer together in areas of high density and established
    mixed-use zones such as the Baylor area and the Fair Park. (Commenter PH11)
    Response: Comment noted.
19. I am in favor of having a station at Good-Latimer. (Commenter PH2)
   
   **Response:** Comment noted.

20. The elevation going up over the tunnel is better than the other options. (Commenter PH25)
   
   **Response:** Comment noted.

21. There were seven businesses and eight residences, which would be impacted as a result of Option B. Are those eight single-family homes? (Commenter PH1)
   
   **Response:** The eight residences that would be displaced are multi-family housing.

22. Why are the pillars in Option B an issue? I do not understand why Option B would be considered a negative impact according to the SHPO. (Commenter PH15)
   
   **Response:** The support columns for the bridge needed under Option B would significantly alter the view of the tunnel compared the existing view from both the south and north side of the tunnel along Good-Latimer.

23. Where would the station and gateway be located for each of the options? (Commenter PH1, PH22)
   
   **Response:** For each Option A, the station will be located between Swiss and Gaston. A replacement Gateway to help mitigate the loss of the Deep Ellum Tunnel will be included in the final plan for Option A. The location of this gateway is yet to be determined. Since the tunnel would remain in place with Options B and C, a replacement Gateway would not be included in the plans.

24. If the tunnel were filled in, would DART provide another place for artists to paint? (Commenter PH1)
   
   **Response:** The DART Board has designated $1.5 million for a replacement gateway if Option A is selected. Some of the concepts include concrete panels, similar to the concrete panels along the existing tunnel entrance, which could be painted. DART will work with the community to develop the gateway design.

25. Would the new gateway include artwork by local artists? (Commenter PH1)
   
   **Response:** DART will allow the Deep Ellum community to work on developing the replacement gateway. This concept could include works by local artists.

26. Is the $1.5 million in addition to the rail station cost? (Commenter PH1)
   
   **Response:** The $1.5 million for the replacement gateway will be beyond the cost of the station.
27. Where will vehicles travel if the tunnel is filled in? (Commenter PH22)

Response: Good-Latimer will be brought up to the same elevation as the adjacent properties creating an at-grade street intersection at Gaston.

28. How would pedestrians access Elm Street from downtown? Who is responsible for designing and funding the pedestrian access plan? (Commenter PH1)

Response: As identified in the Master Interlocal Agreement between the City of Dallas and DART, the City is responsible for station area planning. As part of the Deep Ellum Station Concept, DART will be rebuilding Good-Latimer between Bryan Street and Elm Street. Pedestrian walkways will be included in the design along this segment.

29. Would there be an alternative to walking through the tunnel for Option B? (Commenter PH1)

Response: DART considers the tunnel unsafe for transit patrons and it does not meet ADA standards; therefore, a new sidewalk that is ADA accessible will have to be constructed along the west side of the LRT alignment from Gaston to Elm Street.

30. Is the pedestrian walkway included as part of the $1.5 million for Option A? (Commenter PH1)

Response: A pedestrian walkway is included in the concept for the Deep Ellum Station. The components for the replacement gateway project have not yet been identified.

31. Would the two brick buildings along Good-Latimer mentioned in the report or any other brick buildings be removed because of the LRT? (Commenter PH1)

Response: Option A will require displacing a former gas station and altering the front of one building. Options B and C would require the displacement of several buildings.

32. Impacts to the Good-Latimer options could be eliminated if you elevate the track or bury it along that portion of the alignment. I also suggest eliminating the Gaston and Swiss at-grade crossings. (Commenter PH1, PH8)

Response: Elevating the alignment along Good-Latimer is not a feasible solution. Placing an elevated structure and Station along Good-Latimer would have an adverse effect on all three historic resources along this portion of the alignment: the St. James AME Temple, the Knights of Pythias Temple and the Good-Latimer Underpass. Burying the tracks along this section is also infeasible. The length and depth of the tunnel required would be cost prohibitive and jeopardize DART’s ability to obtain federal funding for the project. Additionally, prior to the consideration of an underground alignment or station, the grade separation of the proposed LRT must be warranted. The in-depth traffic analysis conducted for the Southeast Corridor indicated that LRT could cross the existing streets.
safely without adversely effecting vehicle traffic; thus indicating that a grade separation of LRT is not warranted.

33. The tracks at street level and filling in the tunnel would be a step backwards and would serve to cut off traffic and communication between Deep Ellum and the downtown areas. (Commenter PH17)

Response: Filling the tunnel and creating an at-grade intersection of Gaston and Good-Latimer that will improve all around traffic, access and circulation for the area.

34. The tunnel is an important piece of our history. The tunnel is characteristic of the neighborhood. It is important that our neighborhoods remain unique and have their own character and the people can see the difference in these neighborhoods. (Commenter PH17, PH18)

Response: DART acknowledges that the tunnel is an important component of Dallas’ transportation past; however, the deteriorating structure is unsafe and a deterrent to neighborhood and station area development. DART proposes to appropriately document the history of the Good-Latimer Underpass. DART also proposes to mitigate the loss of this unique structure with a Replacement Gateway to Deep Ellum. Additionally, if practicable, significant pieces of the tunnel will be made available for placement in local and public settings.

35. The tunnel was something I was asked to paint, creating something out of nothing. If the tunnel stays, I would be more than happy to continue the work of putting great images on the wall. If the tunnel is filled in, I would like to work with DART to ensure that something comes through as a replacement. (Commenter PH14)

Response: Comment noted.

36. Where is the Latino Cultural Center located and why does the station need to serve them? (Commenter PH22)

Response: The Latino Cultural Center will be built on the corner of Good-Latimer and Live Oak. The station along Good-Latimer is being built to serve not only the Latino Cultural Center, but the Deep Ellum area, Texas Meadows Foundation properties, apartments, and the future economic development plans for the Union Bankers building in that area.
6.1.2.3 Acquisitions and Displacements

37. Tyson Wood Products, Inc., located on Scyene Road and Hatcher Street is no longer in use, but includes some structures. The owner would like to sell the property for DART’s use. (Commenter 15)

Response: Comment noted.

38. How will businesses be compensated if they are displaced? How do you determine the value of property for businesses and how do revaluate their operation? (Commenter PH15)

Response: Property owners will be paid fair market value for property acquired. Relocation procedures for displaced persons and businesses will be guided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24), as amended. Within the framework of this Act, it is necessary to determine the availability of adequate, decent, safe, and sanitary housing for displaced residents and suitable locations and/or facilities for displaced businesses. All new locations must be available on an open occupancy basis and at costs affordable by those displaced. DART will be responsible at the local level for administering the Act.

For residential relocations, Federal law requires that comparable replacement dwellings be available before residential displacements occur. Local real estate professionals have determined that comparable replacement housing will be available. Moving expenses will be reimbursed for all actual and related costs incurred in moving. This assistance is available to persons renting or leasing a residence that will be acquired. For businesses and non-profit organizations, moving expenses will be reimbursed for all actual and related costs incurred in moving. Most businesses are service-oriented or commercial businesses and could be readily relocated. In cases where relocation will be necessary for right-of-way acquisition for stations, a decision on relocation will be reviewed with each business owner in order to ensure that they are aware of all of the opportunities. There are comparable facilities for relocation existing in the general area. In addition, the public infrastructure investment represented by the light rail investment should support business development and create a benefit through the provision of high capacity transit in the corridor, thereby improving access to these businesses. It has been determined that a sufficient, comparable, safe and sanitary housing supply exists for displaced residents, and acceptable replacement sites for displaced businesses are available.
39. The proposed rail will be located directly west of where I live. I want to be relocated.
(Commenter PH20)
Response: Only residences directly impacted by the project are subject to relocation.

6.1.2.4 Neighborhood, Community, Social Impacts and Environmental Justice

40. The boundaries for some of the neighborhoods are incorrect. The neighborhoods between Buckner and Jim Miller need to be included. The boundaries of Buckner Terrace should be IH 30, Buckner Boulevard, Forney Road, and White Rock Creek. Urbandale Park is located between Forney, Scyene, Buckner and White Rock Creek or Parkdale Lake on the west. Southeast Dallas neighborhood is not a subdivision. Parkdale is located between Bisbee and White Rock Creek. The Piedmont Scyene Neighborhood is predominately located between Jim Miller, Buckner, Scyene, and Bruton. Pemberton Hill is located south of SH 175 between White Rock Creek and Jim Miller and Pemberton Road curves east to intersect with Loop 12. Umphress Recreation Center is not within the Pemberton neighborhood. I have not heard of the Waterwood neighborhood. Please clarify the boundaries. (Commenter 7, DB2)
Response: Comments noted. The boundaries of the neighborhoods have been corrected as suggested.

41. The demographics of Buckner Terrace are misleading. According to 1990 census, the median income in the area is $19,844. The 1990 census data does not reflect the area currently. Many homes in the area are appraised over $150,000, which is not consistent with the income referenced in the document. (Commenter 7, DB2)
Response: The study area for the Southeast Corridor includes the southeast quadrant of Dallas County and is generally bounded by IH 30 on the north, IH 635/IH 20 to the east and south, and IH 45 to the west. Buckner Terrace was included in the study area because it influences travel characteristics. Buckner Terrace is part of the more broadly define study area and the census data comes from the more narrowly define study corridor. Figure 3.9 in Section 3.2.1 identifies which census tracts were used to generate the study corridor data.

42. The most recent census figures from 2000 should be used as well as 1990 and 1980 to determine statistical trends in population growth. The population statistics presented in this meeting are misleading. Use the city census tract figures instead of NCTCOG. Reference source of census tracts used in Figure 3.9. (Commenter 26)
Response: The data needed to complete the demographic analysis using the 2000 Census Data was not finalized until late in the production of the document. A review of the 2000 data indicates that the use of this information would not alter the finding of the study. Population projections for 2025 were developed through a coordinated effort by NCTCOG and local governments. This is the same demographic data used in developing the ridership model for the project. NCTCOG Districts, which are different than the census tracts in the 1990 Census Report by the US Census Bureau, were only used to estimate future population projections, which are not available from the US Census Bureau.

43. The EIS divides people into ethnic and racial groups. Describe people as a population. These statistics depend on numerous variables that DEIS does not go into and census data is inadequate. (Commenter 26)  
Response: As detailed in Section 5.2.1, Executive Order 12898 Environmental Justice requires FTA and DART to consider the impacts of the rail line on minority populations.

44. What is the ridership for the existing DART lines? (Commenter 26)  
Response: Section 3.4 of the document depicts DART bus operations and ridership of the existing Southeast Corridor. As of Summer 2002, current DART LRT ridership ranged from 56,000 to 60,000 average daily riders for the 29 stations open.

45. The DEIS mentioned numerous community facilities in the study area such as schools, Fair Park, Baylor Health Care, a post office, Keeton Golf Course, and police department headquarters. Community facilities located on the line east of the Fair Park are not highly desirable for LRT. Baylor Health Center and Fair Park are good community facilities for mass transit. (Commenter 26)  
Response: Chapter 3 identifies all of the existing community facilities within the study corridor but does not ascribe a value to these facilities.

6.1.2.5 Business, Employers and Economics

46. Table 3.6, section 3.2.2, should be updated. Several businesses, including Tri-City Hospital, Union Bankers Insurance Co., and Hollander Home Fashion, identified on this table are no longer in business. (Commenter 7, 26, DB2)  
Response: The table was developed early in project development when these businesses were active. The table has been updated to reflect changes in employment.
47. What would be the economic impact of a Planned Greenway Zoning category for land use? (Commenter 18)

Response: The Planned Greenway Zoning is being proposed by the City of Dallas for the area. This designated and determination of this zoning and its effect on land use is the responsibility of the City of Dallas.

48. This evaluation does not reflect the rapidly evolving economic opportunities for ecotourism and historic tourism related to our river, forest, and scenic escarpment areas. (Commenter 18)

Response: There may be a high potential for economic opportunities for ecotourism and historic tourism, however, without definite plans it is difficult to quantify and evaluate. In Section 5.4, the document states the Lawnview Station could provide opportunities for eco-tourism with the development of the Great Trinity Forest Park. The determination of economic opportunities and plans for ecotourism and historic tourism would be the responsibility of the City of Dallas. DART has requested the City of Dallas to consider a site adjacent to the Lawnview Station as one of the alternatives for the Great Trinity Forest Interpretive Center.

49. Giddings & Wells is one of few, if not the only African American business landowner in downtown Dallas. It is the oldest African American owned business in the downtown area. Giddings & Wells has been in the downtown area since 1967 and we purchased the building at 2606-2608 Swiss in 1977. The building itself while not significant in terms of architectural design is 100 years old and therefore has historical value in terms of age. Because of absence of properties owned by African Americans downtown and because the location is critical to the success of my business, I place very high value (for historical reasons and business reasons) on this property. (Commenter 30)

Response: Comment noted.

6.1.2.6 Transportation, Traffic and Parking

50. The report notes that improved internal circulation is required within the study area. Buckner Terrace should be eliminated because there are no internal circulation problems in the residential areas. The City of Dallas and TxDOT are planning to make Samuell a four-lane divided parkway. Figure S.2 and the explanation in S 1.2 of increase in the future of congested arterials does not include Samuel Boulevard that is already in the planning stage to widen to a four-lane divided parkway. (Commenter 7)
Response: The widening of Samuell Boulevard is assumed in both the No-Build and Build Alternative (LRT). Section S 1.2 gives a general overview of the existing transportation conditions of the study area. Chapter 1 of the document discusses traffic congestion for the study area in more detail. Chapter 2 includes information regarding the Samuel Boulevard improvements and is illustrated in Figure 2.1.

51. Why include Buckner Terrace as part of the study area and not include the Samuell Boulevard, a congested roadway? (Commenter 7)
Response: The study area for the Southeast Corridor includes the southeast quadrant of Dallas County and is generally bounded by IH 30 on the north, IH 635/IH 20 to the east and south, and IH 45 to the west. Buckner Terrace was included in the study area because it influences travel characteristics.

52. Will the proposed Buckner Station include a park-and-ride lot? That would seem to be the most effective location for capturing inbound commuters from US 175. (Commenter 12)
Response: The LRT station proposed at Buckner Road will also serve as a park-and-ride lot and include approximately 536 parking spaces.

53. How will the traffic impact the LRT crossing of Parry at-grade? One of the main traffic entrances to Fair Park is located in this area. The main entrance for parking on the north side of Fair Park is also in this area. (Commenter 24)
Response: The crossing of Parry Avenue and the LRT line will operate at LOS B during both morning and evening peak traffic periods. The entrance to the parking lot from Parry Avenue, near the National Women’s Museum will be closed. The entrance to the parking lot will be relocated to Haskell Avenue. The station at entrance to Fair Park will encourage access to the park via transit rather than personal vehicle. Additionally, during major events at Fair Park, changes to the schedules for feeder buses and LRT operations will be implemented to extend the operating schedules.

54. The crossing at R.B. Cullum will be a traffic problem. Traffic along this state highway is very heavy. Presently, you cannot get through the traffic signal at Parry going to downtown. (Commenter 24)
Response: The crossing of R.B. Cullum and the LRT line will operate at LOS A during both morning and evening peak traffic periods.

55. Chapter 4, Figures 4.1 and 4.2 what do letters A-F indicate? (Commenter 26)
Response: The letters refer to the LOS. Level-of-service is a qualitative rating system for roadways based on operating conditions, with “A” being best and “F” worst.
6.1.2.7 Service and Ridership

56. Some light rail passengers have found they can get away without paying by taking their chances with the random checks that occur on the train. In addition, many people complain of bus riders subsidizing the train riders. DART should develop a way to eliminate this problem. (Commenter 7)

Response: A recently completed fare evasion analysis estimated that DART has a fare compliance rate of 98 percent. The fare evasion penalty, which ranges from $150 to $250, provides a significant deterrent against non-payment. DART is currently developing a transit police deployment concept that will ensure greater compliance.

57. A slower train with a scenic view and no fence would result in passengers who arrived at work in a more relaxed state of mind. (Commenter 18, DB3)

Response: A slower train with no fence does not meet DART’s mission “to establish and operate a safe, efficient, and effective transportation system.” Reducing the speed of the train will decrease the projected ridership and potentially jeopardize DART’s ability to obtain federal funding.

58. How is the Deep Ellum station justified when it is only forecasted to have 758 boardings and alighting? The Lake June and Buckner stations will be over 4,000 each. These numbers are based on the 1990 census figures and will be considerably higher based on the 2000 and after census figures. (Commenter 24)

Response: The Deep Ellum Station will have no parking; transit patrons will access the station by either walking or by the bus. The station will serve the Deep Ellum area and the Latino Cultural Arts Center. It is anticipated that several stations such as the Deep Ellum station could experience significant passenger volumes that are not in the travel model because it does not attempt to capture sporadic or infrequent special generator trips. The West End is an example of a special generator whose function has changed since the addition of LRT service. LRT helped reinforce the popular West End as an entertainment and restaurant district. Ridership exceeded projections because LRT service allowed the West End to become a popular weekday lunch destination for downtown employees and the area now serves as an entertainment destination on weeknights as well. The West End has emerged purely as an entertainment district, but Deep Ellum is an urban neighborhood. Deep Ellum includes dense residential neighborhoods, restaurants, retail, and commercial areas. LRT service will also become an integral part of an urban mixed-use neighborhood. While it is difficult to quantify increases in recurring ridership at non-
traditional times, it is likely that ridership at the Deep Ellum may follow similar night and weekend ridership trends as those at the West End Station. Ridership modeling is based on the regional 2025 demographics from NCTCOG.

59. Transit should be built were there are the most people. The 160,000+ monthly bus riders on bus route 466 is an indicator of heavy use. Only five of the 18 routes serve the study area east and southeast of Hatcher. Only four provide service to the CBD. Some of the 18 routes have very limited service in the study area such as routes 1, 3, 11, 24, 60 and 164, and are not applicable to the corridor. Bus service is poor in this area with poor scheduling. LRT is less flexible and more costly than buses. Compare the number of bus routes in Figure 3.12 from the CBD to Hatcher with routes with the inequity (9:2 ratio) of bus routes from Hatcher to the east and southeast for the low-income people in the southeast. (Commenter 26)

Response: While the Southeast Corridor comprises 10 percent of the DART Service Area, transit bus ridership in the Southeast Corridor accounts for approximately 20 percent of the total bus ridership in the entire DART Service Area. Bus only options were evaluated during the planning process. Based on comments and input received during the Needs Assessment, public meetings, and work group meetings, the public and agencies recognize the need to improve mobility in the southeast portion of Dallas through a major transportation investment. The community wants similar level of service and type of facilities provided in the other DART corridors. Overall, the public disliked the bus only alternatives due to the inability to assist in the redevelopment potential of the neighborhood.

60. Paragraph 3.4.7.1 (Bus service improvement) ignored the communities east of Parkdale, Urban Park, Piedmont and other residential neighborhoods. A transit center should be placed at Scyene and Jim Miller. This area of Jim Miller carries more cars (Table 3.9) than any other streets including Lake June where DART as recently opened a Transit Center. (Commenter 26)

Response: Comment noted.

61. What are the headways for Good-Latimer and other stations? (Commenter PH1)

Response: As currently planned, the headways, or frequency of trains, will be ten-minutes during peak hours, and twenty-minutes during off-peak.
6.1.2.8 Air Quality

62. How will the LRT line reduce vehicular emissions? If it does have an effect, how will it be addressed? (Commenter 26)

Response: Section 5.6 discusses air quality impacts. Based on the overall improvements in traffic level of service, slight reductions in CO and HC/VOC are projected. A slight increase in NOx is anticipated because of the increase in travel speeds from improved levels of service. Vehicle miles traveled will be reduced by as a result of the addition of light rail service and the induced development will be in a more centrally located transit-friendly urban environment. The emissions reductions relative to the project are minimal on a regional scale, but can have the health benefits associated with the reduction of the criteria pollutants. The Build Alternative (LRT) is included in the revised SIP as a TCM as a commitment to improve air quality. The revised SIP for the Dallas-Fort Worth area was adopted by TNRCC on April 19, 2000. The proposed light rail project will be a significant element in contributing to the fulfillment of the SIP attainment requirements.

6.1.2.9 Noise and Vibration

63. DART should consider sound mitigation to minimize noise through neighborhoods. (Commenter 19)

Response: Based on the results of the noise assessment, mitigation measures have been identified. The primary mitigation measure will be the construction of sound barrier walls to shield areas where impact is projected. Table 5.10 indicates the recommended noise barrier locations, lengths, and side of track as well as the number of moderate and severe impacts that will be reduced. However, because barriers will not be practical for shielding receptors near grade crossings from the train and warning signal noise, sound insulation will need to be applied to such residences. Table 5.11 indicates the residences identified for sound insulation. Section 5.7 discusses the locations of noise mitigation.

64. Table 3.13, Site ST-4, along the side of the Women’s Museum shows a Leq of 65 dBA for a period of one-half hour at 16:45. A reference made on page 5-33, paragraph three, estimates the train whistles will generate a noise level of 78 dBA at 50 feet. The distance to the nearest track (referenced in Table 5.9) is 45 feet alongside the Women’s Museum, which indicates the whistle noise will be 13 dBA above ambient. How will this noise be mitigated? Sound walls may not be effective since they are too low or will visibly obstruct the building. (Commenter 24)
Response: The noise level due to LRT at the Women’s Museum is 64 dBA. This level does not exceed the impact criteria for noise; therefore, no mitigation is proposed. Predicted noise levels are based on the peak hour Leq and include a five decibel penalty for audible signal noise.

65. Noise impacts were generalized with no mention of the closeness of the alignment to the apartments on the south side of Gaston and the noise impact on that location from the train whistle when crossing northbound across Gaston. (Commenter 24)

Response: In Section 5.7.1.2 and Figure 5.1, an impact was cited for one building in the Gaston Yard Apartment complex primarily due to noise from audible warning devices at Malcolm X. The alignment is approximately 80 feet from the alignment.

66. The locations chosen for measuring ambient noise did not include sites within the White Rock Greenway or the Trinity Forest. The measurement results summarized in Table 3.13 do not reflect the actual ambient noise conditions in parklands. Can appropriate locally native vegetative screening be used to offset the adverse noise impacts, as well as the visual impacts, for the proposed project’s intrusion on the Lower White Rock Creek Greenway and Great Trinity Forest where quiet is an essential element? (Commenter 25)

Response: Noise monitoring was conducted at Grover Keeton Golf Course. The ambient Leq noise reading was 48 dBA. Vegetation such as trees, shrubs and grasses, though very natural and attractive in appearance, offer little reduction in noise levels. In addition, noise mitigation of this type has proven to be ineffective in reducing noise at a reasonable cost.

67. Page 3-48 specifies a ten-decibel noise penalty for night, which is not explained. What will the higher decibel levels be for the LRT coming through the corridor? (Commenter 26)

Response: According to national industry standards on noise analysis and the FTA Noise and Vibration Impact Assessment Guidelines, noise levels are reported for ambient and projected conditions in Day-Night Sound Levels (Ldn) adjacent to residential properties. The Ldn levels as reported in this FEIS have the 10-decibel penalty already accounted for and taken into account for the particular night time sensitivity to noise. National industry standards have determined that an additional 10-decibels should be added to account for heightened night time sensitivity to noise. Therefore, all tables in Section 3.6 of this FEIS reflect Ldn noise level measurements for ambient conditions and projected light rail conditions reflecting the higher standard Ldn condition for night time sensitivity.
68. A noise wall from Bruton to Lake June (northbound) and from Lake June to Buckner (northbound) would serve as another barrier both visually and for trail access to the forest. (Commenter 26)

Response: In the area between Bruton and Lake June, a noise wall is proposed between Station 515+00 and 520+00 along the northbound track. This wall will only be 500 feet long and will be adjacent to private property. The wall will not limit access to dedicated trails or the forest. The locations between Lake June and Buckner where noise walls are proposed are residential with no parks or dedicated trails.

69. The signal crossing noise bell is very offensive and objectionable to nearby residents. The train whistle would be preferable to the signal as long as it is used in moderation. (Commenter 26)

Response: Comment noted.

70. Vibration was not discussed in relation to wildlife and the evaluation did not include vibration monitoring for forested areas. (Commenter 26)

Response: Vibration criteria are based on land use to determined vibration sensitive areas as shown in Table 3.14. These are typically areas where low ambient vibration is essential for interior operations, residences and buildings where people normally sleep, or Institutional land uses with primarily daytime use.

71. How were noise measures done? No statistics were provided on humidity conditions, temperature, height of microphones, length of time, time of day, how long was monitoring period, and season. (Commenter 26)

Response: Long-term, ambient noise measurements were conducted at Sites LT 1 through LT-11. As each of these locations, unattended Larson Davis Model 870 portable, automatic noise monitors were used to continuously sample the A-weighted sound level (with slow response), typically over one 24-hour period. The noise monitors were programmed to record hourly results, including the maximum sound level (Lmax), the equivalent sound level (Leq) and the statistical percentile sound levels (Ln). The day-night equivalent sound level (Ldn) was subsequently computed from the hourly Leq data. Short-term, ambient noise measurements were conducted at Site ST-1 through ST-4. At these locations, an attended Bruel & Kjaer Type 2221 precision, integrating sound level meter was used to obtain the equivalent, A-weighted sound level for one-minute intervals over one-half hour periods. The one-minute Leq data were then combined to obtain Leq for the half-hour periods. Table 3.13 lists location, date, time of day, measurement time, and noise exposure from each monitoring sites. The height of the microphones was four to six
feet above the ground. While wind conditions can affect noise measurements, humidity and temperature do not. In all cases, the measurement microphone was protected by a windscreen.

72. If either Option B or C were used, how would the vibrations affect the tunnel? (Commenter PH1)

Response: No vibration impacts are anticipated for the Good-Latimer tunnel under any of the options considered.

73. What is the significance of Table 3.12 in the DEIS? (Commenter 26)

Response: The noise impact criteria are summarized in Table 3.12. The first column shows the existing noise exposure and the remaining columns show the additional noise exposure from the transit project that will cause either moderate or severe impact. The future noise exposure caused by the transit project.

6.1.2.10 Visual Aesthetics

74. Attention should be given to visual impacts to two specific scenic overlooks. One is near the corner of Jim Miller and Bruton on the escarpment that faces the golf course and the other is a potential interpretive area on the west face of the escarpment behind Devon-Anderson Park, directly above the rail line. (Commenter 5)

Response: Information regarding these scenic overviews has been added to Section 3.7 and 5.8 of the document.

75. Table 3.17 does not consider the LRT visual impact to the forest, floodplain, bluff overlooks, and wetland areas. LRT raises the existing grade 13 feet above present floodplain. Along with the additional train height and electric wire support, the visual impact will be raised 30 feet above the present ground surface, impeding the view and serenity of the forest across Scyene/White Rock Creek floodplain. Visual and aesthetic impacts will occur where the LRT goes through the forest and where the LRT crosses White Rock Creek. (Commenter 26)

Response: Section 3.7 and Table 3.17 provide an inventory of visual resources only; Section 5.8 assesses the impacts to visual resources. Between Stations 496+00 and 518+00, the LRT will be 13 feet higher than the existing ground. However, with respect to the existing railroad, the LRT alignment will be at the same height or slightly higher than the existing railroad track. The existing railroad is on a berm, which elevates it out of the floodplain. Catenary poles are 22 to 26 feet tall and are spaced between 40 to 180 feet.
apart depending on grade and curvature of the alignment. The scenic overlooks have been added to Table 3.17 and visual impacts assessed in Section 5.8. The DART LRT line will add new visual elements to this existing railroad corridor but the impact will not be significant. Some visual mitigation, discussed in Section 5.8.2.5, will be included in the design of the project.

76. The visual impacts to the historic cultural resources along Good-Latimer Tunnel, the Deep Ellum Historic District, and the Historic Fair Park District could be avoided by allowing the LRT line to go underground and along the UP RR corridor from CBD, and to come above ground along the same line on the north side of Fair Park. (Commenter 26, DB4)
Response: Placing the alignment underground is infeasible. The length and depth of the tunnel required would be cost prohibitive and jeopardize DART’s ability to obtain federal funding for the project.

6.1.2.11 Cultural Resources and Historic Properties

77. The Comanche Moon storytelling place along the LRT is significant to the City of Dallas. This area should be preserved. (Commenter 1)
Response: FTA and DART has reached an agreement with the Comanche Nation regarding mitigation of the potential impacts to the Comanche Storytelling Place in Devon-Anderson Park. DART will construct the proposed retaining wall of limestone in order to blend in with the natural setting. This wall will be extended to height that preserves the view and meets DART safety requirements for fencing. The fence opposite the Storytelling Place will be coated in a black vinyl material to blend in with the background. Catenary poles will be constructed to a minimal height and spaced as far from the view from the escarpment as practically possible. DART will make a concerted effort to preserve as much of the existing vegetation around the Storytelling Place as practical. Although the rail corridor is not subject to the Dallas Tree Ordinance, DART will replace trees of exceptional quality or size that are damaged or removed. DART will consult with the Nation prior to any activities associated with the location and that no further advancement into the Comanche Storytelling Place will occur by DART.

78. The report states there are no prudent and feasible alternatives that would avoid the direct use of the 0.84 acres of the Fair Park Historic District/National Historic Landmark/Archeological Landmark. We are pleased to see on-going consultation with SHPO regarding the direct use of this site, as well as the possibility of any potential effects
to other properties listed or eligible for the NRHP. However, because the document does not provide adequate information regarding SHPO concurrence with the report findings, it is difficult to evaluate the DEIS in accordance with the provisions of Section 4(f). In order to fully evaluate this project, the NPS request that a Section 4(f) Evaluation responding to the Texas SHPO’s concerns for this project be part of the final EIS. (Commenter 2)

Response: A letter from SHPO concurring with the design for the Fair Park Station was received after the publication of the DEIS. A copy of the letter has been included in this FEIS.

79. After reviewing the various renderings of the proposed Fair Park station, we concur that placement of the canopies in the location of the two historic ticket booths, with an additional set of two canopies directly in front of those, would be the more compatible sitting and offer less obstruction of the historic park entrance features. We recommend that the eastbound and westbound canopies be the same design, rather than trying to differentiate with styles between the historic ticket booth locations and the new canopy locations. We concur with the proposed transparency of the preliminary canopy design, with somewhat heavy columns supporting a roof that recalls that of the historic ticket booth design. Our continued general recommendation is for simple compatible features that blend with the character of existing historic park features. (Commenter 4)

Response: Comment noted.

80. We do not have enough information at this time to complete review of the proposed no adverse effect determinations offered, and it appears that modifications to the proposed work (e.g., option C) may influence these determinations. However, we are concerned that the potential exists for adverse effects on some historic properties. For example, the Knights of Pythias Temple at 2551 Elm Street is noted in the visual and aesthetic impacts section to receive significant impacts from either option A or B. In addition, the potential exists that such significant impacts could adversely affect the Temple. Also, if an elevated structure is proposed adjacent to Fair Park, to cross over R.B. Cullum Boulevard, there is a potential for an “adverse effect” on Fair Park. (Commenter 4)

Response: The Section 4(f) Statement in Appendix E has been revised to include the impacts of the three Good-Latimer options on historic properties. References to crossing R.B. Cullum on elevated structure have been clarified. The LRT line will cross R.B. Cullum Boulevard at-grade and will not impact Fair Park.

81. The analysis of anticipated effects includes only those effects listed in 36 CFR Part 800 as examples of adverse effects. It should be considered that other adverse effects are
possible, including those that may be cumulative or remote in distance or time.  
(Commenter 4)

Response:  In accordance with 36 CFR 800.6, DART, FTA, and the SHPO have executed a MOA that will provide for the continued coordination between these agencies.  This agreement ensures that the LRT project will not result in an adverse effect on the identified Southeast Corridor historic properties.  The executed MOA, which provides for the continued coordination between the signatory agencies, is included in Appendix G of this document.

82. Appendix E, Section 4(f) Evaluation: Section E3.6, regarding the Texas Antiquities Code, states “owner consent for designation of privately owned properties is not required.”  
Owner consent for designation of publicly owned properties is not required, but is required for privately owned properties.  (Commenter 4)

Response: The document has been revised.

83. Based on the November 2001 Supplemental Determination of Eligibility Request, we acknowledge that the three properties are listed in the National Register.  We concur with the properties listing as contributing elements of a Commerce Street Warehouse District and Deep Ellum Historic District.  We disagree with your assessment of the following two properties, identified as not eligible in Table 4 of the November 2001 Supplemental Request -Good-Latimer Underpass and 3333 Elm – listed as part of the Continental Gin Company.  We concur that the remaining 92 properties listed in Table 4 of the November 2001 Supplemental Request are not eligible for listing in the National Register.  No further review is required regarding those properties.  (Commenter 4)

Response: The FEIS and 4(f) statement have been revised to reflect these findings.  The 3333 Elm is part of the Continental Gin District was inadvertently listed as an individual building eligible for listing.

84. Historical content in the document should also include the history of Pleasant Grove and Southeast Dallas.  (Commenter 7)

Response: The referenced historical content was not specifically written as part of the DEIS document.  This information is part of the previously published and approved Determination of Eligibility Report, November 2001, that was attached to the Section 4(f) Statement in Appendix E.  As such, this information cannot be revised.  However, additional supplemental historical information has been added to Appendix E.

85. What sources were used to compile the history of the corridor?  (Commenter 7, DB2)

Response: A bibliography of documents is included in Appendix E.
86. The document states properties were identified through records research, and consultation with interested groups. No one from Buckner Terrace was consulted for input regarding cultural resources. The list of organizations and property owners listed as recipients does not include anyone from Buckner Terrace. (Commenter 7)

Response: The document listed the organization and interest group consulted during the historic research for the project. These included the City of Dallas Planning & Development Historic Preservation Division, City of Dallas Landmarks Commission, City of Dallas Park and Recreation Department, Dallas County Historical Commission, Dallas Historical Society, Preservation Dallas, Deep Ellum Association, Fair Park Board, and Friends of Fair Park.

87. The cemetery adjacent to the Trunk Railroad right-of-way should be included in the document. Samuel-Crawford is a park, not a cemetery. Are only active cemeteries included in the Figure 3.6? The following historic cemeteries were not included in the figure: Lagow at 3700 Carpenter; cemetery located adjacent to the Trunk line near Liberty Park; Elam Cemetery at Elam and Jim Miller; and Beeman Cemetery, adjacent to Shearith Israel. (Commenter 7, 18)

Response: The figure has been revised to reflect these cemeteries.

88. Has DART prepared a current assessment of the known Native American archaeological sites in or near the proposed project right-of-way? Has the SHPO been contacted concerning the known Native American archaeological sites in or near the proposed project right-of-way? What investigations downgraded the archaeological potential of the study from high to medium? (Commenter 25)

Response: DART has conducted an extensive records search and consulted with the SHPO regarding all known archaeological sites within the area of potential effects for the project. DART has also conducted a 100% pedestrian survey of the DART owned-right-of-way from west of White Rock Creek to Lake June Road. Several archeological reports and investigations in the area have show little buried material in the floodplain of White Rock Creek and very few sites.

89. The archaeological site 41DL66 at White Rock Creek located south of Scyene was omitted. In addition, the State Archaeological Site Record Repository, Texas Archeological Research Laboratory (TARL) was not consulted for records of archaeological sites within the APE. This search should have also included areas to be impacted by the project including the undetermined borrow and mitigation areas, the stations, staging areas, and any other easements and right-of-ways. A map should be
included for cultural resources especially with regard to 5.9.4. Also, the DAS is not
recognized as competent under Federal guidelines as archaeologists to assess cultural
resources. (Commenter 26)

Response: Records for sites in Dallas County along the Southeast Corridor were obtained
from the TARL and were augmented with information not available at TARL being held by
the DAS as part of their resurvey of Dallas County which was done 10 years ago but
remains to be written up in a final form. The five sites that occur near the alignment
alternatives are discussed in the Section 5.9.4. which discusses the sites without providing
their numbers or their locations. The APE for archeological investigation did include the
existing right-of-way and any additional right-of-way needed for the alignment and stations.
In accordance with prudent archeological methods, maps of sites are not provided in
documents of general distribution in order to ensure their continued protection.

90. There is no mention of adverse impacts to the historically significant NRHP listed AME
curch south of the Latino Center. (Commenter 26)

Response: No adverse impacts to the St. James AME Temple are anticipated.

91. The APE along the entire LRT needs to be clearly defined. The APE for cultural resources
expanded to 180 feet wide for selected parts of corridor through forest while 1,000 to
1,400 feet for other areas. APE should be same throughout the corridor. (Commenter 26)

Response: This study followed 36 CFR 800.16 (d), which specifies that the APE effects is
influenced by the scale and nature of an undertaking and may be different for different
kinds of effects cause by the undertaking. For this study, the APE for architectural and
historical resources includes the parcels within and adjacent to the Southeast Corridor
LRT alignment, parcels containing and adjacent to parking lots, and parcels within a
reasonable view shed of aerial structures. The APE for archeological investigation was
the existing right-of-way and any additional right-of-way needed for the alignment and stations.

92. Paragraph 3.8.2.4 does not mention if the survey was conducted of all structures along the
corridor equivalent to HABS/HAER Level 4 inventory survey, or the equivalent Texas State
Historic structure inventory survey. Figure 3.25 the LRT line is not clearly provided to see
how buildings occur along the alignment. (Commenter 26)

Response: Appendix E contains a copy of the historic resources survey. Historic
Resources Inventory forms were completed for all properties within the APE that were
constructed before 1954.
93. The St. James AME Temple is no longer being used as a temple and is currently owned by the Meadows Foundation and used for offices. If it is no longer a sacred building, why is it significant? (PH22)

Response: The St. James AME Temple is eligible for listing on the NRHP.

94. How will excavation activities be monitored for the likely presence of archaeological artifacts of a site requiring mitigation? (Commenter 25)

Response: The project area was surveyed for recorded archeological resources and none were found. If resources are identified during construction, the THC will be notified. Construction specifications will include emergency discovery provisions and procedures to address archeological resources discovered during construction. A discussion of archeological resources is included in Section 5.9.4.

6.1.2.12 Parks and Recreation Areas

95. Parkland can be considered an economic and educational resource. Education, economic development, and park and recreation improvements are mentioned as goals in the Dallas Plan, as mentioned in Chapter 3. (Commenter 5)

Response: Comment noted.

96. The National Park Service is currently working with the community, through grant assistance, in developing a Lower White Rock Creek Greenway initiative that will create a plan to address various land uses within the greenbelt area. This will primarily focus on the eco-tourism opportunities in the area and should be addressed as a real and viable economic development opportunity as a result of the DART rail line by simply providing access opportunities to the greenbelt area and possible station motifs that reflect the historical and environmental significance of the area. (Commenter 5, DB1)

Response: In Section 5.4, the document states the Lawnview Station could provide opportunities for eco-tourism with the development of the Great Trinity Forest Park. Through the Art & Design Program, the community will participate in developing individual station themes. A site adjacent to the Lawnview Station is now included as candidate site for the Great Trinity Forest Interpretive Center. Through the Art and Design Program, the community will participate in developing individual station themes.
97. Although there are no protected refuges that the park areas in the corridor there is significant wildlife habitat. More emphasis should be placed on this throughout the document. (Commenter 5)
Response: Comment noted.

98. It is essential to identify the areas within the parks that will be fenced because the LRT would be above 45 mph. Park users are not used to having a fence along the right-of-way and perceive the right-of-way as part of the park, as users can cross the right-of-way at will. There are trails along Devon-Anderson Park and the Grover Keeton Park, particularly in areas for hiking, viewing wildlife, studying nature, and trailing floodplain and creeks. Fencing will cut off access points to the trails and the nature areas of the Trinity Forest and White Rock Creek. Two or three pedestrian crossings (or vehicular crossing for park maintenance purposes with pedestrian access) in the Gateway Park area of the greenbelt should be provided for full access to both sides of the parkland. (Commenter 5, 28)
Response: Table 5.25 of the document lists the areas where safety fencing will be placed along the right-of-way. It is DART policy to place fence along areas where DART will operate above 45 miles per hour or in areas where there are decreased sight distances for the train operator, or in areas needed to minimize safety risks to children such as near schools or parks. The purpose of the safety fencing will be to ensure safe access is provided at controlled intersections and to discourage unauthorized use of the right-of-way. The introduction of safety fencing in areas of pedestrian activity and where informal crossings of the alignment are located will impact the ability of persons to cross the alignment at will. Because of the heavily wooded nature of the area, which creates limited sight-distance, at-grade crossings of the LRT alignment between the parks will not be allowed to ensure the safety of the public and transit patrons. Although the City of Dallas has no formal master plan for Lower White Rock or Devon-Anderson parks, the classification the Park Department has assigned to the property governs the use and potential use. The park area is classified as "Conservancy/Linkage," a National Park and Recreation Association (NPRA) recognized classification. The NPRA definition is the protection and management of the natural/cultural environment and use for passive recreation. Recreation use might include viewing and studying of nature/wildlife habitat and nature trails. NPRA does not have any specific acreage or size standards for this classification other than they should be sufficient to protect the resource and provide appropriate usage. Except the two existing at-grade crossings, there are no licensed or authorized crossings of the railroad between the parks and persons currently crossing the
tracks between the parks are trespassing on DART right-of-way. The Dallas Park and Recreation Department recognizes that DART will be operating within their own right-of-way and that use of the right-of-way for park purposes will require a recreation use license which the city does not have. To accommodate access between and into parks along the alignment, three crossings will be included to provide recreational and maintenance access to the parks. Two will be at-grade and one under the LRT. The at-grade crossings at the Grover Keeton Road and the improved gravel driveway from Scyene to a storage/maintenance area north of Grover Keeton Park will remain. A pedestrian under crossing just south of Bruton Road along the creek crossing will be added. The LRT bridge over the stream will be widened and a bench created to provide an informal, natural passage under the LRT. These crossings have been sited at locations consistent with DART’s safety and design policies.

99. DART has failed to comply with the other part of USC-49, Section 303 that allows transportation projects to go through our significant publicly owned parkland only if the project includes all possible planning to minimize harm to the parkland resulting from use. (Commenter 18, 29, DB1)
 Response: The proposed LRT alignment that passes adjacent to Grover Keeton Park, Gateway Park, Lower White Creek Park, and Devon-Anderson Park is completely within DART owned right-of-way and therefore does not violate 49 USC 303.

100. Three major venues at the Fair Park, the Music Hall, the Cotton Bowl, and the Star Plex, were not addressed in this DEIS. It is my understanding that the new football stadium will also be located in the general area of these venues. (Commenter 24)
 Response: Section 3.1.5 identifies Fair Park as a major activity center and identifies each of its venues.

101. Figure 3.1 omits several parks: Devon, Gateway, 2,000+ acre Nature Preserve, 31 percent (vacant 22%, parks 8%, water 1%). The vacant 22 percent is deceiving since this includes forest, semi-annual and annual wetlands, and undeveloped bluff locations. (Commenter 26, DB4)
 Response: Figure 3.1 is a “generalized” land use map provided by the NCTCOG. Individual parks are identified on Table 3.20 and Figure 3.26.
6.1.2.13 Ecosystems and Wildlife

102. The DEIS adequately describes the environmental consequences of the alternatives considered. Impacts to fish and wildlife resources resulting from the construction and operation of the Build Alternative would be greatly minimized. (Commenter 2)
Response: Comment noted.

103. DART may be required by the City to replace trees removed from the project corridor. Should compensation be necessary, we recommend it to be in-kind and on-site. If on-site mitigation is not possible, potential mitigation sites should be selected based on their proximity to the anticipated impacts and the watershed where the impacts occur. Additionally the trees used for compensation should be native to the area selected for restoration. (Commenter 2)
Response: Part II of the Dallas Development Code (Tree Regulations) generally prohibits the felling of protected trees of diameters greater than six inches in the City of Dallas without replacing them. Under these regulations DART is considered to be a public utility and is exempt from Tree Regulation requirements within DART-owned right-of-way. DART will work with an arborist to identify quality trees with its right-of-way and make efforts to preserve them and displaced trees of exception quality will be replaced. Outside of DART-owned right-of-way (station areas, etc.), DART is subject to the Tree Regulations. DART’s design criteria promotes the use of native vegetation as replacement trees.

104. The natural corridor is a significant ecosystem. More value should be placed on non-listed plant and animal species for this area. (Commenter 5)
Response: Comment noted.

105. The proposed tree mitigation within the rail line right-of-way states only significant trees removed outside the DART right of way would be required to be replaced. Does this mean all affected trees within the right-of-way will not be replaced or mitigated? Is DART exempt from federal standards regarding vegetation evaluation and mitigation for adverse impacts? (Commenter 25, 29)
Response: See response to Comment 103.

106. Tree species used for landscaping and for mitigation purposes related to this project, and in particular for areas close to the White Rock Greenway and Great Trinity Forest, should not only be trees appropriate to their location but should also be selected from the species that are locally native, such as pecan, burr oak and shumard red oak. Crepe myrtle, live oaks, Chinese pistachios and fruitless trees are not locally native and are examples of
inappropriate tree species for landscaping or mitigation, especially near the White Rock Creek Greenway and Great Trinity Forest. (Commenter 25)

Response: See response to Comment 103.

107. Has the study area been evaluated for the presence of and habitat value for the Texas Garter Snake, listed by the State of Texas as a threatened species? Why was this species not included in Table 3.23, Federal/State Listed Species that Occur or May Occur in Dallas County? Why were Habitat Evaluation Procedures (HEP) not used to evaluate habitat within the study area? Why are local ordinances pertaining to wildlife, or lack of such ordinances, deferred to instead of following the pertinent Federal wildlife conservation regulations, especially since DART and this project are subject to Federal funding and regulation? (Commenter 25)

Response: The study area was not specifically evaluated for Texas Garter Snake habitat. Texas Garter Snake is not listed as threatened according to the latest Dallas County species list obtained from TPWD - Wildlife Diversity. It is listed for Dallas County, but without status. This means "rare, but with no regulatory listing status." HEP is one tool for evaluating habitat for a specific species. It is not generally used unless impacts to threatened and endangered species are expected. No local ordinances were cited pertaining to wildlife conservation at the expense of federal wildlife regulations.

108. The alignment along Stations 446+00 to 518+00 will require widening of the right-of-way, which may affect the integrity of the soils. The widening of the right-of-way will take out the lower slope, exposing and weakening the bedrock. The bedrock contains layers of shaly limestone that can slip along fractures and bedding plans when saturated with moisture. Bedrock movement could impact adjacent housing. (Commenter 26)

Response: Between Stations 446+00 to 518+00, the alignment will be within existing DART right-of-way. Retaining walls will be used to avoid extending the slope beyond DART owned right-of-way and maintain slopes.

109. Large mature, old growth trees will be removed or cut for the right-of-way. No details are given regarding their type or size. These areas should be preserved. How will this be mitigated? (Commenter 26, DB3)

Response: Section 3.10.2 briefly describes the existing conditions of the corridor observed during the site investigation. It does not reference any cutting or removal of large mature trees rather it describes areas outside the right-of-way near Grover Keeton Park and Gateway Park as having large mature trees.
110. How long did biologists spend surveying wildlife habitat located in the study area? Many bird and mammal species located in the area are missing. (Commenter 26)  
Response: The study corridor was surveyed over a period of three days spread over approximately one week. Table 3.24 only lists those species that were actually observed during these surveys. A list of every species (i.e., bird, mammal, reptile, fish, insect) that could occur within the project area would include thousands of species. We recognize that many species were not included in Table 3.24.

111. DART should review its present plan and remedy any impediments to the migration of wildlife in the Great Trinity Forest. Piers should be considered over a raised levee in the floodplain. They would take less valley storage in the floodplain. (Commenter 26, 27)  
Response: Comment noted.

112. I am opposed to the destruction of parkland in the Great Trinity Forest, which is one of the largest bottomland hardwood urban forests in the world. The information presented in this DEIS documents a plan that is destructive to this forest and counterproductive to historic/ecotourism plans for this section of Southeast Dallas Trinity River Corridor. (Commenter 18)  
Response: DART has avoided using any designated parkland near the Great Trinity Forest.

113. Located within DART’s easement is a terrace, completely covered with Trout Lilies in the early spring. The profusion of these plants is an indicator of the Balcones Escarpment ecosystem. There is also evidence of coyotes and other wildlife in this area. We are not adequately assured that DART’s construction activities will not negatively impact these adjacent sensitive areas and asked that these areas be monitored by trusted wildlife specialists and naturalist prior to and during construction activities. (Commenter 18)  
Response: Comment noted.

114. The document does not include details of where the 30 acres of forest and 40 acres of grassland impact will occur. DART should conduct an analysis to determine what type of comparable land is needed to purchase mitigation. (Commenter 26)  
Response: The areas of potentially impacted in vegetation are shown in 5.29 through 5.37. DART will, where feasible, identify trees that can be preserved within the DART owned right-of-way. As indicate in the response to Comment 103 above, DART is exempt from the tree replacement requirements for tree within DART owned right-of-way.
115. DART should assess the use of the existing freight line. If it so no longer cost effective, could the track be removed to allow more space for LRT and reduce the destruction of many old growth trees? (Commenter 26)

**Response:** DART is required by law to maintain the existing freight service to the users at the southern end of the rail corridor. From the UP RR mainline, just east of Hatcher Road, the right-of-way will include three tracks – two for LRT and one for freight. The existing right-of-way width is sufficient to maintain the existing freight tracks and add two additional tracks for LRT service along the portion of the alignment where freight service must be maintained. DART has met with Dal-Tile, the primary freight user and largest employer in the area, to discuss freight operations. Dal-Tile considers the freight service necessary to their operation. Dal-Tile freight deliveries will be shifted to nighttime operation to avoid any conflict with LRT service. Most of the trees within the DART owned right-of-way are not old growth trees. DART has committed to identifying and preserving as many high quality old growth trees as possible.

6.1.2.14 Floodplains and Water Quality

116. The Trinity River and the White Rock Creek floodplain should not be characterized as barriers of the project study corridor. Much of the LRT is located within the no build 100-year floodplain. It crosses the White Rock Creek floodplain, which is not referenced. The vacant land referenced is streams, wetlands, and forested area with 100 feet high bluffs located east. This is also not referenced in the document. (Commenter 26)

**Response:** Comment noted.

117. Table 3.21 incorrectly describes the vegetation of Tributary F as similar to Tributary E. The tree vegetation is underrepresented for Tributary F as depicted in Figure 3.28. The 100-year floodplain for this area is also missing. Figure 3.29 does not identify all the tributaries between tributaries I and J. The creek identified as Prairie Creek in Figure 3.31 is incorrect. This creek should be labeled Elam Creek. (Commenter 26)

**Response:** The description of the vegetation for Tributary F has been revised to “Similar to Tributary E, but less dense.” Figure 3.32 does show the 100-year floodplain for Tributary F (Stream 5B1 in Table 3.25). There were no jurisdictional streams between I and J. The creek identified as Prairie Creek in Figure 3.31 was incorrect, the creek has been relabeled of Elam Creek.
118. The report is missing important USGS report on water quality in White Rock Creek drainage for example high in pesticides, etc. (Commenter 26)
   Response: Comment noted.

119. What is the hydrologic impact on White Rock Creek and the affect on valley storage?
   Raised in the grade will serve as a dam across the White Rock Creek floodplain and other the creek drainages down stream. Are any excavations planned to offset the loss of valley storage due to floodplain filling activities, and if so, will these excavations impact jurisdictional waters or wetlands, or vegetated areas? How much fill is needed and where it will come from? (Commenter 25, 26, DB1, DB4)
   Response: At this present time, fill material to be placed adjacent to the existing railroad track bed in order to construct the double LRT guideway is not anticipated to impact or alter the floodplain elevation of the floodplains in the study corridor. Sufficient culvert and bridge openings will be provided to allow upstream water flow to not increase the floodplain elevation. Additional hydraulic analysis will be conducted during final design to ensure the culverts and bridges are sized properly. At that time, additional coordination will occur with the City of Dallas, FEMA, and the USACE to verify these results and confirm the need and types of mitigation. Section 5.12.3 of the document provides more information.

6.1.2.15 Safety and Security

120. The style of fencing could impact the aesthetics of the parkland. Standard chain link fencing typically used could be perceived as industrial in nature. Please use fencing, which would blend better with the surroundings. (Commenter 5)
   Response: In areas adjacent to scenic overlooks the fencing will be coated in black vinyl material to better blend in with the surroundings.

121. Fencing along the alignment would adversely impact wildlife by preventing their access to and egress from both sides of the parkland. (Commenter 20, 29, DB3)
   Response: Based on consultation with TPWD, the bottom of the safety fencing will raised four inches above ground level to allow the passage of virtually all small to medium sized vertebrates, which make up the majority of the forest fauna. Existing bridges/culverts in the Grover Keeton and Lower White Creek Greenbelt areas will remain open and allow larger animals to go from one area to another.
122. The LRT should be placed above or below grade around the entrances to the Fair Park and when operating north and south along Trunk Avenue to increase safety and minimize visual impacts. (Commenter 19)

Response: The LRT crossings at Fair Park do not warrant grade-separations. Below grade operation of the LRT line is not feasible at this location and above grade operation will impose a negative visual impact on the historic park. DART is working closely with the park to ensure safety and to minimize visual impact.

123. Landscaping should not create additional safety hazards by allowing areas where children can hide from approaching trains. Landscaping should also adapt to Texas climate. (Commenter 19)

Response: Safety is a primary concern of DART and is a primary consideration in landscaping. Use of native vegetation that can survive the Texas climate is included in DART’s Design Standards.

124. DART should consider better visual barriers to passengers standing near approaching trains at rail stations. Is it possible to include audible and visual warnings? (Commenter 19)

Response: Comment noted. DART has considered numerous safety device and procedures in the design the LRT Starter System. The existing control measures and practices have help to make the DART system one of the safest LRT System in the nation.

125. DART has experienced a large number of red signal violations, therefore, light rail line signals must be bright to allow operators to clearly see them during bright sunny days for passenger safety. (Commenter 19)

Response: Comment noted. See response to Comment 123.

126. DART must consider placing grade crossing indicators (GCI’s) at grade crossings, allowing operators to focus on their job. GCI’s indicate the gates are in the down position to the approaching operator. (Commenter 19)

Response: Comment noted. See response to Comment 123.

127. Grade crossing names and substation names should be clearly marked at those locations for familiarization by rail operators, transit officers, and track workers, which would allow for quick access during emergencies by all emergency personnel. (Commenter 19)

Response: Comment noted.

128. The fencing along Fair Park should include shrubs. (Commenter PH15)

Response: The LRT fencing along Fair Park will be located in areas that historically have not had shrubbery. Therefore, shrubbery is undesirable.
129. The three-foot high chain and bollard fencing proposed for uses in front of Fair Park could present an attractive play area for children, allowing adults to easily step over it and children to go under it. (Commenter 24)  
Response: Comment noted.

130. There are three schools nearby: Daniel "Chappie" James, Rose School and Pearl C. Anderson. Where is the rail located in respect to the Daniel "Chappie" James, Rose School and the Pearl C. Anderson school? Will children need to cross the tracks to get to and from school? Overhead crossovers should be used near schools. (Commenter PH19, PH21)  
Response: There are numerous schools and parks in the corridor, which could require children to cross streets or the LRT tracks. Safety fencing at the right-of-way boundary will be constructed in all locations where trains are expected to travel of speeds of 45 miles per hour and greater, in areas where there are decreased sight distances for the train operator, or in areas needed to minimize safety risks to children such as near schools or parks. Table 5.25 shows the locations of the safety fencing. The purpose of the safety fencing will be to ensure safe access is provided at controlled intersections and to discourage unauthorized use of the right-of-way. The introduction of safety fencing in areas of pedestrian activity and where informal crossings of the alignment are located will impact the ability of residents to cross the alignment at will. However, all cross streets and driveways along the alignment will remain open and allow for pedestrian movements across the alignment. Overhead crossovers are costly and have proven to be ineffective in locations where at-grade options exist. The numerous street crossings provide this at-grade option.

6.1.2.16 Stations

131. Regarding Baylor Station, would we have to lobby with the city to work out a pathway into Deep Ellum? (Commenter PH1)  
Response: The City of Dallas or others will be responsible for construction of a walkway from the Baylor Station to Deep Ellum.

132. The west site for the Lawnview Station is a better location than the east side because it requires less fill. The Lawnview Station should be designed to compliment the trail on the forest. Trees and all of the landscaping should utilize locally native plants. (Commenter PH17)
133. Parking lots and stations are fundamental parts of the project and are not included in the report. They are an integral part of the cumulative effects and should be addressed in the EIS. (Commenter 26)

Response: The stations and parking lots have been included in the analysis. Chapter 2 describes each station and parking area. The potential effects on development, economic, displacements, access, and other subjects have been discussed throughout the document.

6.1.2.17 Other

134. The EPA rates your DEIS as “Lack Objections” to the lead agency’s preferred alternative. Our classification will be published in the Federal Register according to our responsibility under Section 309 to the Clean Air Act. (Commenter 3)

Response: Comment noted.

135. Reference to the location of the lofts at 3809 Parry should be corrected. The lofts are located on the north side of the alignment along Parry, not the south. (Commenter 24)

Response: The property is located both south and west of the LRT alignment as shown in Figure 5.2.

136. From all appearances of the DEIS not only are you totally avoiding the Buckner Terrace with light rail service but also plan on rerouting our current express bus service to town, which is currently faster than the project time for the light rail service. (Commenter 24)

Response: DART has not avoided any particular community but designed an LRT line that, within constraints, best serves the Southeast Corridor. Currently, there is no express buses serving the Southeast Corridor. DART will eliminate service that will be duplicative of the LRT service. This will allow resources to be more effectively allocated and provide more efficient service to the entire DART Service Area.

137. The DEIS notes that the number of trains which pass along the tracks is 31 trains a day. This number is inflated and not accurate. (Commenter 26)

Response: According to an official with the UP RR, approximately 30 trains a day travel along the UP RR.

138. TPSS No. 6, located near station 470+00, will impact the view from the southern lookout point. TPSS No. 6 should be moved to a location where it would create less noise and visual impact. Discussion regarding TPSS No. 6 is not included. Separate environmental
study to FTA is not acceptable. This information should be included in EIS with details about power, etc. (Commenter 26)

Response: The impacts and effects of the TPSS have been considered throughout the document. As indicated in Section 2.2.2.4, TPSS have been placed to avoid impacts. The specific requirements of locating a TPSS along with the need to avoid the use of parkland have made the placement of TPSS 6 particularly problematic. TPSS must be placed approximately every mile and must be accessible by automobile. The proposed location of TPSS appears to be the only site in the area that meets these requirements. TPSS 6 will be visible from the Bruton Road scenic overlook but as the view from the overlook is out and over the treetops, DART will have minimal visual impact. DART will minimize tree removal to the greatest extent practical and use extensive vegetative screening at this location. The ultimate location of TPSS’s is a function of final design. DART’s mitigation monitoring program will track the TPSS location and provide additional environmental analysis, as necessary, if the location is changed.

139. How much electrical power will be required to power the entire line, stations, and other related electric amenities? How much added power will be required to the existing grid? Where will the source of power come from? How will the additional power needed for the line effect the exhaust output into the atmosphere at the generating facilities?

(Commenter 26)

Response: The simulations required to model the electrical power for Southeast Corridor cannot take place until final design. A typical estimated power consumption for DART LRT line is 81,000 KWh/month for each substation. Terminal substations will typically require approximately 30,000 KWh/month. The Southeast Corridor will have eight typical substations and one terminal substation consuming approximately 680,000 KWh/month. With today’s ability to purchase power from various sources, it is very difficult to calculate the effect of generating facilities exhaust output into the atmosphere. The local exhaust output will be greatly reduced and will probably be relocated from the DART Service Area.

140. The Latino Cultural Center is under construction rather than proposed. (Commenter 26)

Response: The document has been revised.

141. Operating maintenance costs are estimate in 2001 dollars and should be estimated for 2008 when line becomes operational, and exceed $18.5 million (estimate 3% per year for 7 years or $22.75 million). (Commenter 26)

Response: Comment noted.
142. The bike map depicts nine routes in study area that do not exist, most routes are future routes. In Figure 3.17, it is difficult to distinguish completed bike routes from roads, rails, etc. (Commenter 26)

Response: The bike map is based on the City of Dallas Bicycle Map. Not all City of Dallas Bicycle routes have been signed.

143. Page 3-41, State Highway 310 (S.M. Wright Freeway, South Central) as discussed is out of the study area. Trinity Toll Road (Parkway) is outside most all of the study area and no link is established between this project and the toll road. (Commenter 26)

Response: The study area for the Southeast Corridor includes the southeast quadrant of Dallas County and is generally bounded by IH 30 on the north, IH 635/IH 20 to the east and south, and IH 45 to the west. Both SH 310 and Trinity Parkway are within the study area.

144. Woodbine and Paluxy Formations not in the area. (Commenter 26)

Response: As discussed in Section 3.11.2, the primary source of groundwater for the upper Trinity River Basin (i.e., Dallas County) is supplied by the Trinity Group, a major aquifer composed of three formations near the project corridor are the Antlers, Twin Mountains, and Paluxy formations. A minor aquifer, the Woodbine Aquifer, is also present within the study corridor. The project corridor runs over the downdip portion of this aquifer.

145. The two landfills located along Scyene at Lawnview. The landfill located to the west of the property (and is the proposed site of the Lawnview Station) was filled approximately in 1991. The landfill located to the east of the property was filled in 1993. Are these legally permitted landfills? What is the nature of the fill and is it contaminated? (Commenter 26)

Response: No documented landfills are located in these areas. Property owners have brought in fill material and raised the elevation of the property. The land south and east of Lawnview is currently occupied by commercial properties.

146. Table 5.20, Hazardous, Toxic, and Radioactive Waste (HTRW) locations need to numbered and coordinated as numbered sites with Figure 5.38 as you have numbered locations in previous chapters of EIS. How will LRT line impact or not impact hazardous, toxic and radiological waste sites (Commenter 26)

Response: As indicated in Section 5.14.2, although a site is known to be contaminated, implementation of LRT does not necessarily mean that the project will affect the site. During final design, further investigations will be performed for at-risk areas.

147. What is the project timetable? (Commenter PH1)
Response: The EIS will be completed early 2003. Construction is scheduled to begin in mid-2004 and the line is scheduled to be operational in 2007. Current financial constraints may alter this schedule.

148. The executive summary of this DEIS, states the Southeast Corridor has been combined with the Northwest Corridor. Is this project going to compete for funds with the Northwest corridor? (Commenter PH24)

Response: For funding purposes, the Southeast Corridor has been combined with part of the Northwest Corridor. The corridors will not compete for funds.

6.2 SECTION 4(f) STATEMENT COMMENTS

The DEIS published in February 2002 included a draft Section 4(f) Statement. Based on comments received during the circulation of the DEIS, FTA and DART determined that significant changes to the Section 4(f) Statement occurred and warranted a redistribution of the document for comment. The revised draft Section 4(f) Statement was distributed to appropriate governmental agencies, legislative bodies, and concerned organizations and individuals. The formal public comment period began December 30, 2002, and ended January 21, 2003. A Public Hearing was held January 15, 2003, at the Tom Landry Center. The purpose of the hearing was to provide interested parties an opportunity to formally submit comments on the Section 4(f) Statement. After a technical presentation on the project, verbal testimony was taken. Additional comments were received at DART headquarters. DART received 12 relevant written statements from individuals, organizations, and agencies and 5 relevant verbal statements. A total of 23 people attended the public hearing.

6.2.1 Comments Received

Table 6.2 lists agencies, persons, or groups who submitted written comments or provided oral testimony at the public hearing.

<table>
<thead>
<tr>
<th>Commenter ID Number</th>
<th>Person</th>
<th>Organization or Address</th>
<th>Corresponding Comment No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Michael Hellmann</td>
<td>City of Dallas, Park and Recreation Department, 1500 Marilla, Dallas, Texas</td>
<td>1, 2</td>
</tr>
<tr>
<td>2</td>
<td>Allison Reaves-Poggi</td>
<td>City of Dallas Landmark Commission, 1500 Marilla, Dallas, Texas</td>
<td>3, 4</td>
</tr>
<tr>
<td>3</td>
<td>Dale Hoff</td>
<td>Federal Emergency Management Agency</td>
<td>53</td>
</tr>
<tr>
<td>4</td>
<td>Stan Hall</td>
<td>Texas Department of Transportation</td>
<td>54</td>
</tr>
</tbody>
</table>
All letters, cards, and transcripts of the public hearings were reviewed. Substantive comments have been identified and numbered consecutively. Because there was some overlap and repetition, similar comments were consolidated and paraphrased. Paraphrasing was used for brevity and to aid in classifying comments that address more than one issue. As a result, the comments that appear in this chapter are seldom the precise words found in the commentator’s letter or verbal testimony. This approach has been taken for clarity and to reduce duplication of similar comments and responses. Copies of the original letters and complete public hearing transcripts are available for review at DART Headquarters.

1. The issue of how DART is going to address wildlife fragmentation and the movement of wildlife across the DART right-of-way is not addressed in the Section 4(f) Statement. (Commenter 1)

Response: The Section 4(f) Statement demonstrates that potential impacts to parkland due to proximity of the light rail project are not severe and will not adversely affect cultural resources that are located adjacent to an active freight rail corridor. The 4(f) Statement is an appendix of the more comprehensive FEIS. As discussed in Section 5.11.3.1 of the FEIS, the safety fencing will be raised four inches to allow the passage of small animals. Larger
animals can pass at the three pedestrian crossings plus bridges and culverts. The Texas Park & Wildlife Department, Wildlife Habitat Assessment Program has reviewed the project and determined that the project activity as proposed indicates minimal impacts to fish and wildlife resources.

2. How will DART address the issue of visual aesthetics of the safety fencing adjacent to parkland. A black fence would certainly blend into the background better than silver. (Commenter 1)

   **Response:** During the planning process two scenic overlooks in the parkland were identified; the Comanche Storytelling Place and the Bruton Road Scenic overlook. Black vinyl coated fencing will be used in these two areas. Visual impacts are discussed in Section 5.8 of the FEIS.

3. Since no official action has been taken, the Dallas Landmark Commission (DLC) objects to the assertion on pages E-22 and E-23 that the Fair Park Station location was supported unanimously by the DLC. (Commenter 2)

   **Response:** This statement was meant to characterize the overwhelming support that DART has received from most parties during the planning process. The text has been changed to clarify this issue. Subsequent to publishing the of the Revised Draft Section 4(f) Statement, the DLC passed a resolution supporting the station location.

4. The DLC recommends that the mitigation of the Deep Ellum Tunnel include an extremely strong historic context of the Ulrickson Plan and its components. The mitigation should include a public interpretive element and possibly other visual architectural means of documentation. (Commenter 2)

   **Response:** An agreement with the SHPO will ensure that the historical narrative developed for the Good-Latimer Underpass shall interpret the tunnel within the context of other elements of the Dallas transportation system and contemporaneous community development. A public interpretive element and other visual architectural means of documentation will be considered in the development of the level of effort for the documentation pending discussions with the SHPO.

5. I agree with of the proposed alignment in the center of Good-Latimer and that the Deep Ellum tunnel be removed. (Commenters 5, 11, 12)

   **Response:** Comment noted.

6. The Meadows Foundation supports the conclusion of the Section 4(f) Statement and continues to support removal of the Good-Latimer Tunnel. (Commenters 6 and 14)

   **Response:** Comment noted.
7. We support the alignment going through the Good-Latimer Tunnel as long as it will not limit access to Baylor HCS. (Commenter 7)
   Response: Comment noted.

8. Parks within the corridor will be dramatically impacted by the segment of the line that will create barriers between the parkland escarpment ridges and the bottomland forest parkland. People and wildlife have grown accustomed to moving back and forth throughout that area. (Commenter 8)
   Response: This issue is discussed in Section E.4.3 of the Section 4(f) Report. Pedestrian movement across the right-of-way is not authorized. To prevent unauthorized use of the DART owned right-of-way and ensure maximum safety, DART will construct fencing along the right-of-way through the parkland. Three authorized crossings will be provided. The wildlife issue is addressed in the response to Comment 1 in this Section.

9. Many direct and indirect negative impacts on environmental and cultural resources associated with this project have not been adequately addressed. We would like for you to acknowledge that you are dramatically impacting parkland in the Great Trinity Forest and that you will work with us on trying to mitigate those impacts. (Commenter 8)
   Response: The Section 4(f) Statement addresses the impacts and affects to cultural resources and parklands. The Deep Ellum Tunnel will be adversely affected because it will be removed. DART and FTA have been working with SHPO and the DLC to ensure no adverse impact will occur at Fair Park. No other park or cultural resource property will be permanently incorporated into the transportation project therefore; there is no direct use of protected resources. Potential impacts to parkland due to proximity of the light rail project are not severe so as to impair the utilization of these cultural resources that are located adjacent to an active freight rail corridor. Potential impacts to parkland are the focus of Section 5.10 of the FEIS. Additional information regarding environmental issues and mitigation in parkland is discussed throughout Chapter 5 (also see Response to Comment 14 in this Section).

10. The spring-fed stream below the Scyene Overlook is arguably a landscape feature associated with Comanche healing traditions (See ‘Reading the Landscape’ prepared by Linda Pelon in Attachment E4). (Commenter 8)
    Response: This stream, identified as Tributary E on Figure 3.29 of the FEIS, is not a recognized cultural resource. Tributary E was not identified as a potential cultural resource during scoping, the planning process, nor during the official comment period for the DEIS. The DEIS and the Revised Draft Section 4(f) Statement have been provided to the
Comanche Nation did address this stream. The SHPO has been provided with all documentation (including ‘Reading the Landscape’ prepared by Linda Pelon) regarding the Comanche Nation that has been presented to or prepared by DART. In a letter dated December 6, 2002, the SHPO has determined that, within the 3.5 mile section of corridor that passes adjacent to the parkland, there will be “no historic properties affected.”

11. There is documentation of an archeological site located along Tributary E in the original Draft EIS (page 5.92 “site recorded…in the floodplain near a flowing spring”). This site is not addressed in the recently completed Cultural Resource Survey (Misc. Report Number 271). (Commenter 8)

Response: The cited archeological site is not located along Tributary E nor is it within the DART right-of-way. The site described in near Wahoo Park. The Cultural Resource Survey (Misc. Report Number 271) only addresses sites within the DART right-of-way.

12. How will the bridge (large enough for two DART train lines and one freight line) over this spring fed stream (Tributary E) in our parkland impact the nearby archeological site and this valuable natural feature/historic landscape feature? (Commenter 8)

Response: There is no archeological or historic site that will be impacted by this bridge (See Response to Comments 9 and 10 in this Section). All impacts associated with stream crossings will be covered under Nationwide Permit 14. Construction activities will be coordinated with the USACE (See Section 5.11 of the FEIS). All filling and grading activities will be in compliance with the NPDES General Permit for Construction Mitigation. Prior to construction coordination will occur between DART, the City of Dallas, USACE, and FEMA. These agencies will evaluate the project recommendations and prescribe mitigation options for impacts to floodplains (See Section 5.12 of the FEIS).

13. Two archeological sites, cited on page 5-92, Draft EIS are in parkland, and may be in harm’s way. These two sites are not adequately addressed in Cultural Resource Survey (Report Number 271). (Commenter 8)

Response: Cultural Resource Survey (Report Number 271) clearly states, “Although there are previously recorded sites very near the surveyed segment of the railroad corridor, none are within the project area.” These sites will not be disturbed by the project and are not in harm’s way. The SHPO concurred with the conclusion of the archeological report that there will be “no affect on historic properties.”

14. Conservationists who attended the site visit to the Storytelling Place with transportation project leaders and Comanche leaders were assured by DART that the DART right-of-way
ended at the marker on the side of the slope and there would be not additional encroachments. Recently, that marker was removed and another stake was placed several feet east on the top of the ridgeline at the scenic overlook. What is the meaning of the “wandering” survey markers? Has the alignment been redefined, and if so, has the Comanche Nation been notified of this change that increases encroachment on the Storytelling Place? (Commenter 8)

Response: DART has maintained that the right-of-way line at the Storytelling Place is located at the top of the escarpment face (See Appendix D, Sheet 25 Station 505+50 of the Plan and Profile Drawings). If these markers have been adjusted by DART, it was only to bring the markers in conformity with the plans, which accurately portray the right-of-way. Based on these plans DART has reached an agreement with the Comanche Nation. As depicted in Figure E1.12, DART will construct a retaining wall 10 feet in from the edge of the right-of-way. The location of the wall, which cuts through the face of the escarpment, was discussed at the site visit with the Comanche Nation. As part of the agreement with the Comanche Nation, DART will consult with the Comanche Nation prior to any change of plans.

15. The impacts to scenic overlooks (which are White Rock Heritage District tourist destinations) have been minimized in these reports and so has the impact of the intrusions from the constantly passing trains below. Electrical wires above the line will blight scenic vistas. Fencing along the tacks through the forest will block the movement of wildlife—and park patrons--between the floodplain and the escarpment ridges. Noise from the constant train traffic will overpower the calls of birds, the rustling of leaves in the wind, and other sounds of nature. The functioning of wildlife habitat will be dramatically and permanently disturbed. The natural ambiance of this parkland and the tranquility of these special places will be compromised by this transportation project. These impacts, and others, are underestimated and/or denied. A comprehensive environmental assessment of direct and indirect impact to parkland is necessary to comprehend the scope of these impacts and mitigation plan must be developed to minimize them. (Commenter 8)

Response: The Section 4(f) Statement is not designed to be a comprehensive environmental assessment of the Southeast Corridor Project. This report demonstrates that outside of Fair Park, there is no direct or constructive use of urban parkland, which is located adjacent to an existing railroad line. The 4(f) Statement is an appendix to the Southeast Corridor FEIS, which is a comprehensive environmental assessment of the impacts of the project. Detailed discussions of all impacts are discussed in Chapter 5 of the FEIS. Topics
in Chapter 5 include: Noise and Vibration (Section 5.7); Visual and Aesthetic Impacts (Section 5.8); Cultural Resources, Historic Preservation, Archeological Preservation (Section 5.9); Parklands (Section 5.10); and Ecosystems, including water, vegetation, wildlife (Section 5.11); and Hydrology/Water Quality (Section 5.12). Each of these sections includes a discussion of mitigation.

16. DART deliberately misuses the word “adjacent” for the purpose of evading mitigation responsibilities for direct and indirect impacts on Great Trinity Forest parkland caused by the construction and use of the DART light rail line through Dallas public parkland. In my Webster's American Dictionary College Edition the word “through” is defined as “in one side, or surface, and out the other.” This is clearly the situation with the DART alignment through this parkland. (Commenter 8)

Response: Webster’s defines the word “adjacent” as “close to; next to; lying near; adjoining.” The railroad right-of-way predates the dedication of the parkland. The dedicated parkland does not include the DART owned right-of-way; therefore the parkland that abuts the right-of-way is adjacent. This word was deliberately chosen, not to mislead, but to accurately illustrate the spatial relationship of the dedicated parkland to the DART right-of-way. A Section 4(f) Use occurs when parkland is incorporated into a transportation facility. Outside of Fair Park, no parkland will be incorporated into the transit facility.

17. It was my understanding that DART purchased an easement or right-of-way rather than the property itself. If this is the case, then who “owns” the property? (Commenter 8)

Response: DART’s right-of-way is a combination of fee ownership and easement ownership. In those situations where a railroad easement was acquired by the railroad company, the abutting property owner on each side of the railroad right-of-way owns a fee interest all the way to the centerline of the right-of-way. However, the abutting property owner’s fee interest in the right-of-way does not blossom into full ownership until the railroad abandons the right-of-way or ceases to use it for railroad purposes. Under Section 452.064 of the Texas Transportation Code, DART’s use of railroad right-of-way for its own transportation purposes is considered to be a continuation of the existing rail use of the right-of-way. Texas law is clear that the easement holder has superior rights to use the land over the fee owner. The general rule is that a fee owner is precluded from using the land over which the right-of-way easement exists.

18. The mitigation plan is inadequate, and we would like to see it improved. (Commenter 8)

Response: The proposed mitigation for impacts is described in Chapter 5 of the FEIS. This comment was made prior to publication of the document.
19. The Dallas Chapter of the American Institute of Architects has suggested that DART passengers be considered a park patron. They have offered to help design the rail line so that it could actually be an eco-tourism DART line. There is a tremendous challenge and potential here to make this a world-class light rail line and a major eco-tourism attraction for Dallas. (Commenter 8)
Response: Without any embellishment, the line adjacent to the parkland will arguably be DART’s most scenic rail corridor. DART will provide park patrons with a safe and secure environment. This entails safety fencing with limited controlled crossings. DART will provide rail access for eco-tourism. DART is developing a trailhead at the Lawnview Station to provide DART passengers access to the park. This site is also under consideration for the Great Trinity Forest Interpretive Center. DART has an existing contract with a design firm to oversee all aspects of the Southeast Corridor. A competitive process will select the section designer for this portion of the corridor. Any qualified group can seek to participate in the solicitation process.

20. A 21-day review period is too short with one public hearing and only three minutes for comment. (Commenter 9)
Response: This report is an amended version of the Section 4(f) Statement that appeared in the DEIS. Most of the information contained in this report has been previously published. Most new material relates to two specific properties: 1) The Good-Latimer Tunnel, which has recently been determined to eligible to the National Register of Historic Properties and has been determined to be an adverse effect; and 2) The Comanche Storytelling Place that was not previously identified as a potentially eligible property. FTA and DART felt the revision were significant enough to warrant additional public comment. The 21-day comment period is sufficient because of the limited amount of new material presented with previously published material. The three-minute period for oral comments is the period prescribed by the DART Board for all public hearings. Additionally, persons attending the public hearing were allowed to speak more than once. There was no limit placed on the length of written comments.

21. The title of the revised 4(f) draft does not identify what 4(f) means or that this is an addendum to the DEIS. Receipt of this document from DART was a total surprise with the public unaware that DART was making revisions. (Commenter 9)
Response: The revised Section 4(f) Statement was sent to all persons that received a copy of the DEIS or commented on the DEIS. The document was accompanied by a letter that described the document and identified the primary revisions.
22. Although the revision is basically the same as the DEIS, 167 page 4(f) revision with emphasis on Cultural Resources, it is substantial evidence of the deficiency in DEIS. Everything that is in the revision and cultural resource survey should have been done back in the MIS planning stage and before the DEIS. (Commenter 9)

Response: The revisions in this document are based on comments received during the public comment period for the DEIS and on-going coordination with the SHPO. Preparation of a 4(f) Statement and the cultural resource survey are typically completed at this stage of project development.

23. The writers of the 4(f) Statement and the EIS should be clearly identified with their cultural resource professional experience. There is no bibliography or references in the main body of the report. (Commenter 9)

Response: This report is designed to be an appendix to the FEIS, which contains a list of list of preparers. DART staff prepared the report with significant input from recognized professional cultural resource firms including Myra L. Frank & Associates, AR Consultants, and Geo-Marine, Inc.

24. Cultural Resource Survey (Report Number 271) should have been included in the revised report. (Commenter 9)

Response: Cultural Resource Survey (Report Number 271) was prepared concurrently with the Draft Section 4(f) Statement. This report is referenced in the FEIS and is available for public review at DART Headquarters. Cultural Resource Survey (Report Number 271) did not reveal any significant cultural resources within the DART owned right-of-way. In a letter dated December 2, 2002, the SHPO authorized finalization of Report 271 and concurred with the conclusion that there will be “no effect on historic properties.”

25. Appendix E-1 is unchanged from the original report. The writers should be identified. I question the qualifications of the authors and whether they ever made a site visit. (Commenter 9)

Response: Appendix E-1 is the Supplemental Request for Determination of Eligibility Report prepared for review by the THC. The findings of the document were approved on March 25, 2002, and the document is not open to revision. The principle authors are listed on page 32 of the Appendix.

26. Appendix E-1 does not meet the Secretary of Interiors Standards for doing Section 106. The report is deficient in many of the Section 106 requirements. The historic context is poor. The SHPO was remiss in approving this document. (Commenter 9)
Response: DART is meeting the Secretary of Interiors Standards for Section 106. DART has provided to the SHPO all required documentation including State of Texas Historic Resources Inventory Forms. Only the text of the Supplemental Determination of Eligibility Report was included in the Section 4(f) Statement. The appendices of the report, which included the Historic Resource Inventory Forms and pictures, were omitted to prevent the document from becoming too large. A full copy of the report is available for public review at DART Headquarters. The information in the Section 4(f) Statement represents supplemental information requested by the SHPO. It is only included because it provides valuable information on the history of the Good-Latimer Tunnel.

27. There is a problem with the Cultural Resource process. DART is going through three historic districts listed on the National Register of Historic Places (NRHP) (page E-20). DART is not following the Section 106. The Section 106 process should have started when the project was initiated. (Commenter 9)

Response: DART did initiate the Section 106 process early in the project. There are several historic districts and structures (on or eligible for the NRHP) within the area of potential effect for the DART project. With the exception of the Good-Latimer Tunnel, FTA and DART have determined, in consultation with SHPO, the project will have no adverse effect on these historic properties listed on Table E-1 provided that certain conditions are fulfilled. These conditions are stipulated in a MOA included Appendix G of the FEIS.

28. Where is the signed FTA letter that states FTA has determined that Good-Latimer Options B and C are not prudent based on their impacts. (Commenter 9)

Response: The Section 4(f) Statement is draft document. FTA approval is through the issuance of a Record of Decision for the FEIS. This occurs after public and agency comments and the DEIS revised based on these comments.

29. The word “prudent” is used repeatedly in this document. DART misuses the term prudent, which means capable of exercising sound judgment in practical matters; cautious or discreet in conduct; circumspect; sensible; not rash; or characterized or dictated by prudence. As used by DART the term prudent seems to have the connotation: haste, fast, speedily, economical, least expensive expedient, or expeditious. (Commenter 9)

Response: Under Section 4(f), “Prudent” and “Feasible” are standards that are applied to alternatives to an action. DART and FTA have carefully considered the prudence of the alternatives to the two Section 4(f) uses within the corridor. In consideration of prudent and feasible alternatives all adverse factors such as environmental impacts, social impacts, safety, traffic, and other factors including cost have been considered collectively.
30. There are other alternatives that DART does not consider prudent. Specifically, the UP railroad runs east between Military and Forney roads is a viable alternative to 4(f) impacts. This line is a preferred alternative considered by DART’s East Corridor major investment study. (Commenter 9)  
Response: This alignment does not meet the requirements of the Southeast Corridor in that it does not serve the South Dallas or the Pleasant Grove communities. It does serve the east-west travel pattern being considered in the East Corridor study but it has not been identified as a “preferred” alternative. This service would be implemented in addition to the Southeast Corridor project. Additionally, this alternative does not avoid use of the Good-Latimer Tunnel.

31. An underground rail line would avoid the Section 4(f) impacts to the historic districts and the forest. (Commenter 9)  
Response: DART does not consider a tunnel to be a prudent or feasible alternative to an at-grade alignment in this corridor. A tunnel is impractical and would severely limit DART’s ability to implement its service plan in a timely and cost-effective manner. Consideration of short segments of tunnel that would avoid the two 4(f) uses is also extremely problematic. The rail stations that would be constructed at both these locations exacerbate these problems and substantially increase the costs. The cumulative problems associated with construction of tunnels at these locations include underground utilities, ground water, cost, and the unique requirements of subterranean stations. Prudence is not an issue adjacent to the forest because there is no Section 4(f) use to avoid.

32. DART is considering a $160 million dollar tunnel to serve Love Field Airport. (Commenter 9)  
Response: DART is considering construction of a tunnel at Love Field that would be primarily funded by others. This proposal is part of a regional cooperative effort that would provide airport access. Consideration of this proposal will be evaluated on its own merit with its own unique set of circumstance and has no significance to Section 4(f) issues in the Southeast Corridor.

33. Attachment E-2 does not include all the public comments. All of the comments on cultural resources should have been included. (Commenter 9)  
Response: This attachment in the Section 4(f) Statement focuses on the adverse effect that the project will have on a historic property – the Deep Ellum Tunnel. Written comments that primarily addressed this issue are copied into this attachment. Chapter 6 of the FEIS addresses all the comments received during the DEIS comment period and public hearing for the revised Section 4(f) Statement.
34. Many of the correspondences with the SHPO included in Attachment E3 were omitted from the DEIS. (Commenter 9)

Response: The new correspondence with the SHPO are dated subsequent to publishing of the DEIS which was published in February 2002.

35. A March 25, 2002, SHPO letter has determined the Good-Latimer Tunnel and other properties to be eligible for the NRHP. There is no mention in 4(f) Statement of how DART is going to deal with NRHP properties. There is nothing in the document stating how the rail line will visually effect the Deep Ellum Historic District or its ambiance. DART only focuses on the tunnel and ignores the historic district it is locate within. (Commenter 9)

Response: A Section 4(f) Statement is only intended to focus on Section 4(f) uses. There are only two Section 4(f) uses in the corridor - the Good Latimer Tunnel and Fair Park. Properties eligible for the NRHP are discussed in Section 5.9 of the FEIS. DART, FTA, and the SHPO have executed a MOA that will ensure that the LRT project will not result in an adverse effect on eligible historic properties (except for the Good-Latimer Tunnel). Additionally, the Good-Latimer Tunnel is not within the boundary of the Deep-Ellum Historic District.

36. The SHPO has determined the Good-Latimer Tunnel to be eligible for the NRHP. There is nothing in the report saying what you are going to do about it. Will DART do HABS/HAER Level I recordation of the Good-Latimer Tunnel as recommended by the Meadows Foundation? (Commenter 9)

Response: As stated in Section E5.5.2.1 of the revised Section 4(f) Statement, the loss of the tunnel will be mitigated through documentation prepared in accordance with the Historic American Engineering Record (HAER) Level I.

37. There is nothing in the document stating how the rail line will visually effect the Fair Park Historic District and Landmark or its ambiance. (Commenter 9)

Response: Section E5.5.1 of the Section 4(f) Statement discusses how the rail station design will be integrated into the historic entrance to Fair Park.

38. The entire view shed of the LRT and barrier created by the rail line in the Great Trinity Forest is omitted. (Commenter 9)

Response: Visual impacts of the LRT are discussed in Section 5.8 of the FEIS. Also see Response to Comment 8 of this Section.

39. A May 6, 2002 letter from the SHPO requests that an MOA on how DART is going to deal with the overall effects of the Southeast Corridor. Where is the MOA? (Commenter 9)
Response: The development of a MOA is discussed in several locations in the Section 4(f) Statement. FTA with DART has executed an MOA with the SHPO that addresses the overall effects of the Southeast Corridor project. This MOA is included Appendix G of the FEIS.

40. DART has totally omitted the ACHP from the process. (Commenter 9)
Response: The ACHP has been provided a copy of the DEIS, the revised draft Section 4(f) Statement, the MOA and the FEIS. In a letter dated August 28, 2003, the ACHP accepted the SE Corridor MOA. Recent regulations governing Section 106 review stipulate that the ACHP is no longer a signatory to MOAs that are negotiated between the SHPO and Federal agencies.

41. Additional correspondence regarding the Comanche Storytelling Place should be included in the Section 4(f) Statement. (Commenter 9)
Response: All the correspondence that has been provided to DART is included.

42. The existing rail line dates back to 1873 and anything to do with the historic significance of this line to southeast Texas and the development of Dallas has been omitted and should have been included for consideration under Cultural Resources. (Commenter 9)
Response: A brief description of the history of the railroad is included in Attachment E1 in Appendix E under Supplemental History provided during the Public Comment Period.

43. It does not matter that the railroad predates the dedication of the parklands, it was dedicated before DART obtained the right-of-way. (Commenter 9)
Response: DART’s purchase of the right-of-way included the purchase of all rights associated with the right-of-way. The dedicated parkland does not include the DART owned right-of-way (See Response to Comment 16 in this Section).

44. The DART 100-foot right-of-way exceeds the existing right-of-way dimensions that is why DART has to mitigate 70 acres of land impacted by the line. (Commenter 9)
Response: Adjacent to the parkland, the DART project will be constructed entirely within the existing 100-foot right-of-way. DART has identified approximately 70 acres of vegetation that will be impacted by the project. Most of this vegetation is within DART owned right-of-way. None of this vegetation is within dedicated parkland.

45. There are a few problems with Cultural Resource Survey (Report Number 271). (Editorial Note: Commenter engaged in a detailed discussion about details and locations about specific sites including an unrecorded site. The commenter questioned scope of work, the qualifications of the staff and the methods that were used. The commenter disputes the findings of this report. Additionally, the commenter believes that the rail project will impact archeological and historic sites outside of the project area.) (Commenter 9)
Response: Cultural Resource Survey (Report Number 271) was prepared by professional archeologists under Texas Antiquities Permit #2936 under the authority of the THC. In a letter dated December 2, 2002, the THC concurred with the conclusions and recommendations of the report. The SHPO further determined that there will be no effect on historic properties. The Texas Antiquities Code prohibits the public disclosure of the locations of archeological sites. Unrecorded sites should be documented by a professional archeologist and brought to the attention of the SHPO.

46. I support the preservation of the Good-Latimer Tunnel. (Commenter 10)
Response: Comment noted.

47. The DART right-of-way has never been fenced. Movement across the corridor by both trail users and wildlife will be obstructed by this fence. (Commenter 10)
Response: The safety fencing is intended to prevent the unauthorized use of the right-of-way by pedestrians. The wildlife issue is addressed in the Response to Comment 1 in this Section.

48. The White Rock Floodplain is a valuable natural and cultural resource that will be impaired by this barrier. (Commenter 10)
Response: Prior to construction coordination will occur between DART, the City of Dallas, USACE, and FEMA. These agencies will evaluate the project recommendations and prescribe mitigation options for impacts to floodplains (See Section 5.12 of the FEIS).

49. The planned bench under a bridge will likely be flooded and require additional maintenance. (Commenter 10)
Response: Comment noted

50. There is a printing in error in the historical context section of Attachment E1 (page 10, first sentence of first paragraph under Transportation and Commerce). (Commenter 10)
Response: Appendix E-1 is the Supplemental Request for Determination of Eligibility Report prepared for review by the THC. This is an approved document that is not open to revision. The lines should have read as follows: “The key to economic expansion in Dallas has always been better transportation in and out of the area. Attempts to navigate the Trinity River had proven impractical.”

51. The natural resources of the area, the Great Trinity Forest and White Rock Creek Heritage District, have real economic value. These natural resource need to be preserved. (Commenter 10)
Response: Comment noted.
52. The author of the Supplemental History Provided during the Comment Period for the DEIS (Attachment E-1) should be credited. (Commenter 13)

Response: The text has been revised to reflect authorship.

53. FEMA requests the Floodplain Administrator for the City be contacted for her review and possible permit requirements for this project. (Commenter 3)

Response: Prior to construction coordination will occur between DART, the City of Dallas, USACE, and FEMA. These agencies will evaluate the project recommendations and prescribe mitigation options for impacts to floodplains (See Section 5.12 of the FEIS).

54. We understand the 4(f) statement will be coordinated through the FTA. We have reviewed the 4(f) statement and offer no comments at this time. As this project moves forward to Preliminary Engineering, please submit the design schematic for our review of the projects impact to state highway facilities. (Commenter 4)

Response: Comment noted.