



# APPENDIX **g**

Maryland



**Maryland Department of Transportation**  
The Secretary's Office

**Martin O'Mailey**  
Governor

**Anthony G. Brown**  
Lt. Governor

**Beverly K. Swaim-Staley**  
Secretary

**Harold M. Bartlett**  
Deputy Secretary

August 26, 2010

Mr. Matt Dietrich  
Executive Director  
Ohio Rail Development Commission  
1980 West Broad Street  
Columbus, Ohio 43223

RE: Maryland Review of National Gateway Clearance Initiative Documentation

Dear Mr. Dietrich:

The State of Maryland has reviewed the following documents:

*Draft Environmental Assessment and Section 4(f) Evaluation*  
*Phase I: National Gateway Clearance Initiative*

*Draft Maryland Phase I National Gateway Clearance Initiative Documentation*

The Maryland Department of Transportation supports these documents, concurs with the findings and actions taken in these documents, and considers the documents appropriate for public comment. We recommend the Ohio Rail Development Commission, on behalf of the coalition of states supporting the National Gateway TIGER Grant, submit the documents to the Federal Railroad Administration and Federal Highway Administration for review and to initiate the public review process. This will maintain the current schedule to begin construction on the Gateway corridor in November 2010.

Thank you for your assistance with this critical infrastructure project. Please do not hesitate to call me at 410-865-1002, with any questions.

Sincerely,

A handwritten signature in black ink that reads "Harold M. Bartlett".

Harold Bartlett  
Deputy Secretary

**Phase I National Gateway Clearance  
Initiative**

**Maryland Evaluation**

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## **Introduction**

CSX Transportation, Inc. (CSX), utilizing U.S. Department of Transportation's (USDOT's) Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants, proposes to modify existing railroad infrastructure to provide sufficient vertical clearance and operating capability for CSX to operate double-stacked domestic container rail traffic cars on CSX's intermodal rail network along the National Gateway initiative corridor. Additional information regarding the undertaking is included in Section 1 of the Environmental Assessment – Phase I National Gateway Clearance Initiative.

## **Economic Development**

Job creation has been estimated using metrics established by the White House Council of Economic Advisors (CEA) in which \$92,136 of government spending creates one job-year. At completion of all Phases, the National Gateway Clearance Initiative will create more than 4,000 jobs, including nearly 750 jobs in economically distressed areas.

In addition, in Maryland alone, upon completion of Phase I of the National Gateway Clearance Initiative, the state will benefit by

- saving nearly \$25.4 million in shipping and logistics costs.
- reducing carbon dioxide (CO<sub>2</sub>) emissions by nearly 58,000 tons.
- creating 246 new jobs, all of which are located in economically distressed areas.
- saving the state \$2.9 million in highway maintenance costs.

The approximately 246 jobs created in Maryland will be the result of completing Phase I of the National Gateway Clearance Initiative. The proposed action will create not only construction jobs, but additional freight movement will require additional employment at existing CSX facilities, maintenance yards, etc.

## **Existing Conditions**

The locations of the obstructions in Maryland are CSX's railroad bridge in Mexico Farms and Graham Tunnel in the vicinity of Magnolia, West Virginia, both located in Allegany County, Maryland. An overall map of all obstructions in Maryland and specific obstruction vicinity maps are provided in Attachment 1. The limits of disturbance are provided for each proposed clearance improvement and are illustrated in Attachment 2.

The limit of disturbance is set outside the limit of disturbed ground and includes a buffer for movement of equipment.

#### **Proposed Clearance Locations**

There are two proposed vertical clearance improvement locations in Maryland.

- **BA 172.70, CSX Railroad Bridge, Mexico Farms, Maryland** – Constructed in 1905, this railroad bridge carries a single CSX industry track over the CSX mainline tracks. The track on the railroad bridge is a tail track of an industrial spur. The tail track ends approximately 200 feet east of the railroad bridge. The minimum vertical clearance from the CSX mainline to the bottom of the bridge is 19 feet and 11.5 inches.
- **BA 145.80, Graham Tunnel, Maryland (in the vicinity of Magnolia, West Virginia)** – Built in 1914, this tunnel runs through an unnamed hill on a peninsula bounded by the Potomac River. The peninsula is within the congressionally mandated boundary of the Chesapeake and Ohio (C&O) Canal National Historical Park. In addition, it is within the boundaries of the Maryland Green Ridge State Forest. However, according to CSX's records and those previously obtained from Green Ridge State Forest, the tunnel and the land above it are wholly contained within CSX property. The tunnel is approximately 1,592 feet long and 31 feet wide, accommodating two tracks and spanning the width of a U-bend in the Potomac River. The approaches to each side of the tunnel are bridges over the Potomac River. The existing minimum vertical clearance is 17 feet and 10 inches.

#### **Passenger and Commuter Rail Service**

In addition to freight, this corridor also carries passenger traffic. Amtrak provides service to inter-city commuters using CSX's rail lines. Based on the current schedule, Amtrak currently provides two passenger trains per day past both proposed vertical clearance improvement locations. The Amtrak train using this route is the Capitol Limited.

#### **Purpose and Need of the Proposed Action**

The CSX rail line infrastructure on the National Gateway initiative corridor is not currently equipped to accommodate double-stacked freight trains. Additional information regarding the purpose and need of the undertaking is included in Section 2.0 of the Environmental Assessment – Phase I National Gateway Clearance Initiative.

## **Proposed Action**

The proposed actions that comprise the proposed action are provided in Section 3 of the Environmental Assessment – Phase I National Gateway Clearance Initiative. Those proposed actions specific to Maryland include CSX Railroad Bridge and Graham Tunnel, as follows:

- **BA 172.70, CSX Railroad Bridge, Mexico Farms, Maryland** – The minimum vertical clearance from the CSX mainline to the bottom of the bridge is 19 feet and 11.5 inches. The bridge will be removed, and approximately 1,500 feet of new alignment, industrial track will be constructed approximately 1,000 feet west of the existing bridge location. The new track will connect two existing industrial tracks and eliminate the need for the bridge and tail track. A temporary construction easement will be needed at this location, as well as a permanent right-of-way (ROW) acquisition. Aerial photography shows the surrounding land use as primarily industrial. The CSX Railroad Bridge proposed action will require 3.12 acres of new ROW for construction. It is anticipated that the land will be acquired as fee-simple ROW. Portions of two parcels will be acquired for the new alignment.
- **BA 145.80, Graham Tunnel, Maryland (in the vicinity of Magnolia, West Virginia)** – The existing minimum vertical clearance is 17 feet and 10 inches. To achieve the minimum 21-foot vertical clearance necessary, a total arch liner replacement is planned for the entire length of the tunnel. In addition, the portal will be reconstructed utilizing shotcrete over rock-bolts and mesh. Work will be conducted on one track at a time with protection provided on the remaining active track according to established CSX and federal rail safety guidelines. The majority of the work will be performed inside the tunnel. However, rock, soil, and vegetation that accumulated behind the portal face will be cleared prior to construction. The arch liner will be removed and replaced in segments to minimize disturbance to the overlying rock and help maintain stability. Re-profiling of the track, reestablishment of drainage swales, and maintenance cleaning of existing drainage inlets/pipes would also be performed at this time.

Because of Graham Tunnel's geographic location on a peninsula, CSX and the West Virginia Department of Environmental Protection have agreed that the construction staging area and excess materials placement areas for Graham Tunnel be in West Virginia. Two excess materials placement areas for this proposed action are located, one each to the north and south of the tunnel, across the Potomac River in West Virginia. The first area is on the northwest side of the track to the north of Highline Road. This area would contain approximately 8,800 cubic yards. The second area is along the southeast side of

the tracks immediately across the river from the southern tunnel entrance. This area would contain approximately 4,400 cubic yards.

While making repairs to Graham Tunnel, the overhead electrical lines will be moved into the tunnel, and the electrical line and utility poles running over the hill above the tunnel will be retired in place. The utility line ROW will not be maintained and will be allowed to revert to forested land.

## **Existing Environment and Impacts**

### **Passenger Rail Service**

The proposed action will be coordinated and scheduled in a manner to provide continuing service to Amtrak, similar to normal construction projects along the rail corridor. Amtrak will be advised of the construction work in normal manners to ensure that they are aware of the work at these sites.

### **Historic and Archaeological Resources**

The following information was reviewed to identify potential historic resources in the vicinity of the vertical obstructions: the Maryland Inventory of Historic Properties (MIHP) database; Determination of Eligibility (DOE) forms and the National Register nominations on file at Maryland Historical Trust's (MHT's) office; and the National Register Information System (NRIS) database. Field surveys were conducted in September and October 2009.

Additionally, an Area of Potential Effect (APE) was determined for each vertical obstruction. In determining the APE, the possible visual, audible, atmospheric, and/or physical impacts that could diminish characteristics qualifying historic properties for listing on the National Register of Historic Places (NRHP) or that could diminish the integrity of historic properties was considered. The CSX Railroad Bridge clearance improvements will require 3.12 acres of new ROW for construction. Graham Tunnel will be constructed within the ROW.

The APE is discontinuous because of the nature of the improvements, which are proposed at discontinuous locations. The APE at each vertical obstruction location reflects the limits of disturbance. This includes all potential impacts, including track and obstruction improvements, construction activity and staging areas, excess material placement areas, and drainage and utility improvements.

The results of the historic resource investigations are summarized below by vertical obstruction location.

- **BA 172.70, CSX Railroad Bridge, Mexico Farms, Maryland** – The CSX Railroad Bridge was constructed around 1905. It was not previously identified or evaluated for National Register eligibility. For this proposed action, MHT evaluated the bridge for eligibility for listing on the NRHP and determined it to be not eligible because of its lack of significance and integrity. It is no longer able to convey its historic association with the Western Maryland Railroad because of alterations to the original ROW and visual separation from the National Register-listed section of the Western Maryland Railroad, located to the east and outside of the APE.

MHT concurred in a letter dated December 16, 2009 that the railroad bridge at Mexico Farms is not eligible for listing on the NRHP. Because of a revision to the scope of the proposed action, additional coordination was conducted with MHT and is documented in a letter dated May 27, 2010. MHT's response letter is dated June 15, 2010.

**BA 145.80, Graham Tunnel, Maryland (in the vicinity of Magnolia, West Virginia)** – Graham Tunnel was constructed in 1914. It was previously identified, but not evaluated, for National Register eligibility. The APE is within the congressionally mandated boundaries of the C&O Canal National Historical Park; however, it is not within the boundaries of the National Register-listed property of the same name. (Graham Tunnel is located within the boundaries of Green Ridge State Forest. However, according to CSX's records and those previously obtained from Green Ridge State Forest, the tunnel and the land above it are wholly contained within CSX property.) It should also be noted that the National Park Service (NPS) stated in a meeting on May 24, 2010, with the Federal Railroad Administration (FRA) and Federal Highway Administration (FHWA), that they have no official interests in Graham Tunnel.

A DOE form was completed for Graham Tunnel. In a letter dated December 16, 2009, MHT indicated the tunnel was determined eligible for listing on the NRHP under Criterion A for transportation significance and Criterion C for architectural/engineering significance. The tunnel's National Register boundary includes the footprint of the structure and all features associated with the tunnel during its period of significance (1914). MHT concurred with an Adverse Effect recommendation for Graham Tunnel, and the concurrence is documented in a letter dated June 15, 2010. In its effects concurrence letter, MHT continued its coordination for mitigation of adverse effects and commented on the draft Memorandum of Agreement.

CSX, with FRA and FHWA, is coordinating with MHT through the Section 106 process. Coordination included written documentation of the Adverse Effects determination of

Graham Tunnel and development of a Memorandum of Agreement to mitigate for the adverse affects.

Coordination with Native American nations and tribes has been conducted as part of the Section 106 process. A list of nations and tribes contacted regarding this proposed action is included in Section 1.5 of the Environmental Assessment, and the letter from FRA and FHWA is included in Appendix C.

The FRA and FHWA have coordinated with the Advisory Council on Historic Preservation (ACHP) regarding the various Adverse Effects determinations and inviting them to participate in the consultation. In a letter dated July 9, 2010, ACHP noted that its participation in the Section 106 process is not needed. This letter is included in Appendix C.

A Memorandum of Agreement has been developed with FRA, FHWA, the four State Historic Preservation Offices (SHPOs) and Departments of Transportation, and CSX. The Memorandum of Agreement is included in Appendix C.

Refer to Attachment 3 for copies of the MHT correspondence documenting the Section 106 process and for meeting minutes from the May 24, 2010, coordination meeting with NPS.

#### **Right-of-Way**

At Graham Tunnel, CSX will conduct work within its ROW.

A temporary construction easement will be needed for Mexico Farms, as well as a permanent ROW acquisition. Aerial photography shows that the surrounding land use is primarily industrial. The proposed action at CSX Railroad Bridge will require 3.12 acres of new ROW for construction. It is anticipated that the land will be acquired as fee-simple ROW. Portions of two parcels will be acquired for the new alignment.

#### **Public Involvement and Coordination**

A public meeting was held in Harpers Ferry, West Virginia on March 3, 2010 to discuss the modifications to Graham Tunnel and three other tunnels in Maryland, not included in the Phase I proposed action. Citizens were invited to participate through a social advertisement and media release in the *Journal*, Martinsburg, West Virginia and the *Frederick News-Post*, Maryland on February 17, 2010. The meeting format was open house, allowing the approximately 20 participants to learn about the undertaking through displays, handouts, and project representatives. A display of the entire National Gateway Clearance Initiative was on display so that participants could get a

feel for the entire clearance initiative. Participants were also asked to provide comments about the proposed actions. Four comments were received; none were specific to Graham Tunnel.

A public notice was published on May 24, 2010 in the *Cumberland Times-News*, a local newspaper, to notify local stakeholders about the improvements proposed at CSX Railroad Bridge in Mexico Farms and to solicit comments. One comment, which notes the potential historic nature of the railroad bridge at Mexico Farms, has been received. However, as previously noted, MHT concurred in a letter dated December 16, 2009 that the railroad bridge at Mexico Farms is not eligible for listing on the NRHP. The public notification ads for each location are included in Attachment 5.

#### **Rare, Threatened, and Endangered Species**

No federal or state-listed threatened or endangered species have been identified within the limits of disturbance for the CSX Railroad Bridge and Graham Tunnel. The Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Services has requested consideration be given to avoiding potential impacts to Harebell (*Campanula rotundifolia*), a species thought to be rare in Maryland but with no official state status.

Based on information from the USFWS and MDNR and the results from field surveys, no impacts to federally protected species are anticipated to occur as a result of the clearance improvements. Letters received from USFWS and MDNR, dated October 27 and November 17, 2009, respectively, are included in Attachment 4. Because of a revision to the scope of the proposed action at the CSX Railroad Bridge at Mexico Farms, additional coordination was conducted with the USFWS and MDNR. Their response letters, dated June 24 and July 30, 2010, respectively, concur with the determination of no impacts to protected species. These letters are also included in Attachment 4.

#### **Wetlands/Waterways/Floodplains**

An assessment of jurisdictional Waters of the United States that could be impacted by the proposed action was performed using United States Geological Survey (USGS) topographic maps, National Wetland Inventory (NWI) maps, and county soil survey maps, then refined during a field visit. Wetland locations and boundaries within the limits of disturbance were determined using the *1987 Corps of Engineers Wetlands Delineation Manual*.

The Graham Tunnel limit of disturbance contains no streams or wetlands; therefore, there are no impacts.

The CSX Railroad Bridge at Mexico Farms project is expected to permanently impact approximately 0.26 acre of wetlands and temporarily impact 0.37 acre of wetlands and affect 1.0 to 1.5 acres of wetland buffer. The wetlands range from fully emergent to forested. The project will require a U.S. Army Corps of Engineers (USACE) 404 permit, and corresponding 401 Water Quality Certification from the State of Maryland, for impacts to wetlands. Engineering designs to minimize these impacts are ongoing. Coordination regarding potential mitigation for the impacts at CSX Railroad Bridge will be completed as part of the permitting process.

Flood Insurance Rate Maps (FIRM), which illustrate the results of detailed flood studies conducted for the National Flood Insurance Program (NFIP), were obtained for each obstruction location from the Federal Emergency Management Agency (FEMA) website

(<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1&userType=G> - Accessed March 2009).

According to FIRM panels for the individual locations, the CSX Railroad Bridge is in Zone C or Zone X and outside the 100-year floodplain. Graham Tunnel is located in Zones C and A. The majority of the northern and southern portions of the Graham Tunnel limits of disturbance are located in Zone C. The railroad trestles immediately adjacent to Graham Tunnel are located in the Potomac River and its floodplain, Zone A. However, no encroachment below the ordinary high watermark will occur during construction.

#### **Critical Area**

None of the proposed clearance improvement locations fall within the Critical Area for the Chesapeake and Atlantic Coastal Bays.

#### **Tree Removal**

Limited tree clearing surrounding the portals will occur within CSX's ROW at Graham Tunnel. The clearing will only be as needed to provide clear construction access to the tunnel arch and portals. Approximately 0.5 acre of woody vegetation will be removed for this proposed action. Efforts will be made to limit the number of trees removed during construction.

Tree removal will occur at CSX Railroad Bridge, Mexico Farms. The proposed action at CSX Railroad Bridge will require 3.12 acres of new ROW for construction, and approximately one-quarter of this area contains trees. It is estimated that less than 0.78 acre of trees will be removed for this proposed action. Efforts will be made to limit the number of trees removed during construction.

### **Hazardous Materials**

The improvements to Graham Tunnel are contained within the CSX ROW. The ROW has been actively used for the movement of freight for decades; no other parties have participated or conducted business within the footprints for this proposed action without CSX's knowledge.

Land acquisition is required for the construction at the CSX Railroad Bridge. Environmental Data Resources (EDR) Records Report was obtained to search environmental databases for known hazardous waste and materials sites for the CSX Railroad Bridge in Mexico Farms, where work will occur outside CSX's ROW. No known hazardous waste and materials sites were identified in the EDR report; however, the full Phase I review of this location is not complete. Site visits will be completed to conduct the level of due diligence that meets accepted industry standards for determination of the potential solid and hazardous materials outside the current ROW limits.

Based on a review of in-house records, CSX has no information regarding the presence of known hazardous materials sites and/or hazardous waste sites within their ROW within the limits of disturbance for the clearance improvement locations. Should solid and hazardous materials be encountered prior to or during the construction phase of the proposed action, any identified waste will be managed according to applicable federal, state, and local laws, ordinances, and regulations.

Furthermore, any excess materials generated during the grading/cut activities that cannot be used within the current CSX-owned ROW will be managed appropriately in accordance with applicable federal, state, and local laws, ordinances, and regulations. Materials excavated during construction are anticipated to be considered nonhazardous waste.

### **Air Quality**

The general conformity rule applies to all federal actions not addressed by the transportation conformity rule. Therefore, in accordance with 40 Code of Federal Regulations (CFR) 93.153 and 93.158, emissions of ozone precursor compounds nitrogen oxide (NO<sub>x</sub>) and volatile organic compounds (VOCs) and PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor compounds (sulfur dioxide [SO<sub>2</sub>] and NO<sub>x</sub>) were analyzed in a General Conformity analysis, for obstructions within non-attainment areas.

The proposed action locations for Graham Tunnel and CSX Railroad Bridge in Maryland are not within non-attainment or maintenance areas; therefore, no conformity analysis was completed for these sites.

Results of the air analysis for obstructions located within non-attainment areas in Ohio and Pennsylvania were compared to the *de minimis* thresholds. The worst case for emissions is expected to be the first year of operation. The estimated releases of CO, PM2.5, NOx, SO2, and VOCs are below the general conformity thresholds of 100 tons per year. Based on the air analysis, the proposed action meets the requirements of the Clean Air Act. The results from the conformity analysis are included in Appendix J of the Environmental Assessment.

#### **Noise**

The proposed National Gateway Clearance Initiative does not include new track on new track location; significant alterations to track alignment; or changes in vehicle speed. The undertaking will not cause an increase in traffic noise levels because it will not provide additional mainline tracks on new alignment, will not change the maximum operating speed of the track, and will not substantially change the shielding effects of the surrounding area. The clearance undertaking does not move traffic closer to receptors and is capacity neutral (train or vehicular).

#### **Consolidated Transportation Program**

None of the proposed clearance improvements are found on the Maryland Department of Transportation Consolidated Transportation Program (CTP) Fiscal Year 2009-2014.

#### **Impacts to Publicly Owned Parks, Recreation Areas, or Wildlife/Waterfowl Refuges**

No publicly owned parks, recreation areas, or wildlife/waterfowl refuges are within the vicinity of CSX Railroad Bridge, Mexico Farms, Maryland.

Graham Tunnel, in the vicinity of Magnolia, West Virginia, runs through an unnamed hill on a peninsula bounded by the Potomac River. Because of Graham Tunnel's geographic location on a peninsula, CSX and the West Virginia Department of Environmental Protection have agreed that the construction staging area and excess materials placement areas for Graham Tunnel will be in West Virginia. Graham Tunnel is located within the boundaries of the Maryland Green Ridge State Forest. It is also within the congressionally mandated boundary for the C&O National Historical Park. However, according to CSX's records and those previously obtained from Green Ridge State Forest, the tunnel and the land above it are wholly contained within CSX property. Figures depicting the boundaries of Green Ridge State Forest and its facilities are included in Attachment 6. There are no recreational features of the State Forest near the Graham Tunnel proposed action. In a letter dated January 25, 2010, also included in Attachment 6, Green Ridge State Forest was informed of the proposed action at Graham Tunnel. Green Ridge State Forest management concurred in an

email on July 12, 2010, that the clearance improvements at Graham Tunnel will not impact the forest. The email is included in Attachment 6. NPS noted in a meeting on May 24, 2010, with FRA and FHWA, that it has no official interests in Graham Tunnel. The meeting summary from the May 24, 2010 meeting is included in Attachment 3.

There will be no use of publicly owned parks, recreational areas, wildlife/waterfowl refuges by implementing these proposed actions.

### **Smart Growth**

No residential or commercial displacements are required as a result of this proposed action. Mexico Farms is located within a Priority Funding Area; Graham Tunnel is not. However, these are system preservation projects and are not subject to the restrictions of Maryland's Smart Growth legislation.

The proposed actions will not provide new access to any new or planned development areas. Therefore, indirect impacts are not anticipated as a result of these projects. No disproportionately high or adverse effects on minority or low-income populations will occur as a result of these projects. These projects are not inconsistent with the *Allegheny County Comprehensive Plan (2002)*.

### **Indirect and Cumulative Impacts**

An indirect and cumulative impacts analysis for Phase I locations has been made on a corridor-wide, and not statewide, basis. Additional detail is included in Section 4.1.14 of the Environmental Assessment – Phase I National Gateway Clearance Initiative.