

PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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June 24, 2015

James F. Bridges, P.E.
NCDOT Rail Division
N.C. Department of Transportation
1553 Mail Service Center
Raleigh, North Carolina 27699-1548

RE: Comments regarding Environmental Assessment (EA) for Proposed Private Crossing Closures with North Carolina Railroad (NCR)/Norfolk Southern (NS) Railway at Gordon Thomas Drive (TIP No. P-4405I), Greenbriar Drive (TIP No. P- 4405J), and Byrdsville Road (TIP No. P-4405K), Orange County, NC.

Dear Mr. Bridges:

On May 28 NCDOT mailed a copy of the Environmental Assessment (EA) for the above referenced project to the Orange County Manager, which was subsequently forwarded to the Planning Department for review. The EA, as well as the preliminary plans have been made available for public review at our office, and they have also been posted on the County website.

Recognizing the EA describes the need for the project and evaluates the project's concept for potential social, economic, and environmental effects, we offer the comments which follow. The EA has been reviewed keeping in mind all the previous Orange County comments and public outreach since October/November 2012.

EA Comment 1

Orange County Comment Letter Dated December 13, 2013

Orange County Planning staff wrote a comment letter on December 13, 2013 which is not disclosed, discussed or included. This letter provides comments on roadway safety, road renaming, and buffering requirements which have not been fully addressed in the EA. A copy of this letter is attached for reference.

EA Comment 2

Page v

Project Commitments

The turning radii of the two curves adjacent to Piedmont Electric (PE) is hazardous, creating what may be impassible and/or dangerous situations for large vehicles such as

fire trucks, school buses, moving vans, delivery vehicles, etc. Fire Chief Jeff Cabe, Orange Rural Fire Department, has commented that as drawn, the curves will significantly slow their response times, and also that extending Walter Clark Drive across NC 86 will create confusion and delay response because Walter Clark Road is a part of the Wildwood Subdivision on the other side of NC 86.

Improving the radius going towards NC 86 will impact the required buffer (per a previous zoning condition) and the stormwater systems on the PE site. Improving the radius on the lower turn will impact 1-2 residential properties on Lonnie Circle in Joppa Oaks. Even as it is depicted, without improved turning radii, it appears that the proposed road alignment will impact the PE site's required buffer and stormwater system to some degree. These issues are addressed in the County's comment letter of December 13, 2013. We request that these issues be addressed as project commitments in this section of the EA.

The County's comment letter of December 13, 2013 raised issues regarding roadway safety because of the sharp turns in the western half of the new road. In this letter, we also suggested that a stop sign be placed at the intersection of the third (lower) turn and the straight-away to slow down traffic and enhance safety. Additionally, we reiterate that it would be desirable to have lighting at the turns in the road to further enhance traffic safety. If these measures are incorporated, then we request that they be addressed as project commitments in this section of the EA.

EA Comment 3

Byrdsville Road Sub-project Area

The new road alignment will create double/reverse frontage lots for approximately seventeen (17) residential lots in Joppa Oaks Subdivision. We request that access to the new road be prohibited from these lots, and as an additional enforcement measure, a fence or other road barricade or earthen berm be erected to ensure no illegal access.

EA Comment 4

Pages ix, 3 and 5

Description of Gordon Thomas Drive and Byrdsville Road Build Alternatives

The EA description of the Build alternatives for Greenbriar Drive states that the new road will be 20 feet wide within a 50-foot right-of-way; however the descriptions for Gordon Thomas Drive and Byrdsville Road state that it is anticipated to be 20 feet wide within a 50-foot right-of-way. Has the road and right-of-way widths for Gordon Thomas and Byrdsville been resolved yet? If it has, please revise the EA. If not, why is it unresolved? Also, how can impacts be assessed based on anticipated (but not yet determined) road and right-of-way width?

EA Comment 5

Pages viii, x, xii, 5, 12, 13, 14, 22, 25, 32 (Map), etc.

Walter Clark Drive

The EA references the connection of Byrdsville Road to Walter Clark Drive multiple places in the text and on the maps. However, NCDOT was advised from the County's first comment letter that, although there is a sign saying it is Walter Clark Drive, it is in fact presently an unnamed 60-foot road easement. Of course, as part of the project

NCDOT can propose to name the road Walter Clark Drive. If this is the case, the EA should state the name as the proposed name for the road.

In the County's comment letter of December 13, 2013 we advised NCDOT, and now reiterate that the proposed roadway will need to be uniformly renamed from beginning to end. The map currently depicts the road name on the western end as Walter Clark Drive, and on the eastern end as Byrdsville Road. The County Commissioners have suggested that the County involve the effected residents of the Byrdsville community to nominate the roadway name. The Planning staff can coordinate the road name nomination process with the Board of County Commissioners (BOCC). The Orange County Land Records Division of the Tax Assessors Office can assist with the technical procedures following the selection of a name.

EA Comment 6

**Pages 11 (Map), 21 (Map), 32 (Map)
Jaspers Lane/Byrdsville Road area**

In previous comments Orange County mentioned that Jaspers Lane had been disconnected from the unnamed 60-ft unnamed roadway easement ("Walter Clark Drive") by a private citizen many years ago, and requested that it be reconnected with the project to enhance connectivity and public safety. This issue is not discussed in the EA and the maps are not consistent. The Map on page 21 depicts the reconnection as a study area improvement, but all other maps of the Byrdsville Road area do not depict the road reconnection. The discussion on page 22 should include the Jaspers Lane reconnection issue, and it should be included on others maps in the document where appropriate. Also, would this be an additional project commitment to be included on pg. v?

EA Comment 7

Page 24

Estimated Emergency Response Times for First Responders

The EA lists emergency response times for first responders. The Director of Emergency Services (ES) for Orange County advises us that they were not consulted about the estimated response times. The Director of ES sent the table on page 24 out to the fire chiefs for comments. The responses have generally been that they are fairly sure they can't meet the response times listed in the table. We request that you consult with James Groves, Director of Orange County Emergency Services regarding fire department access to homes and businesses in each area, as well as emergency response times for first responders (jgroves@orangecountync.gov ; 919-245-6140). Mr. Groves will coordinate the inclusion of the Fire Departments in the conversation.

EA Comment 8

Page xii, 25

Right-of-way and Relocation Impacts

The project specifically impacts the frontage of several lots on Byrdsville Road by altering the edges of pavement, existing driveways, adding right-of-way and reducing the existing front and setbacks of a number of mobile home units within the Byrdsville Mobile Home Park.

Potential impacts may include the Mobile Home Park's ability to meet the following standards as outlined under Orange County Unified Development Ordinance (UDO) Lot

and Dimensional Standards for Mobile Homes (UDO Sections 5.5.5; 5.5.6); and Zoning Standards (UDO Section 3.3 R-1 Rural Residential Zoning Districts). Other impacts may include Orange County Environmental Health issues caused by mobile home relocations and/or encroachments and spacing issues related to dwelling units, septic tanks, wells, septic drain fields and repair areas.

There are undiscussed, potentially undocumented issues with some of the proposed driveway locations and new (possibly nonconforming) setbacks on Byrdsville Road. The new setbacks are not dimensioned but they need to be since some of the setbacks may be insufficient/nonconforming. Also, several of the proposed driveway locations stub into mobile homes, not leaving adequate room to pull in a vehicle. In these instances, driveways should be relocated so that vehicles can pull into the lot alongside of the mobile homes.

EA Comment 9

Page 4 (Map)

Paschall Drive Cul-de-sac

The cul-de-sac has been redesigned and pulled back, off the Couch property. I received a copy of the revised portion of the map from Dan Havener (attached). The map does not reflect the revision.

EA Comment 10

Page xvi

Indirect & Cumulative Impacts

The second sentence of the “No Impact” statement states that “The addition of the proposed Project to the current development trend will not increase cumulative impacts significantly when compared to the impacts of other past, present, and future actions.” That’s very vague. Like what?

EA Comment 11

Page 12

DCHC MPO “LRTP”

Section 1.9 Transportation Plans references the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Long Range Transportation Plan (LRTP) 2009. In 2012 the name for this long range transportation plan was statutorily revised to Metropolitan Transportation Plan (MTP). Then in December, 2012 the DCHC MPO approved its 2040 MTP and the projects to be included in the associated Comprehensive Transportation Plan (CTP). Current information about the MTP can be obtained from Andy Henry, City of Durham/Transportation Department (andrew.henry@durhamnc.gov ; 919-560-4366 est. 36419). Please revise the information in the EA as instructed by Andy Henry.

EA Comment 12

Page 17

Farmland Conversion Rating

The EA references a Farmland Conversion Rating Form that was completed for the Gordon Thomas Drive and Byrdsville Road components of the Preferred Alternative. It is stated that the ratings both fell below the threshold of 160 that would require an examination of additional routing alternatives. For reference, the rating forms should be included in the Appendices.

EA Comment 13

Pages 50-53

Public Outreach

The section should be renamed Public Outreach and include the Feb. 2015 Postcard (copy attached).

Your consideration of these comments is requested.

Sincerely,



Craig Benedict, AICP
Director of Planning and Inspections

cc: Abigaile Pittman, Transportation/Land Use Planner
Tom Altieri, Comprehensive Planning Supervisor
Michael Harvey, Current Planning Supervisor
James Groves, Director of Emergency Services

Attachments: December 13, 2013 comment letter
Map of revised Paschall Drive cul-de-sac
Copy of February 2015 Project Update Postcard

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

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December 13, 2013

Ryan White, P.E.
Rail Project Development Engineer
NC DOT Rail Division
1553 Mail Service Center
Raleigh, NC 27699-1553
rlwhite@ncdot.gov

Mark L. Reep, P.E.
Project Manager
ICA Engineering, Inc.
5121 Kingdom Way, Suite 100
Raleigh, NC 27607
mreep@icaeng.com

Subject: Proposed Railroad Crossing Closure at Byrdsville Road, Orange County,
(TIP P-4405 K) – Comments on 2nd Public Meeting Proposal

Dear Ryan White and Mark Reep:

Abigaile Pittman from Orange County Planning, and Commissioners Barry Jacobs and Earl McKee were present last evening at the 2nd public meeting for the proposed railroad crossing closure at Byrdsville Road. We have the following comments on the current re-routing and roadway improvements as depicted on the proposal map.

Dead End Road Turn-around

The new roadway is nearly 4,500 feet (.85 mile) long, which exceeds the DOT recommended maximum of 2,500 feet (per the Subdivision Roads Minimum Construction Standards). There will be substantial traffic on the road, and there are multiple drives that will access the terminus of the road. The proposed T-turnaround at the terminus will not be sufficient for emergency vehicles, school buses, etc., and will create turning movement conflicts. A full NCDOT standard cul-de-sac at the terminus will be needed to address these concerns.

The Orange County Unified Development Ordinance (UDO) and Comprehensive Plan (CP) address the development of a standard cul-de-sac at the terminus through the following sections:

- Section 7.8.1(A) (1) of the UDO requires consistency with the CP
 - The provision of street rights-of-way shall conform to and meet the requirements of the Orange County Comprehensive Plan
- Section 7.8.3 of the UDO addresses construction standards
 - Public dedicated streets must meet the minimum construction standards as adopted by the N.C. Department of Transportation for acceptance of streets as additions to the State Highway System.
- The CP includes the following objectives
 - Objective PS-T-5: Include in applied site design standards for residential, commercial, and industrial development, appropriate road design standards to

- ensure adequate law enforcement and emergency vehicle access to the development.
- Objective T-1.4: Develop new transportation facilities in a manner that has a positive impact or avoids negative impacts on the community, including historical or cultural assets, existing neighborhoods, schools and recreational facilities, and the overall rural character in Orange County.
- Objective T-2.3: Increase countywide access for emergency vehicles, including ways to improve response times, both for existing and new developments.

Roadway Safety

Given the length and configuration of the new roadway, there are some safety concerns that need to be addressed. There are several sharp turns in the western half of the new roadway, and a long straight-away stretch in the central part. It is suggested that a stop sign be placed at the intersection of the third turn and the straight-away to slow down traffic and enhance safety. Additionally, it would be desirable to have lighting at the turns in the road to further enhance traffic safety.

Road Renaming

The proposed roadway will need to be uniformly renamed from beginning to end. Commissioner Jacobs has suggested that the County involve the effected residents of the Byrdsville community to nominate the roadway name. The Planning staff will coordinate the road name nomination process with the Board of County Commissioners (BOCC). The Orange County Land Records Division of the Tax Assessors Office can assist with the technical procedures following the selection of a name.

Reminder about Piedmont Electric's SUP Buffer Requirement and Stormwater Detention Pond

As stated in the County's comment letter of November 5, 2012, condemning right-of-way through Piedmont Electric's property could create ramifications on its ability to comply with established development requirements associated with an existing Special Use Permit issued by Orange County. Potential expansion and modification of existing infrastructure on the property could be compromised as the easement is located in an area of the property slated for preservation as part of a required land use buffer.

Also, the Piedmont Electric site has a required stormwater detention pond located adjacent to the proposed roadway. This detention pond was installed to address flooding problems in the Joppa Oaks subdivision. If the detention pond is disturbed in the process of road construction it will have to be restored/revised/reconstructed as necessary to maintain its intended purpose.

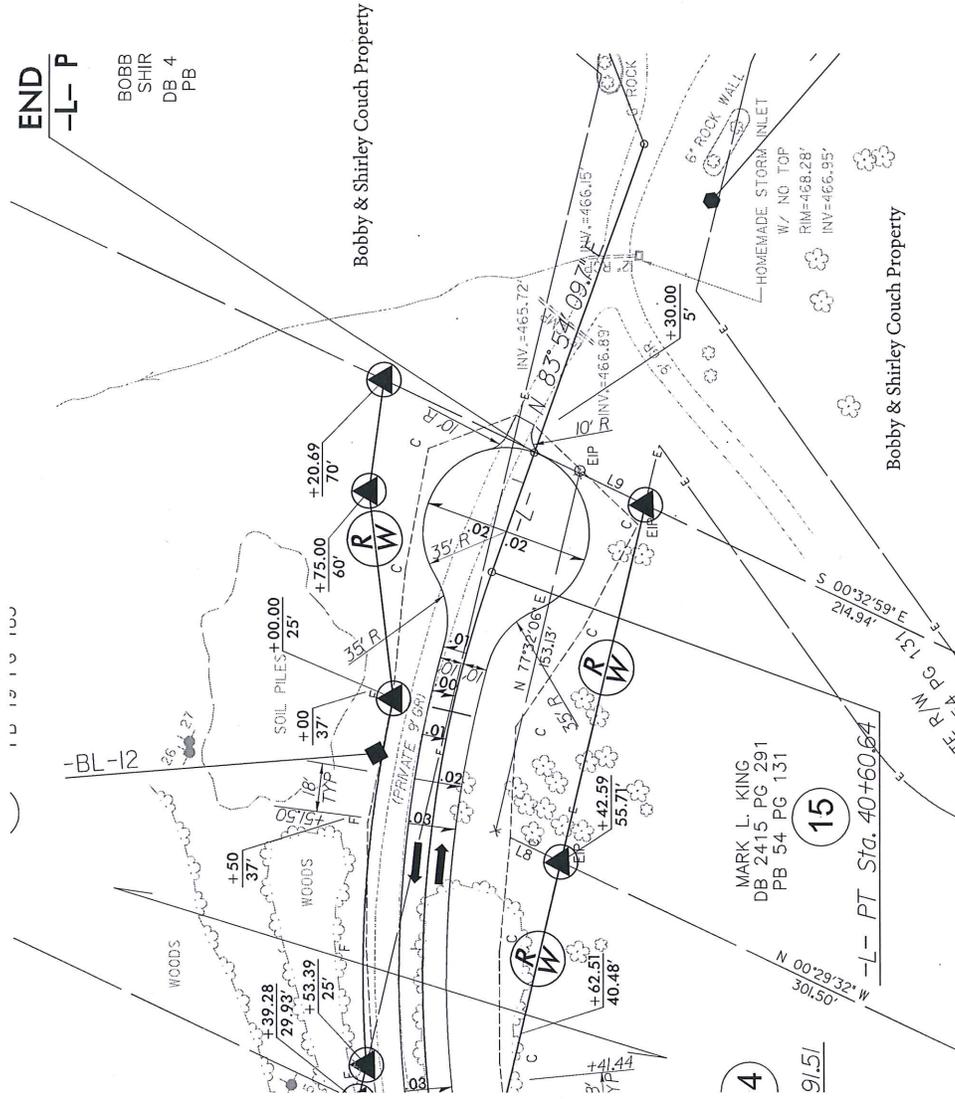
Your consideration of these comments would be appreciated.

Sincerely,



Craig Benedict, AICP
Director of Planning and Inspections

Paschall Drive Cul-de-sac shift P4405i



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9/51

15

MARK L. KING
DB 2415 PG 291
PB 54 PG 131

-L- PT Sta. 40+60.64

Bobby & Shirley Couch Property

Bobby & Shirley Couch Property

BOBB
SHIR
DB 4
PB

END
-L- P

P-4405 I, J, K Private Rail Closures

Project Update



NCDOT is preparing plans for closing the private North Carolina Railroad/Norfolk Southern Railway crossings at Gordon Thomas Drive, Greenbriar Drive and Byrdsville Rd in Orange County. Public Meetings were held during 2013 and 2014 to present information on these closings.

Preliminary plans are now available at the Orange County Planning Department. As plans are updated, they will also be available at the Planning office. The most recent plans will be available for review at all times during normal business hours until the start of construction.

For additional information, contact:

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*Connecting people and
places in North Carolina
— safely and efficiently,
with accountability and
environmental sensitivity
to enhance the economy,
health and well being of
North Carolina.*