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Huron Valley Group  
Michigan Chapter

To: Members of City Council  
From: Nancy Shiffler, Chair, Huron Valley Group, Sierra Club  
Subject: Resolutions concerning the Ann Arbor Rail Passenger Station  
Date: June 4, 2012

Two resolutions are listed on the June 4, 2012 Council agenda regarding what is now called the Ann Arbor Rail Passenger Station (AARPS). One of them (DS-1) involves the acceptance and approval of a grant from the Federal Railway Administration (FRA), via the Michigan Department of Transportation, to carry out an environmental assessment of and preliminary engineering for the AARPS. The second resolution (DC-4) regards an amendment to the Professional Services Agreement with SmithGroup JJR to carry out the work required by the MDOT/FRA grant – both the environmental assessment work and the preliminary engineering. The Huron Valley Group of the Sierra Club has substantial concerns about the process by which this environmental assessment would be carried out.

An Environmental Assessment (EA), as required under the National Environmental Policy Act (NEPA), involves a description of the need for the proposal, the alternatives, the environmental impacts of the proposed action and alternatives, and a list of the agencies and persons consulted. If the federal granting agency determines from the EA that the project would not significantly affect the environment, it may issue a finding of no significant impact (FONSI). If the agency determines instead that there might be a significant impact, it would require an Environmental Impact Statement (EIS), a more detailed evaluation of the proposed action and alternatives.

City Council has a responsibility to ensure that the requirements of this NEPA process are carried out as intended by law. However, the process as carried out to date appears to be directed toward a foregone conclusion rather than an objective analysis. Our particular concerns are as follows:

- 1) The NEPA regulations intend “that the contractor be chosen solely by the lead agency . . . to avoid any conflict of interest” (40 CFR 1506.5c). JJR has been contracted for the rail station project from the outset, with the clear intent that the rail station would be built on the Fuller Park site and, in fact, indicated in August 2009 that the environmental assessment would result in a FONSI decision. It is difficult to believe under these circumstances that JJR could carry out an objective Environmental Assessment. The Council should instead require a competitive bid to complete the work.

- 2) The Draft Environmental Assessment (developed originally for an unsuccessful FTA grant) set criteria for site selection that were premised on a resulting decision in favor of the Fuller Park site. Alternatives appeared to be limited primarily to other parkland or to the existing Amtrak station on an “as is” basis. Even now, staff appear to address alternatives only as a means to justify the predetermined selection of the Fuller Park site. Council should not accept this limited view of alternative sites, but rather ask for a broader review of potential sites, including the potential for upgrading the facilities on the existing Amtrak site. The Environmental Assessment should include analysis of all of the potential sites, including Fuller Park, for impacts on parks and open space (including the rest of Fuller Park, Island Park, and the Border to Border Trail) and the river corridor, the traffic impact, and the potential for transit-oriented development.
- 3) The City may have already compromised the Environmental Assessment to some degree by carrying out utility and sewer work on the Fuller Park site in preparation for the station prior to the completion of the EA. This project was introduced at the pre-bid meeting (January 31, 2011, minutes) as follows: “The purpose of the project was introduced with the primary need to relocate the sanitary sewer and install site utilities being the site preparation for the facilitation of the future Fuller Road Station, Phase One Intermodal Facility Project.” That work resulted in the removal of 5 trees, the transplanting of 24 trees, and the removal of lawn and topsoil from portions of the site. Given that federal funds were being sought and the needed Environmental Assessment had not yet been completed, that work should not have been done.

We have shared these concerns in the past with the FRA and MDOT and will continue to do so. Our intent is not to interfere with rail passenger service, which in fact we favor. Our concern from the start has been the precedent set by repurposing parkland without the consent of the citizens of Ann Arbor and, as noted above, our interest in ensuring that the city follow the legal requirements of the national environmental laws.