

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Project: Charleston Bus Annex

Applicant: Metropolitan Transit Authority New York City Transit

Project Location: Staten Island, New York

INTRODUCTION

New York City Transit (NYCT), an operating entity of the Metropolitan Transportation Authority (MTA), is proposing to construct and operate a bus annex in the Charleston section of the Borough of Staten Island, New York. Based on the September 2007 Environmental Assessment for the Charleston Bus Annex (herein after referred to as the EA), prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 et seq.) and the Federal Transit Administration implementing regulations (23 CFR 771), the Federal Transit Administration (FTA) finds, in accordance with 23 CFR 771.121, that the construction and the operation of the proposed Charleston Bus Annex (herein after referred to as the Project), as described in the EA, will result in no significant impact on the environment. The Project evaluated in the EA, which included a Section 106 analysis, is the subject of this FONSI.

PROPOSED PROJECT

Purpose and Need

The purpose of the proposed Charleston Bus Annex is to maintain efficient, reliable, and environmentally sound bus service on Staten Island. There are currently two NYCT bus depots on Staten Island to serve the Staten Island bus fleet – the Yukon Depot and the Castleton Depot. The current number of buses requiring storage on Staten Island exceeds the capacity of these two depots. The lack of adequate bus storage and maintenance facilities on Staten Island is resulting in adverse effects to existing bus and depot operations, as well as undesirable neighborhood effects from on-street parking of buses. In addition, overflow buses are sometimes parked far away from their designated depot, resulting in unnecessary extra mileage. The current bus storage shortage in Staten Island is 149 standard bus equivalents (SBEs). NYCT currently estimates that an additional 41 SBEs will be added to the Staten Island fleet by the year 2010. This will increase the bus storage shortage to 190 SBEs. The proposed Charleston Bus Annex project will alleviate the present shortage of storage and servicing facilities for the Staten Island bus fleet, reduce overcrowding at the existing bus depots, and improve overall operational efficiencies.

Project Description

The Charleston Bus Annex project consists of construction of a two-story bus maintenance and administration annex building and two outdoor parking areas to be located at 4700 Arthur Kill Road. The 10.8 acre annex site is under the jurisdiction of New York City's Department of Citywide Administrative Services. The site was indentured to NYCT

under a master lease on July 27, 2003. The annex building will be a two-story structure with a mezzanine. Bus facilities will be located on the first floor of the building, locker rooms will be located on the mezzanine level, and offices, support areas, and additional locker rooms will be located on the second floor. The bus facilities on the first floor will include fueling and bus washing stations and a maintenance area. Two outdoor parking areas will be constructed - one behind the building for approximately 220 buses and one in the front of the building for approximately 200 employee vehicles. As part of the Project, NYCT will also construct a new stormwater sewer leading from the 4700 Arthur Kill Road to the Arthur Kill. The construction of the stormwater sewer will require temporary and permanent easements from four (4) property owners. The Project will be constructed in 23 months and will be fully operational by 2009.

The Project consists of the following elements:

- Clearing of existing vegetation and site grading;
- Construction of a two-story bus maintenance and administration building in the center of the site, with a footprint of approximately 80,000 square feet and a height of 47 feet;
- Paving of the remainder of the 10.8-acre site for use as two outdoor parking areas;
- Construction of a sidewalk, landscaped buffer, and decorative gate along Arthur Kill Road;
- Construction of a new stormwater sewer;
- Relocation of maintenance and storage of 220 buses from existing bus depots;
- Modification of several bus routes to originate and terminate in front of the proposed Charleston Bus Annex site;
- Traffic improvement measures, as described in the EA and this FONSI; and
- Construction of two new bus stops along Arthur Kill Road.

Agency Coordination and Public Opportunity to Comment

Coordination with Staten Island Community Board 3 (CB3) was initiated in the earliest planning stages of the Project. Representatives of MTA and NYCT met with CB3 in 2002 regarding the Project and its potential location. As indicated in the indenture document, CB3 subsequently issued a letter to the New York City Department of City Planning (NYCDCP) on December 6, 2002 expressing its support for the Project. Representatives of NYCT met again with CB3 in September 2006 to discuss the Project. NYCT has also contacted neighboring property owners who could be affected by the construction and operation of the Project. NYCT has also contacted property owners along Allentown Lane, the proposed route of the stormwater sewer, from whom easements will be required. Outreach to CB3 and affected neighboring property owners will continue throughout the design and construction of the Project. General information regarding the project has been made available to the public through MTA's web-site, the media, and local officials.

NYCT is also coordinating with federal, state, and local regulatory agencies, including the U.S. Army Corps of Engineers (USACOE), New York State Department of Environmental Conservation (NYSDEC), State Historic Preservation Officer at the New York State Office of Parks, Recreation, and Historic Preservation (SHPO), New York City Landmarks Preservation Commission (NYCLPC), New York City Department of

Environmental Protection (NYCDEP), and the New York City Department of Transportation (NYCDOT). A list of required permits is provided at the end of this FONSI.

Coordination with these agencies, and additional agencies as required, will continue as design and construction of the Project advances.

Comments on the EA

FTA issued the EA, which included a Section 106 analysis, on September 12, 2007. NYCT advised the public of the availability of the EA and Section 106 analysis, and where information concerning the Project could be obtained. The public comment period was from September 12, 2007 through October 15, 2007. One agency provided a written comment: the National Marine Fisheries Service concurred with their earlier finding of April 20, 2006 that no listed species as threatened or endangered are known to occur near the Project. No other comments were received. A public hearing was not held nor was one requested.

SUMMARY ANALYSIS

The EA provided analysis on 17 environmental issue areas. Impacts in the following areas were identified: Visual/Aesthetic Considerations, Traffic, Wetlands, and Construction. Measures to minimize impacts will be implemented in order to avoid any significant impacts; a summary of the measures is provided on page 14 of this FONSI. With these measures in place, no significant impacts to the environment are expected to occur as a result of the Project. The following is a summary of the analysis for each of the 17 issue areas.

1. Land use, zoning and public policy

The Project will be designed to be compatible with the increasingly residential character of the primary study area, and will not conflict with local plans or public policies for the project area. The proposed stormwater sewer, to be located within the street beds on Arthur Kill Road and Allentown Lane, will not alter or adversely affect adjacent land uses, and will support NYCDEP's drainage plans for this area of Staten Island. Allentown Lane is partially a private road. NYCT will therefore secure the necessary temporary and permanent easements from four (4) property owners. NYCT is currently reaching out to these property owners, advising them of the easements that will be needed for the sewer along Allentown Lane, and will negotiate terms and agreements of these easements based on the usage of the properties and updated appraisals. If condemnation is needed, owners of properties will be compensated at fair market value, in accordance with applicable state regulations and pursuant to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the applicable implementing regulations set forth in Title 49, Part 24 of the Code of Federal Regulations. The Project will not result in any significant impacts to land use, zoning or public policy.

2. Socioeconomic Conditions

The Project will not displace any residents or any businesses. Based on the results of the socioeconomic analysis, the Project will also not result in adverse indirect effects on the growing residential character of the neighborhood, or on business activities in the surrounding area. The Project will not result in any significant socioeconomic impacts.

3. Visual and Aesthetic Considerations

The Project will be designed to be compatible with the increasingly residential character of the surrounding area. Specific design measures for the Bus Annex site include placing the bus parking area at the rear of the site, providing landscaped buffers along the edges of the site, and installing safety lighting that focuses on the site itself to the maximum extent possible. With these design measures in place, the Project will not result in any significant adverse visual or aesthetic impacts.

4. Cultural Resources

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), which requires that federal agencies consider the effects of their actions on any historic properties listed or determined eligible for listing on the State or National Registers of Historic Places (S/NR), the effect of the Project upon cultural resources was assessed. The results of this assessment are summarized below by the two resource types—archaeological resources and architectural resources.

Archaeological Resources

Through performance of two Phase 1A cultural resources assessments of the area of potential effect (APE) for archaeological resources, it was determined that the Project site is sensitive for the presence of archaeological resources. Subsequent Phase 1B archaeological testing surveys were completed, and no significant archaeological resources were identified. If during construction, there is an unanticipated discovery of a historic resource, NYCT will stop work in the area of the discovery and immediately notify FTA and SHPO.

Therefore, the FTA, in consultation with the SHPO, has determined that the Project will have no effect on archaeological resources.

Architectural Resources

There are no architectural resources located on Project site. Accordingly, no architectural resources will be directly affected by the Project. A single architectural resource, the c. 1885 Kreisler House, is located within the APE for architectural resources. The Kreisler House is a large, two-and-a-half story wood frame house and has been designated a New York City Landmark and is listed on the S/NR. The Kreisler House is located approximately 260 feet north of the northernmost extent of the Project site. The primary view of the Kreisler House is from Arthur Kill Road, and the Project with landscaping will not affect that view. A 4-story residential building is planned on the Kreisler site and will largely block views between the Project and the Kreisler House. Therefore, FTA, in consultation with SHPO, has determined that the Project will have no effect on architectural resources.

In a letter, dated July 12, 2007, SHPO determined that the Project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

The Project will result in no effect to Section 106 resources.

5. Section 4(f) Resources

The Project will not use publicly owned parkland, recreational areas, wildlife or waterfowl refuges, or historic resources, and therefore, Section 4(f) does not apply to this Project.

6. Traffic

The Project will generate traffic in the form of buses and employee vehicles traveling to and from the Project site. This project-generated traffic was combined with existing traffic volumes, general background traffic growth, and project-specific trips generated by various No Build projects in the study area that are expected to be completed by the 2009 Build year. The resulting Build condition traffic volumes were analyzed for 16 intersections. Using the methodology and impact criteria specified in the New York *City Environmental Quality Review (CEQR) Technical Manual*, NYCT determined that the level of service at six (6) intersections will worsen to E or F, which is beyond NYCDOT acceptable limits. According to the *CEQR Technical Manual*, NYCDOT requires mitigation (including adjustments to signal timing) when intersections worsen beyond acceptable limits between the No Build and the Build conditions as a result of the project.

In order to ensure that the Build condition level of service will be equal to or better than the level of service under the No Build condition, adjustments to signal timing at the following six (6) intersections are recommended as part of the Project:

1. Veterans Road West and Tyrellan Avenue
2. Veterans Road West and North Bridge Street
3. Veterans Road West and Arthur Kill Road
4. Boscombe Avenue and Tyrellan Avenue

In addition to adjustments in signal timing, the following improvement measures are recommended at the following intersections:

5. Boscombe Avenue and Route 440 (Eastbound) Ramps

-On the eastbound approach: prohibiting parking and restriping with a 16-foot-wide exclusive left-turn lane and a 13-foot-wide through-lane.

-On the westbound approach: restriping with a 13-foot-wide through lane and an 11-foot-wide exclusive right-turn lane.

6. Veterans Road East and Englewood Avenue

-Conditions at the eastbound shared left-turn and through movement, and the westbound approach during the PM peak hour, will improve by changing the traffic control at this intersection from a two-way stop control to an all-way stop control.

Although NYCDOT provided concurrence on these measures, NYCDOT will review the recommended measures when the Project is completed in 2009. At the intersection of Boscombe Avenue and Route 440 Eastbound ramps, NYCT is committed to conduct a traffic monitoring program—immediately before and immediately after the Charleston Annex becomes operational—to determine whether or not the recommended measure is still appropriate as well as to determine the need to develop alternate improvement measures when the Project is completed in 2009. Additionally, NYCT will inform NYCDOT six months prior to the completion and occupancy of the Project.

NYCT will continue to coordinate with NYCDOT to review the recommended improvement measures and, if needed, to develop appropriate improvement measures that will improve or maintain traffic at the same LOS as the 2009 No Build Condition. Therefore, no significant impacts to traffic will occur as a result of the Project.

7. Transit, Parking and Pedestrians

The Project will eliminate the current on-street parking of overflow buses near the existing Yukon and Castleton Depots. The Project will include the approximately 200 on-site vehicular parking spaces required by employees. Accordingly, the Project is not expected to result in any significant adverse parking impacts. None of the intersections within the traffic study area for the Project are high pedestrian accident locations, based on New York State Department of Transportation (NYSDOT) accident data records. Based on this information, as well as the fact that the Project will generate minimal pedestrian traffic and will provide a sidewalk and curb cuts along Arthur Kill Road, no adverse impacts to pedestrian safety will result from the Project. No increase in bus service is proposed as part of the Project; however, two new S74 local bus stops will be constructed in front of the annex site as additional boarding locations for bus riders.

No significant impacts to transit, parking, or pedestrian safety will occur from the Project.

8. Air Quality

The Project will include fossil fuel-fired HVAC systems to provide heating and cooling to the proposed Charleston Bus Annex building. The potential for this project element to result in stationary source air quality impacts was evaluated using the screening analysis methodology specified in the *CEQR Technical Manual*. This analysis concluded that there will be no potential significant adverse air quality impacts from the emission of nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and PM₁₀, from the proposed HVAC systems.

The Project will increase traffic in the vicinity of the annex site. The potential for this project-generated traffic to result in mobile source air quality impacts was evaluated by conducting screening analysis for carbon monoxide (CO) and particulate matter (PM₁₀ and PM_{2.5}). According to this analysis, no significant adverse mobile source air quality impacts will result from the Project.

The Project is listed in the current 2008-2012 Transportation Improvement Program (TIP) for the New York metropolitan area. Consultation with the New York State Interagency Consultation Group (ICG) has been conducted, and the ICG has determined that the Project is classified as exempt under the conformity regulations and conforms to the State Implementation Plan.

Therefore, no significant air quality impacts will result from the Project.

9. Noise and Vibration

Noise

Stationary source noise levels generated by the Project were calculated using the methodology specified in the FTA guidance manual, *Transit Noise and Vibration Impact Assessment* (May 2006). Mobile source noise levels generated by the Project were calculated using the Traffic Noise Model (TNM) Version 2.5. Overall project-generated noise levels were compared to FTA impact criteria. Based on this comparison, it was determined that although the Project will result in moderate impacts at three receptor locations, noise abatement measures are not feasible and/or warranted. Abatement measures to alleviate noise impacts fall into three categories: source control, path control, and receiver control. Source control measures that will place limitations on vehicles and equipment that generate noise, are not feasible without jeopardizing adherence to safety and engineering standards. Path

control measures, including sound barriers and berms, are not warranted unless a reduction of 5dBA or more is necessary. The level of attenuation required to eliminate the moderate impacts of the Project is 3dBA or less. Therefore, construction of sound barriers is not warranted. Receiver treatment measures include window treatment and alternative ventilation measures. The level of Project-generated noise impact, less than 1dBA above the threshold of moderate impact, will not warrant the implementation of window treatment or alternative ventilation noise abatement measures.

Vibration

Operation of the Project is not expected to produce any perceptible vibration levels. The rubber tires and suspension systems on buses provide vibration isolation, and perceptible vibration levels are not expected from the buses and passenger vehicles generated by the Project. In addition, the proposed annex building is designed to avoid discontinuities on the floor, or operational conditions that will result in perceptible vibration levels.

The Project will not result in significant noise or vibration impacts.

10. Energy

The Project will not create a significant demand for energy. The energy required for operation of the Project will be provided by Consolidated Edison, and will be minimal in terms of the total annual energy demand of New York City. The Project will not result in any significant energy impacts.

11. Infrastructure and Utilities

Water Supply

The Project will utilize approximately 31,000 gallons per day (gpd) of water. A connection to an existing water main along Arthur Kill Road will be constructed, and NYCT will also install a deep groundwater well to ensure adequate bus washing water supply during drought conditions. The water demand for the project is considered negligible with respect to New York City's daily water demand of 1.11 billion gpd, and no significant impacts to water supply will result from the Project.

Sanitary Sewage

NYCDEP has confirmed that sanitary sewage generated by the Project (estimated at 20,000 gpd) can be discharged to an existing sanitary sewer near the annex site, for subsequent treatment at the Oakwood Beach Water Pollution Control Plant (WPCP). This will represent a small percentage of the permitted flow rate of the Oakwood Beach WPCP, and will not result in any significant sanitary sewage impacts.

Stormwater Runoff

Through coordination with NYCDEP, NYCT has confirmed that the existing stormwater sewer near the proposed annex site is operating near capacity and cannot receive additional flow. Other elements of the stormwater management system planned by NYCDEP for the Project area have not yet been constructed. Therefore, in order to provide adequate stormwater drainage for the Project, NYCT will construct a stormwater sewer and outfall as part of the Project. This outfall was planned by NYCDEP as part of the drainage plan for the Mill Creek Watershed. Management of the stormwater generated during operation of the proposed annex will be accomplished through implementation of a Stormwater Pollution Prevention Plan (SWPPP), intended to protect the water quality of the receiving water

body—the Arthur Kill. A NYCDEP Amended Drainage Plan will be approved during final design, and NYCT will continue to coordinate with NYCDEP during construction, as needed. With the construction of the proposed stormwater sewer and outfall, and management of on-site stormwater runoff, no significant stormwater impacts will result from the Project.

Solid Waste

The proposed annex will comply with New York City’s recycling program, and will be designed to accommodate source separation of solid waste, in conformance with local recycling regulations and state solid waste laws. Approximately 9.2 tons of solid waste will be generated by the Project per week. A fully loaded garbage truck holds approximately 10 to 15 tons; therefore, the proposed annex would generate less than one garbage truck per week. Furthermore, the waste that would be generated by facilities such as the proposed annex is already accounted for in the growth assumptions of the New York City Comprehensive Solid Waste Management Plan (SWMP). Normally, analyses of solid waste impacts are conducted for projects that would have significant effects on solid waste disposal that are not foreseen by the SWMP, such as closure of a solid waste management facility. Based on this information, the Project will not result in any significant adverse solid waste impacts.

The Project will not result in any significant impact to infrastructure and utilities.

12. Hazardous Materials

Annex Site

A Phase I Environmental Site Assessment (ESA) was prepared for the proposed annex site. No historical uses or facilities likely to have resulted in significant contamination were identified in the vicinity of the site. However, at the time the Phase I ESA was conducted, the annex site contained several piles of miscellaneous debris including old cars, rusted drums and construction debris. As a result, a Phase II Environmental Site Investigation was conducted.

The results of the Phase II investigation for the annex site indicated that soil samples met the most stringent guidelines for unrestricted use (contained in the New York State Department of Environmental Conservation [NYSDEC] Technical and Administrative Guidance Memorandum [TAGM] #4046), with certain minor exceptions. Metals including arsenic, chromium and mercury were detected at levels above the TAGM guidelines, but such levels are commonly found in urban environments. Groundwater samples met the most stringent standards (Class GA drinking water standards), with the exception of several heavy metals in one sample. This is most likely due to suspended sediment in the sample rather than metals actually present in the water. If however, metal contamination is present in the groundwater, NYCT will dispose of the water properly during the construction period utilizing a dewatering system or off-site disposal. The groundwater well that will be installed as part of the Project—for bus washing during drought conditions—will not be screened in the water-table aquifer (which is the aquifer from which samples were collected) but in the deeper Lloyd aquifer.

Stormwater Sewer Route and Outfall Location

A Phase I ESA was prepared for the proposed stormwater sewer route. No historical uses or facilities likely to have resulted in significant contamination were identified in the vicinity of the sewer route or outfall location. Therefore, no further analysis is necessary.

Operation of the Project

The operation of the facility will include use of substances such as fuel, lubricants, degreasers, cleaners, and paints. The storage, handling, and disposal of all hazardous materials, petroleum, and restricted chemical substances will be in compliance with NYCT procedures. As described above, groundwater may be used for bus washing during drought conditions. Any use of groundwater for this purpose will adhere to all applicable federal, state and city requirements.

Therefore, no significant hazardous materials impacts will result from the Project.

13. Natural Resources

Terrestrial Resources

The site appears to have been substantially disturbed by previous clearing and construction-related and/or other earth-moving activities, evident by debris and fill observed throughout the site (including tires, wood chips, and other trash) and the presence of access roads and tire tracks. The proposed stormwater sewer route along Arthur Kill Road and Allentown Lane consists entirely of paved road; no terrestrial resources are present.

Vegetation observed at the Project site is not endangered or protected species. NYCT consulted with the appropriate natural resource agencies to confirm the absence of endangered and protected species, including U.S. Fish and Wildlife Service, New York Natural Heritage Program, National Marine Fisheries Service, and New York State Department of State. Therefore, the Project will not result in any significant impacts to terrestrial resources.

Wetlands

A small, isolated emergent wetland area exists along the western edge of the Project site, inside the fence-line along Arthur Kill Road. Due to its size—approximately 0.005 acres—the wetland is not under NYSDEC jurisdiction (as confirmed in an October 12, 2006 letter from NYSDEC). Due to the lack of a nexus to any surface waters (navigable or other) or to any other wetland resources, this area is not considered a Jurisdictional Wetland by the Army Corps of Engineers (ACOE), as confirmed on a site visit on July 27, 2007. As of the date of this FONSI, the ACOE has not yet issued a formal written jurisdictional determination. If for some reason this wetland is later determined to be under ACOE jurisdiction, it is expected that the wetland's small size will enable the project to qualify for a Section 404 nationwide permit. In this case, an appropriate mitigation measure (e.g., restoration, purchasing of wetland banking credits) would be determined through coordination with ACOE during the permit process.

The proposed stormwater outfall structure will be located in an area that includes vegetated and unvegetated intertidal wetland, with common reed present along the upper tidal limit and upland boundary. The construction of the proposed stormwater outfall will involve the disturbance of approximately 2,000 square feet below mean high water, an impact that is unavoidable based on the need to address stormwater runoff associated with the Project. The intertidal wetlands in the impact area include areas of emergent halophytic vegetation (e.g. *Spartina* spp., *Salicornia* spp., etc), areas of mudflat, and extensive anthropogenic debris.

Likely impacts that will result from the construction of the proposed outfall will include the displacement of emergent marsh grasses as well as associated fauna. These species are commonly occurring, and not considered endangered or rare to the area. A Joint

Application for Section 10/401/404 Permit will be filed with the NYSDEC and USACOE, after the design of the sewer outfall has progressed sufficiently to allow completion of the permit application. This joint application will be for NYSDEC permits for excavation and fill in navigable waters (as necessary based on final designs), tidal wetlands, and 401 Water Quality Certification; and, USACOE Section 404 (Waters of the United States) and Section 10 (Rivers and Harbors Act) permits as required. As part of the permit process, appropriate compensatory measures and/or mitigation for the Project-generated wetland impacts described above will be implemented, as appropriate, and in accordance with all applicable local, state and federal regulations. Therefore, the Project will not result in any significant impacts to wetlands.

Floodplains

The site of the proposed annex is not located within the delineated flood hazard limits, and as such, will have no effect on floodplains. There will be no increased risk of flooding in the vicinity of the project as a result of the construction and operation of the proposed annex.

The proposed stormwater outfall structure will be located at the mean high water line on the shoreline of the Arthur Kill, entirely within the floodplain. The function of a stormwater outfall dictates that it be located within the floodplain. Alternative sites that will place the outfall outside the floodplain are therefore by definition not feasible, and none were evaluated. Based on the small area of impact (approximately 2,000 square feet) resulting from the proposed outfall structure, and the fact that the volume of stormwater flowing through the outfall will be small relative to the total volume of water in the Arthur Kill, the proposed outfall will not increase the risk of flood damage in the surrounding area. Therefore, the Project will not result in any significant impacts to the floodplain.

Aquatic Resources

In the permanent condition, the amount of water released by the outfall to the Arthur Kill during a rain event will be small compared to the total volume of the Arthur Kill. Accordingly, no appreciable effects to the salinity of the Arthur Kill are expected. With the planned implementation of Best Management Practices and pollution control measures at the proposed annex, no appreciable increases of pollutants are expected in the Arthur Kill as a result of the Project. Therefore, the Project will not result in any significant impacts to aquatic resources.

Threatened and Endangered Species

Based on consultation with USFWS, NMFS, NHP, and NYSDOS Division of Coastal Resources, it was determined that no state or federally listed threatened or endangered species exist within the site of the proposed annex, along the route of the proposed stormwater sewer, or at the proposed outfall location. Accordingly, the Project will not result in any significant impacts to threatened or endangered species.

Essential Fish Habitat

An Essential Fish Habitat analysis was conducted for the Project. The results of this analysis indicate that the Project will not result in any significant impacts to essential fish habitat.

The Project will not result in significant impacts to natural resources.

14. Safety and Security

The Project will be designed, built, and operated to comply with all relevant federal, state, and local safety regulations. In addition, NYCT has regulations to ensure the safety and security of employees, transit riders, and the general public (Safety Policy/Instruction 10.1.2), as well as a System Safety Program Plan that governs all NYCT facilities, including the proposed project. During construction, written Safe Work Plans will be developed identifying potential hazards as well as safety measures to be implemented for the protection of workers on the annex site and the general public in the surrounding vicinity. To enhance site security, a property protection booth will be located at the main entrance. An integrated security system, including access control, intrusion alarm monitoring, closed circuit television systems, and an emergency communication system will also be installed. Additionally, a security review of the proposed annex has been conducted by the MTA Division of Security. With the implementation of the security systems and safety measures described above, no significant impacts to safety or security will result from the Project.

15. Construction

The construction of the Project will occur over a period of 23 months and will consist of the following six phases: (1) site clearing and grading; (2) construction of retaining walls and building foundation; (3) erection of superstructure; (4) internal and external build-out; (5) paving and landscaping; and (6) stormwater sewer construction. Construction activities for the Project will generate the disturbances typically associated with demolition and construction activities.

The following provides a summary of the construction impacts and mitigation:

◦Socioeconomic Conditions

Traffic and pedestrian access to the surrounding businesses will be maintained throughout the proposed construction period, through the implementation of a Maintenance and Protection of Traffic (MPT) Plan, which will be developed in consultation with NYCDOT. The Project will not result in significant adverse impacts to nearby businesses or any other significant socioeconomic impacts during construction.

◦Historic and Archaeological Resources

Proposed construction activities will not result in any significant adverse impacts to the Kreischer House, which is the only historic resource located in the Project area. The Project will not result in construction-period impacts to archaeological resources as no such resources are present on the Project site. If during construction, there is an unanticipated discovery of a historic resource, NYCT will stop work in the area of the discovery and immediately contact FTA and SHPO. No significant impacts to historic and archaeological resources will result during construction.

◦Traffic

Construction of the proposed stormwater sewer will require staggered partial lane closures on Arthur Kill Road and Allentown Lane, over a period of approximately six (6) months. Traffic flow will be maintained during these lane closures through the implementation of an MPT Plan, which will be developed in consultation with NYCDOT when the design of the proposed sewer has advanced sufficiently to

determine the location and duration of the required lane closures. Measures to ensure safe and efficient pedestrian flow, as well as unimpeded access to the bus stops located on Arthur Kill Road, will be included in the MPT Plan. Finally, access to loading areas and driveways will be maintained for any affected businesses or residences in the vicinity of the proposed sewer construction. Therefore, the Project will not result in any significant impacts to traffic conditions during construction.

◦Air Quality

Potential increases of air pollutants from non-road equipment may occur during various phases of the construction period. Due to the temporary nature of construction activities using non-road equipment and the limited number of such pieces of equipment, no significant adverse air quality impacts will result from their use. Appropriate fugitive dust control measures such as watering of exposed areas, installation of dust covers on trucks, and use of tracking mats for truck tires will be implemented to minimize the effects of fugitive dust on the surrounding area during the proposed construction period. Therefore, construction activities for the Project will not result in any significant air quality impacts.

◦Noise and Vibration

During construction of the Project, noise and vibration levels can be expected to increase during working hours due to the use of construction equipment on-site and construction-related traffic off-site. Potential impacts from construction activities will be minimized by using properly maintained equipment with sound baffling where necessary and by adhering to the permitted hours of construction specified in the New York City Noise Code. The Project will not result in any significant noise and vibration impacts during construction.

◦Energy, Infrastructure and Utilities

Utility service will be provided to the site during the construction period using above-ground electrical lines and a water supply connection, both on Arthur Kill Road. Construction of the stormwater sewer will require removal of dry wells that have been installed in the roadbed of Allentown Lane. Coordination of this work with The Tides at Charleston owner, the New York City Department of Environmental Protection (NYCDEP), and NYCDOT has begun and will continue throughout the proposed construction period. No significant impacts to energy, infrastructure, or utilities will result from the proposed construction activities.

◦Hazardous Materials

Construction of the Project will require excavation on the annex site, as well as along the proposed stormwater sewer route. To reduce the potential for adverse hazardous materials impacts during construction, all construction activities involving removal of debris or disturbance of existing soil will be performed in accordance with a Health and Safety Plan (HASP). The HASP will detail both measures to reduce the potential for exposure (including dust suppression during excavation/grading activities) and measures to identify and manage unexpectedly encountered contamination (e.g., drums or contaminated soil). All excavated material (e.g., contaminated soil, excess fill, etc.) will be disposed of in accordance with applicable federal, state and city requirements. Discharge into sewers or drains will be performed in accordance with NYCDEP sewer discharge requirements. With the implementation of the measures

described above, no significant impacts related to hazardous materials will result from the proposed construction activities.

◦Wetlands and Water Quality

Stormwater generated during the proposed construction period will be managed through the implementation of a Stormwater Pollution Prevention Plan (SWPPP), prepared in accordance with the requirements of the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-02-01). During upland construction activities at the annex site and along the stormwater sewer route, silt fencing will be used to prevent the transport of sediment during rain events. The construction phase will involve minimal disturbance to aquatic biota. Likely impacts will include the displacement of commonly occurring emergent marsh grasses as well as associated fauna. Impacts to fish are expected to be negligible, as all construction will take place during lower tides to facilitate access. The area that will be disturbed has low productivity and is small compared to the total area of wetlands along the Arthur Kill. No significant impacts to wetlands or water quality are expected to result from the proposed construction activities.

◦Safety and Security

The annex site will be secured with a temporary tightboard fence during the entire construction period. NYCT and its contractor(s) will ensure maintenance of the fence. The roadway adjacent to the site will be kept clear of debris. Gates will be kept locked during periods of inactivity. No significant safety and security impacts will result during construction.

With the measures described above in place, no significant impacts will occur as a result of construction activities.

16. Environmental Justice

An environmental justice assessment was conducted for the Project, following the guidance and methodologies recommended in the federal Council on Environmental Quality's *Environmental Justice Guidance under the National Environmental Policy Act* (December 1997), the U.S. Department of Transportation's *Final Order on Environmental Justice* (April 1997), and the NYSDEC Commissioner's Policy. The study area for environmental justice analysis included two census block groups. This study area was not identified as a minority community because the total minority percentage does not exceed 50% threshold, and the study area was not identified as a low income community because the study area's low income population of 7.8% does not exceed the NYSDEC's 23.59% threshold. Based on this assessment, no environmental justice areas were identified. Therefore, there are no environmental justice concerns associated with this Project.

17. Secondary and Cumulative Effects

While the Project is intended to improve the efficiency of existing bus operations, the Project will not result in any new bus routes and will therefore not induce new development in the area. The Project will not have a significant adverse impact on the population, housing stock, or economic activities in the study area, and will not result in any adverse secondary effects. Construction and operation of the Project has been considered in conjunction with

other projects that are planned or under construction within the study area, such as residential development of The Tides at Charleston and the planned development at the neighboring Kreisler House property. Construction of The Tides at Charleston is nearing completion and the planned Kreisler House development will likely begin after the Project is completed. The construction periods for these projects are not expected to overlap, and the operation of the annex in conjunction with the planned projects identified in the EA will not result in a significant cumulative impact to any environmental resource. Therefore, no significant adverse secondary or cumulative effects will result from the Project.

MEASURES TO MINIMIZE HARM

NYCT will implement all measures described in the EA and this FONSI to minimize and/or avoid the potential for adverse impacts that may occur as a result of the Project. The EA is incorporated by reference, into this FONSI. Measures to minimize impacts, summarized below, will be implemented in the following four (4) environmental issue areas: Visual/Aesthetic Considerations, Traffic, Wetlands, and Construction Impacts.

1. Visual/Aesthetic Improvement Measures:

-Specific design measures for the Bus Annex site include placing the bus parking area at the rear of the site, providing landscaped buffers along the edges of the site, and installing safety lighting that focuses on the site itself to the maximum extent possible.

2. Traffic Improvement Measures:

-In order to ensure that the Build condition level of service will be equal to or better than the level of service under the No Build condition, adjustments to signal timing at the following six (6) intersections are recommended as part of the Project:

1. Veterans Road West and Tyrellan Avenue
2. Veterans Road West and North Bridge Street
3. Veterans Road West and Arthur Kill Road
4. Boscombe Avenue and Tyrellan Avenue

In addition to adjustments in signal timing, the following improvement measures are recommended at the following intersections:

5. Boscombe Avenue and Route 440 (Eastbound) Ramps

-On the eastbound approach: prohibiting parking and restriping with a 16-foot-wide exclusive left-turn lane and a 13-foot-wide through-lane.

-On the westbound approach: restriping with a 13-foot-wide through lane and an 11-foot-wide exclusive right-turn lane.

6. Veterans Road East and Englewood Avenue

-Conditions at the eastbound shared left-turn and through movement, and the westbound approach during the PM peak hour, will improve by changing the traffic control at this intersection from a two-way stop control to an all-way stop control.

Although NYCDOT provided concurrence on these measures, NYCDOT will review the recommended measures when the Project is completed in 2009. At the intersection of Boscombe Avenue and Route 440 Eastbound ramps, NYCT is committed to conduct a traffic monitoring program—immediately before and immediately after the Charleston Annex becomes operational—to determine whether or not the recommended measure is still appropriate as well as to determine the need to develop alternate improvement

measures when the Project is completed in 2009. Additionally, NYCT will inform NYCDOT six months prior to the completion and occupancy of the Project.

3. Wetland Compensatory and/or Mitigation Measures:

-As part of the Section 10/404 permit process, appropriate compensatory measures and/or mitigation for the Project-generated wetland impacts will be implemented, as appropriate, and in accordance with all applicable local, state and federal regulations.

4. Construction Impacts Improvement Measures:

-Air Quality: Appropriate fugitive dust control measures such as watering of exposed areas, installation of dust covers on trucks, and use of tracking mats for truck tires will be implemented to minimize the effects of fugitive dust on the surrounding area during the proposed construction period.

-Water Quality: During upland construction activities at the annex site and along the stormwater sewer route, silt fencing will be used to prevent the transport of sediment during rain events.

-Traffic: Traffic flow will be maintained during these lane closures through the implementation of an MPT Plan, which will be developed in consultation with NYCDOT when the design of the proposed sewer has advanced sufficiently to determine the location and duration of the required lane closures. Measures to ensure safe and efficient pedestrian flow, as well as unimpeded access to the bus stops located on Arthur Kill Road, will also be included in the MPT Plan. Finally, access to loading areas and driveways will be maintained for any affected businesses or residences in the vicinity of the proposed sewer construction.

-Historic Resources: If during construction, there is an unanticipated discovery of a historic resource, NYCT will stop work in the area of the discovery and immediately notify FTA and SHPO.

-Noise and Vibration: Potential impacts from construction activities will be minimized by using properly maintained equipment with sound baffling where necessary and by adhering to the permitted hours of construction specified in the New York City Noise Code.

-Hazardous Materials: Removal of debris or disturbance of existing soil will be performed in accordance with a HASP. All excavated material (e.g., contaminated soil, excess fill, etc.) will be disposed of in accordance with applicable federal, state and city requirements. Discharge into sewers or drains will be performed in accordance with NYCDEP sewer discharge requirements.

Permits Required

The following permits and approvals are expected to be required for construction and operation of the Project.

- NYSDEC Air Registration
- NYSDEC 401 Tidal Wetlands Permit/Water Quality Certificate
- NYSDEC State Pollution Discharge Elimination System (SPDES) Permit for Construction Activity (GP-02-01)
- NYSDEC SPDES MS4 Permit amendment
- USACOE Section 10/404 Permit
- NYCDEP Amended Drainage Plan approval

- NYCDEP Site Connection approval
- NYCDOT approval of proposed traffic improvement measures
- NYCDOT approval of Maintenance and Protection of Traffic (MPT) Plan

DETERMINATION

FTA NEPA FINDING

FTA has reviewed the Environmental Assessment for the Charleston Bus Annex, which included a Section 106 analysis, dated September 2007, and finds pursuant to 23 CFR 771.121 that the Charleston Bus Annex project will have no significant impact on the environment.

 /signed by/
Brigid Hynes-Cherin
Regional Administrator, Region 02
Federal Transit Administration

November 30, 2007
Date