

**RECORD OF DECISION**  
**for**  
**Metropolitan Transportation Authority/New York City Transit Authority**  
**Second Avenue Subway Project**  
**New York, New York**

**1. Decision**

The Federal Transit Administration (FTA) has decided that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the Second Avenue Subway Project, proposed by the Metropolitan Transportation Authority (MTA) and New York City Transit Authority (NYCT). Through the NEPA process, a new full-length Second Avenue Subway line extending from Harlem in Upper Manhattan to the Financial District in Lower Manhattan has been selected as the environmentally preferred alternative (hereinafter referred to as the "Project"). This Record of Decision (ROD) sets forth a concise basis for FTA's decision in compliance with relevant legal requirements. Further details supporting this ROD can be found in the "Second Avenue Subway, Final Environmental Impact Statement (FEIS) and Final Section 4(f) and Section 6(f) Evaluation," published by FTA in April 2004.

**2. Background**

The Second Avenue Subway was originally considered in the Manhattan East Side Alternatives ("MESA") major investment study/draft environmental impact statement (MIS/DEIS) published in 1999. Following publication of the MESA MIS/DEIS and an extensive public outreach effort, members of the public, community groups, and elected officials voiced strong support for a full-length Second Avenue Subway as the preferred alternative. Because the full-length subway was not analyzed in detail in the MESA MIS/DEIS, a Supplemental DEIS (SDEIS) entitled "Second Avenue Subway SDEIS," issued in April 2003, was prepared to provide such analysis.

Extending the length of Manhattan's East Side corridor from 125<sup>th</sup> Street in Harlem to Hanover Square in Lower Manhattan, the Second Avenue Subway Project will be a new two-track, 8.5-mile line, with 16 new stations, serving East Harlem, the Upper East Side, Midtown, Gramercy Park/Union Square, the East Village/Lower East Side/Chinatown, and Lower Manhattan. These neighborhoods contain more than 700,000 residents according to the 2000 Census, two of the largest Central Business Districts (CBDs) in the United States, and approximately 45 percent of all private sector jobs in Manhattan, including many of the world's leading financial, cultural, medical, educational, and communications employers. The Second Avenue Subway is planned to provide two subway services in this corridor. The first would be the full-length Second Avenue route operating between 125<sup>th</sup> Street and Hanover Square. The second service would operate along Second Avenue from 125<sup>th</sup> Street to 63<sup>rd</sup> Street, and then travel west along the existing 63<sup>rd</sup> Street Line, joining the existing Broadway Line, serving express stations along Seventh Avenue and Broadway before crossing the Manhattan Bridge to Brooklyn.

The Second Avenue Subway will provide much needed transit access in Manhattan to East Side residents, workers, and visitors; reduce crowding on the nearly 100-year old Lexington Avenue Subway Line; and improve mobility for all New Yorkers. The added

capacity provided by the Second Avenue Subway will improve service for passengers traveling on the existing Lexington Avenue Line, which currently provides the only north-south rapid transit subway service on the East Side to Lower Manhattan. East Side neighborhoods will be more accessible to those who live there, as well as to visitors and workers traveling from other parts of New York City. A new connection at Metro-North's Harlem-125<sup>th</sup> Street Station will also improve regional access to the East Side and Lower Manhattan for commuters entering and leaving Manhattan from New York and Connecticut suburbs located north of Manhattan. With completion of the proposed MTA Long Island Rail Road (LIRR) East Side Access Project, connecting Long Island Rail Road service to Grand Central Terminal, the Second Avenue Subway would also serve Long Island commuters arriving at Grand Central Terminal, who presently transfer to the Lexington Line, since the new Second Avenue Subway would alleviate crowding on that line.

Funding and construction of the Project is proposed in four phases over 16 years. Each phase will comprise of an interim operating segment. This Record of Decision is for all phases of the construction and operation of the full-length Project.

### **3. Minimal Operable Segment and Project Phasing**

Given the Project's total capital cost and requested Section 5309 New Starts share, FTA is requiring a Minimum Operable Segment (MOS). The first MOS that MTA and NYCT selected consists of Phase I, which will provide access to maintenance and storage facilities, so that it will offer transportation benefits even if no further federal investment in the larger project is made.

The phasing plan described in the FEIS incorporates information obtained through ongoing engineering and provides a balance between constructability, operability, and the anticipated availability of funding. In addition, the phasing plan responds to public comments on construction schedule and sequencing. The following describes the four phases of construction. The projected timeframes are contingent on the extent of available funding and on whether concurrent tunneling can occur in several locations simultaneously.

Phase 1: 105<sup>th</sup> Street to 62<sup>nd</sup> Street, including the tunnel connection to the 63<sup>rd</sup> Street/Broadway Line, with new passenger service extending from 96<sup>th</sup> Street to 63<sup>rd</sup> Street/Lexington Avenue and continuing south on the Broadway Line to Brooklyn. Phase 1 will include three new stations at 96<sup>th</sup> Street, 86<sup>th</sup> Street, and 72<sup>nd</sup> Street, and new entrances at Third Avenue would be provided at the existing station at 63<sup>rd</sup> Street/Lexington Avenue. With this phase complete, the subway is projected to carry 202,000 riders on an average weekday. Construction would require approximately 7 years.

Phase 2: 125<sup>th</sup> Street to 105<sup>th</sup> Street, with new passenger service extending from 125<sup>th</sup> Street to 96<sup>th</sup> Street (and continuing south on the portion of the project built in Phase 1). As part of Phase 2, three stations will be built at 125<sup>th</sup> Street, 116<sup>th</sup> Street, and 106<sup>th</sup> Street. With Phases 1 and 2 complete, the subway is projected to carry 303,000 riders on an average weekday. Construction would require approximately 9 years.

Phase 3: 62<sup>nd</sup> Street to Houston Street, including the 63<sup>rd</sup> Street tunnel connection to Queens for non-passenger service and new passenger service from 125<sup>th</sup> Street to Houston Street. As part of Phase 3, six new stations will be built: at 55<sup>th</sup> Street, 42<sup>nd</sup> Street, 34<sup>th</sup> Street, 23<sup>rd</sup> Street, 14<sup>th</sup> Street and Houston Street. With Phases 1, 2 and 3 complete, the subway is projected to carry 456,000 riders on an average weekday. Construction would require approximately 7 years.

Phase 4: Houston Street to Hanover Square (and tail tracks). Four stations will be built, and include Grand Street, Chatham Square, Seaport and Hanover Square. Daily ridership is projected to reach 560,000 after all four phases are complete. Construction would require approximately 7 years.

At present, the MTA and NYCT are planning to apply for FTA funding assistance for each of the four segments. Before considering a grant for construction of any segment after the first, MTA and NYCT will conduct a re-evaluation of the FEIS so that FTA can determine whether its conclusions remain valid. If MTA and NYCT were to advance one of the future segments without FTA funding, FTA would withdraw that project from its environmental record. FTA has no authority to impose requirements, sign agreements, or oversee construction of a project, which is not FTA-funded.

#### **4. Basis for Decision**

FTA's decision is based on information contained in the MESA MIS/DEIS, SDEIS and FEIS, and includes review of the purpose and need for the Second Avenue Subway Project; its goals and objectives; consideration of alternatives, environmental impacts; and measures to minimize harm.

##### **A. Project Purpose, Need, Goals & Objectives**

The purpose of the Second Avenue Subway Project is to address the problems and deficiencies in access and mobility on Manhattan's East Side. The only north-south subway route currently serving the East Side - the Lexington Avenue Line - carries more passengers than any other subway line in the United States. Many residents and workers who utilize the Lexington Avenue Line live or work some distance from this line. Further, the Lexington Avenue Line operates over capacity during peak hours, resulting in severe overcrowding and unreliability. Unaddressed, these problems are expected to further deteriorate in the future as ridership increases, leading to the deterioration of environmental and socioeconomic conditions that affect residents' and workers' quality of life.

The Project's three main goals are: improve mobility on the East Side of Manhattan, achieve economic feasibility, and maintain or improve environmental conditions. Specific objectives were identified to support these goals, and the goals and objectives together were used to develop and evaluate the alternatives presented and analyzed in the MESA MIS/DEIS and SDEIS.

##### **B. Consideration of Alternatives**

Numerous alternatives have been developed and analyzed for a new Second Avenue Subway, or other improvements to public transportation on Manhattan's East Side. The

analysis of the Project's alternatives and corresponding environmental impacts began in 1995, concurrent with the preparation of the MESA MIS/DEIS phase.

The MESA MIS/DEIS, published by FTA, MTA and NYCT in 1999, evaluated a large number of possible alternatives, considering the project's goals and objectives, environmental impacts, cost, feasibility, and public input. Over a three year period, and as documented in two separate reports - Development of Alternatives Volume I, issued in October 1996, and Evaluation of Alternatives, Volume 2, issued in September 1997 - MTA and NYCT, along with other agencies and with input from the public, identified options for solving existing and future mass transit problems on Manhattan's East Side. Development of alternatives began with a "long list" of alternatives, which was organized into twelve categories of alternatives: 1) Rapid Transit; 2) Lexington Avenue Subway Service Improvement; 3) New Metro-North Stations in the Bronx and Upper Manhattan; 4) Bus; 5) Light Rail Transit; 6) Private Franchised Jitney Service; 7) Ferry Service on the East River with Shuttle Bus Service; 8) New East River Stops on Existing East-West Subway Service; 9) Transportation System Management (TSM) Improvements; 10) Combination; 11) Elevated Transit; and 12) No Build. The long list of more than 20 alternatives in these 12 categories were then evaluated using initial screening criteria, including any critical flaws that would prevent an alternative's implementation, how well the alternative met the project's goals and objectives, and whether the alternative could stand alone or should be combined with another alternative. As a result of this initial screening process, the number of alternatives under consideration was reduced to nine. These remaining alternatives were subjected to further screening evaluations considering such factors as feasibility, potential community and environmental impacts, ridership benefits and improvements to transit accessibility, construction issues, and cost-benefit analyses. This more refined screening process yielded a final short list of four alternatives.

These four alternatives were subject to detailed analysis in the MESA MIS/DEIS: 1) a no-build alternative, which included those improvements in the city's transportation system that are expected to be implemented by the future analysis year, 2) a TSM alternative, which would meet the project's goals and objectives to the extent feasible at relatively low cost (the TSM included improvements to dwell times on the Lexington Avenue Line, introduction of bus priority lanes, and improvements to bus service on the Lower East Side), 3) Build Alternative 1, a new Second Avenue Subway from 125<sup>th</sup> Street to 63<sup>rd</sup> Street, continuing south to Lower Manhattan via the existing Broadway Line, and 4) Build Alternative 2, the same subway element as in Build Alternative 1, supplemented by a new light rail transit service on the Lower East Side. Through the public review process, following publication of the MESA MIS/DEIS, members of the public, community groups, and elected officials voiced strong support for a full-length Second Avenue Subway from 125<sup>th</sup> Street to Lower Manhattan as the preferred alternative.

Accordingly, a supplemental DEIS was necessary to evaluate a full-length Second Avenue Subway. The SDEIS, with an analysis of a full-length Second Avenue Subway Alternative and a No Build Alternative, was published in April 2003. The FEIS, published in April 2004, evaluated these same two alternatives, with more detail on the alignment, based on further transportation planning, preliminary engineering, and community outreach conducted between the publication of the SDEIS and FEIS.

The analysis of the full length Second Avenue Subway Alternative in the SDEIS included variations of certain project features. Design of the tunnel alignment; station locations, design, and access; storage and maintenance facilities; and other features were developed to meet the project's goals and objectives. Design refinements were made as a result of ongoing engineering work during the environmental review process, including refinements to track depth and locations; adjustment to the curve at 125<sup>th</sup> Street and Second Avenue; selection of a modified deep Chrystie Street option for the alignment south of Houston Street; modifications to station design, entrances, and ancillary facilities; and refinements to design and location of storage tracks. Alternatives were developed and analyzed, and project components were selected for the full-build alternative. The following are among the project features:

- 16 new stations, most spaced approximately ten blocks apart, constructed at or near major crosstown streets. Entrances to the new stations will have a combination of elevators, escalators, and stairs, with every station served by at least one elevator.
- Ancillary facilities, including ventilation facilities, substations, pump rooms, maintenance rooms, and fan plants, most built within the envelope of the new stations.
- Communication-based train control (CBTC) technology.
- Rolling stock similar to the standard equipment used on NYCT's "B" Division routes, accommodating 60- and 75-foot-long cars, with a total train length of 600 feet, and train capacity of approximately 1,400-1,450 passengers per train.
- Underground storage tracks. Although all of the locations analyzed may not be required, a combination of tracks for the Project's storage needs will be selected from the following locations: tail tracks west of the 125<sup>th</sup> Street Station, north of 125<sup>th</sup> Street, at 72<sup>nd</sup> Street, between 21<sup>st</sup> Street and 9<sup>th</sup> Street, above ground storage tracks in a portion of the existing 36<sup>th</sup>-38<sup>th</sup> Street Yard in Brooklyn, and tail tracks south of Hanover Square. Additional storage capacity could also be created at the existing 36<sup>th</sup>-38<sup>th</sup> Street Yard in Brooklyn.

NYCT's existing Coney Island complex would be used to maintain the Second Avenue Subway fleet. To facilitate this, trains that are presently maintained in Coney Island will be shifted to expanded facilities at either of two existing NYCT yards: 207<sup>th</sup> Street Yard and Maintenance Shop in Northern Manhattan or the Concourse Yard Maintenance Shop in the Bronx.

#### C. Environmentally Preferred Alternative and Project Benefits

The full-length Second Avenue Subway Alternative has emerged as the environmentally preferred alternative based upon the analysis contained in the MESA MIS/DEIS, SDEIS and FEIS, when viewed in light of the project's need, purpose and goals, and in consideration of socio-economic, environmental and technical factors.

The Second Avenue Subway will generate enormous benefits for the residents and businesses of New York City and the New York metropolitan region. Its key benefits include the following:

- *Bolster the Economy of New York City and the New York Region:* The Second Avenue Subway will help sustain and improve the region's economy, which

represents over 3.4 percent of the nation's gross domestic product, by reducing congestion, improving access and adding capacity. The new subway will help bolster economic activity in the midtown and downtown central business districts as well as induce new investment in areas such as East Harlem and the East Village/Lower East Side/Chinatown.

- *Reducing Subway Crowding and Improving Reliability:* The new Second Avenue Subway will reduce overcrowding and improve reliability on the Lexington Avenue Line, the nation's most heavily used subway line. Approximately 560,000 riders are projected to use the Second Avenue Subway each weekday (with nearly 78,000 in the AM peak hour alone), many of which will switch from the Lexington Avenue Line. The remaining Lexington Avenue riders will benefit from reduced crowding, decreased travel time, and improved reliability.
- *Improving Access to the Subway:* The new subway will greatly improve transit access for communities on the East Side, from East Harlem to the Financial District, and bring subway service closer to people who currently must walk substantial distances. In addition, subway access for people with disabilities will be provided on the new line, as all new stations will comply with Americans with Disabilities Act (ADA) regulations and newly constructed transfer points between the Second Avenue Subway and existing train lines will be either ADA-accessible or ADA-compliant. In addition, the service via the Broadway Line will create for the first time a one-seat ride from East Harlem and the Upper East Side to West Midtown.
- *Reducing Vehicle Use and Improving Air Quality:* The Second Avenue Subway will also help reduce congestion on the city's avenues and streets. Besides attracting some Lexington Avenue riders and reducing crowding on that line, the full-length Second Avenue Subway from 125th Street in the north to the Wall Street area in Lower Manhattan will also divert some peak-hour trips from auto and taxi modes to subway. As a result, auto travel will be reduced by 93,130 vehicle miles on an average weekday and areawide traffic volumes will be reduced by more than 8,300 vehicle trips per day. A commensurate improvement in air quality will also result.

#### D. Potential Significant Impacts of the Project

This section presents a summary of the significant environmental impacts that will occur as a result of construction and operation of the Second Avenue Subway Project. More detailed information on these impacts is contained in the FEIS. Similar to any large-scale infrastructure project, the Project will result in unavoidable disruptions during construction. The categories included in this section in which significant impacts will occur are: transportation, social and economic conditions, public open space, displacement and relocation, historic and archaeological resources, air quality, noise and vibration, and contaminated materials.

##### Transportation

- Construction would result in significant traffic impacts at and near surface construction (station areas and shaft sites) due to reduced roadway capacity from lane closures along the alignment, diversion of through traffic away from congested construction areas, and an increase of truck traffic from construction vehicles.
- During construction, lane closures, traffic diversions and increased truck traffic from construction vehicles would result in service delays to some buses—particularly the M15 and Lexington Avenue buses.

- During construction, approximately 60 to 100 curbside parking spaces would be removed in or near each construction zone. Adequate off-street parking will remain in the area to meet demand. Alternative loading zones for vehicles making deliveries will be established near each construction zone.
- In construction zones, impacts to pedestrian conditions would occur at locations where sidewalks are already congested and where such sidewalks are substantially narrowed during construction. When the new subway is complete and operational, increased pedestrian activity at busy stations could result in impacts to pedestrian conditions at crosswalks and corners near certain station entrances.
- During construction, adverse impacts to existing subway and Metro North Railroad commuter rail lines would be created where the new tunnels pass under or over existing transit structures. This would result in temporary service disruptions, ranging from speed restrictions to service suspensions on nights and weekends, for periods ranging from two months to two years.
- When the new subway is in operation additional riders will use the existing Times Square Station. If no additional stair capacity can be provided at the north end of the Broadway Line platform, a significant adverse impact could occur because of increased stair crowding.
- Following Phase 3 of the Project's construction but before completion of Phase 4, a predicted increase in M15 bus ridership connecting with the subway could result in overcrowding if bus service is not increased in conformance with NYCT guidelines.

#### Social and Economic Conditions

- Construction activities would result in significant temporary impacts to neighborhood character, economic conditions, and visual character. These include disruptions to access and travel patterns; increases in noise, vibration and dust; temporary visual effects from barriers and construction equipment and nighttime lighting; and reduction in visibility of businesses. These impacts will be most concentrated at locations where longer-term construction activities will be required to stage and manage construction of below-ground tunnels and near Sara D. Roosevelt Park, where the presence of numerous existing tunnels in soft soil will make construction particularly disruptive.

#### Public Open Space

- During construction, significant temporary adverse impacts will occur to seven parks that will be partially used for construction activities. Significant temporary impacts will also occur to parks in immediate proximity to surface construction, including access limitations, noise, and visual impacts.
- The removal of trees at parks, Greenstreets, and open plazas adjacent to construction sites to facilitate construction activities will constitute a temporary adverse impact.
- The removal of a portion of two rows of trees and some interior trees (approximately 90 trees) at Sara D. Roosevelt Park will be a significant permanent open space and neighborhood character impact. While new trees would be planted, the loss of the original, larger trees would still be noticeable for some time.

#### Displacement and Relocation

- Permanent acquisition of private property along the entire alignment will occur to allow construction of station entrances, ancillary facilities (such as ventilation and cooling structures), and emergency exits. Approximately 50 full acquisitions and 35

partial acquisitions are proposed, potentially affecting approximately 350 residents in some 220 apartments and 510 employees of approximately 80 businesses.

- For construction access and staging for tunneling, three properties may be acquired: a vacant lot and a building (with auto repair and residential uses) at 125<sup>th</sup> Street, and a gas station and auto repair shop at 1<sup>st</sup> Street. Approximately 31 employees and 21 residents would be affected.
- To allow construction of curved tunnel beneath 11 properties (10 buildings and one vacant lot) at the southwest corner of 125<sup>th</sup> Street and Second Avenue, possible longer-term access limitations during construction would occur. In this area, the estimated 35 employees, 278 residents, and a religious institution could be displaced for up to one year.
- Construction activities could require short-term limitations to access for buildings in close proximity to construction sites, generally for a few hours at a time, but in a few instances for up to six months.

#### Historic and Archaeological Resources

- The project could have a significant adverse impact to the historic Metro-North Harlem-125th Street Station resulting from construction activities, including possible new subway entrances in or near the historic station. As the project design evolves, new project elements could also have impacts to other historic resources by physically altering them or changing their setting or context. Possible accidental damage could occur to historic resources near the alignment during construction if preventative measures are not taken. The setting or context of historic resources could also be temporarily affected by construction activities nearby. Measures to minimize impacts are included in the Programmatic Agreement.
- The possibility of buried archaeological resources was identified in numerous locations along the project corridor. If such resources are present and if they are significant resources that are eligible for the State and National Registers, the project's construction would result in a significant adverse impact on these resources.

#### Air Quality

- Subway construction activities will result in increased dust and diesel emissions at and near construction sites. To limit air pollution, dust suppression and emission control measures will be mandated.

#### Noise and Vibration

- During construction there would be significant impacts from airborne and ground-borne noise and vibration, in the vicinity where construction work is occurring. The Project will include design measures to reduce ground-borne noise from the subway operations so that no significant adverse impacts will occur.
- Significant adverse airborne noise impacts would result at all stations and at all shaft sites/spoils removal locations during certain construction periods due to the proximity of construction to residences and other sensitive uses.
- Significant adverse impacts from ground-borne noise and vibration would occur at certain locations during certain construction periods. Some vibration-sensitive uses may temporarily experience adverse impacts during construction.



- During operations, significant adverse impacts from ground-borne noise would occur at a number of blocks, because a subway would be introduced where no subway currently operates.

#### Contaminated Materials

- Contaminated materials in soil, soil gas, and groundwater are anticipated to be uncovered, either in locations where research indicated a potential problem or in other unexpected locations during construction. This is due to past uses along the project corridor, such as gas stations, auto repair shops, dry cleaners, and paint stores. The project includes preventative measures to protect construction workers and residents, workers, and others in the vicinity.

#### E. Measures to Minimize Harm

All practical means to avoid or minimize environmental harm from the preferred alternative have been adopted. MTA and NYCT will design and incorporate into the Project all mitigation measures included in the FEIS for the full-length alignment, and those measures to be identified during final design. These measures constitute all practicable mitigation measures and will address Project-related impacts to the fullest extent practicable. FTA will require in any future funding agreement on the Project and as a condition of any future grant or Letter of No Prejudice (LONP) for the Project, that all committed mitigation be implemented in accordance with the FEIS. FTA will require the MTA and NYCT to periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor this progress through quarterly review of final engineering and design, land acquisition, and construction of the Project. The measures to minimize harm are fully described in the FEIS and are summarized in **Attachment A** to this ROD.

### 5. Public Opportunity to Comment

The analysis of the Project's environmental impacts began in 1995, concurrent with the preparation of the MIS/DEIS phase of the MESA Study. In July 1995, FTA published a Notice of Intent for the Project, and a public scoping meeting was held. MTA, NYCT and FTA completed the MESA MIS/DEIS and published a Notice of Availability in the Federal Register in August 1999. A public hearing on the MIS/DEIS was conducted in September 1999. At the public hearing and through written comments submitted during the comment period, members of the public, community groups, and elected officials voiced their support for a full-length Second Avenue Subway from 125<sup>th</sup> Street to Lower Manhattan.

The NEPA process has included an extensive public outreach program, initiated during the MIS/DEIS phase and continuing through the SDEIS and FEIS phases. Public opportunity to comment has included dozens of meetings with Community Boards, the public, local and regional organizations, public and private utilities, the Project's Technical Advisory Committee (TAC) and Public Advisory Committee (PAC), elected officials, and interested governmental agencies.

Public review of the SDEIS began with the Notice of Availability published in the Federal Register on April 30, 2003. The SDEIS and notice of its availability were widely distributed to involved and interested agencies and other parties; the SDEIS was posted on MTA's website; and the public hearings on the document were advertised in

community newspapers and the MTA website. Public hearings were held by MTA and NYCT on May 12, 2003 at the Alexander Hamilton U.S. Custom House and May 13, 2003 at El Museo del Barrio. The public comment period remained open until June 10, 2003, however the FEIS responded to comments received through August 21, 2003.

During the public comment period for the SDEIS, many members of the general public as well as public officials and agency representatives submitted comments to the MTA to express their support for the full-length Second Avenue Subway. Among those submitting comments, there was general agreement in support of the Project's purpose and need to relieve overcrowding on East Side subways and buses, to support the land uses on the East Side with new transit service, and to support the coordinated efforts of city and state officials to rebuild Lower Manhattan. Other comments received on the SDEIS related to requests to extend the Second Avenue Subway service to the Bronx, Brooklyn, Queens and other parts of Manhattan, as well as issues related to the cost and financing of the Project, potential construction impacts, and the measures that would be implemented to minimize effects on the surrounding community.

The FEIS responded to comments received on the MESA MIS/DEIS published in 1999, and to comments received on the SDEIS during the 2003 public comment period. It identifies particular options that have been selected during the ongoing engineering process and mitigation measures that will be implemented to minimize significant impacts. It also identifies and assesses the refinements to the alignment that have been made as a result of public comments on the SDEIS, further community outreach, and ongoing engineering studies.

FTA published the FEIS in April 2004. A summary of written comments received on the Project subsequent to the SDEIS public comment period and following publication of the FEIS, as well as a summary of responses, are presented in **Attachment B** to this ROD.

Prior to preparing the FEIS, MTA and NYCT used their ongoing public outreach process to update the public on a variety of issues related to project design and construction. MTA and NYCT have continually attended meetings with Community Boards to discuss such issues as station entrance locations and construction methodologies and to seek public input regarding construction-related impacts, such as noise. During and subsequent to such meetings, MTA and NYCT have answered questions and refined mitigation measures with the public's comments in mind. Prior to and throughout construction of the Project, MTA and NYCT will continue to meet with affected Community Boards, the public, local and regional organizations, interested governmental agencies and elected officials, and those who will be directly affected by construction to inform them about Project plans and mitigation measures.

## **6. Determinations and Findings**

### **A. Environmental Protection**

The environmental record for the Second Avenue Subway Project includes the previously referenced MESA MIS/DEIS issued in 1999, the SDEIS issued in April 2003, and the FEIS issued in April 2004. These documents represent FTA's detailed analyses and findings required by NEPA and the Federal Transit Act, 49 U.S.C. 5324(b), regarding the following: the environmental impacts of the Project; any adverse

environmental effects which cannot be avoided should the Project be implemented; alternatives to the Project; and any irreversible impacts on the environment should the Project be implemented.

On the basis of the evaluation of social, economic, and environmental impacts as presented in the FEIS; the environmental impacts and mitigation measures described in the FEIS; and the written and oral comments offered by the public and public agencies, the FTA has determined in accordance with 49 U.S.C. 5324(b) that:

- an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest;
- consideration was given to the preservation and enhancement of the environment and to the interest of the community in which the Project is located; and
- all reasonable steps have been taken to minimize adverse environmental effects of the Project, and where adverse environmental effects remain, no feasible and prudent alternative to the effect exists.

#### B. Conformity with Air Quality Plans

The Clean Air Act Amendments (CAA) of 1990, as amended, requires that projects conform to the purposes of the State Implementation Plan (SIP) to receive federal financial assistance. Those purposes are to eliminate or reduce the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieve expeditious attainment of such Standards. The U.S. Environmental Protection Agency's (EPA) final transportation conformity rule, dated August 15, 1997, requires metropolitan planning organizations (MPOs), the Federal Highway Administration (FHWA), and FTA to make conformity determinations on metropolitan long-range transportation plans (LRTPs), transportation improvement programs (TIPs), and transportation projects with respect to the SIP before they are adopted or approved. The LRTP is the official intermodal metropolitan transportation plan for an area and generally has a 20-year planning horizon. The TIP is a staged, multiyear, intermodal program of transportation projects that is consistent with the LRTP.

As a result of the events of September 11, 2001, the conformity requirements of the New York City Metropolitan Region have been temporarily waived until September 20, 2005, pursuant to Public Law 107-230 enacted October 1, 2002. Interim interagency consultation procedures were developed to be in effect during the waiver period, and consistent with these procedures, a project-level analysis of air quality was conducted for the Second Avenue Subway Project.

NYMTC, the MPO for the New York Metropolitan Region, approved the conformity determination for the LRTP, known as the Regional Transportation Plan (RTP) and entitled "Mobility for the Millennium," on September 23, 1999. FHWA and FTA approved the current 2004-2006 State TIP conformity determination on December 22, 2003, and EPA concurred with the findings. The Second Avenue Subway Project has been amended into the RTP and is included in the current NYMTC TIP.

Air quality analyses indicate the Second Avenue Subway Project will conform to the local and regional air quality requirements defined in the SIP, within the framework of the CAA, and its amendments. The project-level analysis conducted for the Second Avenue Subway concluded that the completed subway would result in a reduction in the number of vehicle miles traveled in the region. Further, the results of the localized carbon monoxide (CO) and particulate matter (PM<sub>10</sub>) concentration analyses at specific intersections during the subway's construction phase demonstrate that no new exceedances of the NAAQS will occur, nor will any existing exceedances worsen. Therefore, FTA finds that the Project conforms to the air quality plans for the region.

#### C. Section 4(f)

Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) affords special protection to parks, recreation areas, wildlife and waterfowl refuges, and historic sites, including archaeological sites.

Based on current plans, the Second Avenue Subway Project will require the use of all or part of 14 Section 4(f) resources, broken down into four categories, as identified below. The use of these resources would either be permanent or temporary during construction of the relevant Project phase, and includes construction in the park or its vicinity.

- Parks used directly during construction due to temporary occupancy – 1) Playground 96, 2) St. Vartan Park, 3) Sara D. Roosevelt Park, 4) Kimlau Square.
- Parks used constructively during construction due to close proximity – 5) St. James Square, 6) Pearl Street Playground, 7) Fulton Street Plaza, 8) Vietnam Veterans Plaza, 9) Coenties Slip.
- Historic resources used directly during construction due to temporary occupancy – 10) Metro-North Harlem-125<sup>th</sup> Street Station and comfort station.
- Potential archaeological resources used directly as a result of construction – 11) possible burials associated with former Methodist Episcopal Church Cemetery, 12) possible burials associated with former First Baptist Church site, 13) possible burials associated with former St. Stephen's Episcopal Church Cemetery, 14) possible burials associated with a former portion of Shearith Israel Cemetery.

For each of the 14 resources, a separate Section 4(f) evaluation was prepared in accordance with the Section 4(f) regulations and USDOT guidance and is contained in the FEIS. Based upon a number of considerations, as described in the FEIS, FTA has concluded that a) there are no feasible and prudent alternatives to the direct and/or constructive use of land from these Section 4(f) resources, and b) the Project includes all possible planning and measures to minimize harm to the Section 4(f) resources resulting from such use. The U.S. Department of Interior, in its July 24, 2001 comment letter to FTA, concurs that there are no prudent and feasible alternatives to the alignments of the subway project as presented in the Section 4(f) evaluation.

#### D. Section 6(f)

Under Section 6(f) of the Land and Water Conservation Fund Act (LWCFA), parkland receiving funds through this program may not be converted to non-park use without the approval of the National Park Service (NPS).

There will be a temporary, yet long-term effect on one park as a result of the Project that will constitute a conversion of parkland as defined by Section 6(f). St. Vartan Park located on Second Avenue and 35<sup>th</sup> Street will be used as a construction staging site and spoils removal area for the Project. New York City Transit, the New York City Department of Parks, and the New York State Office of Parks Recreation and Historic Preservation will comply with a signed Letter Agreement, contained in the FEIS, that outlines a process for Section 6(f) compliance. The Letter Agreement identifies a potential replacement park and indicates that New York City Transit will continue to seek other opportunities for a replacement park. If temporary recreation facilities or a replacement park is not feasible, wetlands will be purchased in accordance with the LWCFA to satisfy Section 6(f). MTA and NYCT will comply with Section 6(f), including the creation of any replacement park, prior to construction of Phase III of the Project and the conversion of St. Vartan Park. Such compliance will be coordinated with FTA.

#### E. Section 106

The effects of the Project on historic and archaeological resources were assessed in accordance with Section 106 of the National Historic Preservation Act of 1966. Study areas—known as Areas of Potential Effect (APEs)—were identified in consultation with the New York State Historic Preservation Office (SHPO), and historic and archaeological resources were identified through field surveys and documentary research within each APE in consultation with the SHPO and the New York City Landmarks Preservation Commission (NYCLPC).

A total of 87 historic resources are located within the APEs for the Second Avenue Subway Project. Of these, 80 are individually designated structures/sites (including three National Historic Landmarks—the Chrysler Building, the Daily News Building, and the Brooklyn Bridge), and the remaining seven are historic districts. Various archaeological resources may also be buried within the area of the Project alignment. These include potential Native American sites along the alignment and early residential and commercial uses along the alignment. In addition, the Second Avenue Subway Project's alignment will pass through four locations where burials may once have been located (identified in the Section 4(f) discussion above).

The measures to avoid, minimize and mitigate adverse effects to these historic and archaeological resources are set forth in a signed Programmatic Agreement among the FTA, SHPO, and MTA and NYCT dated April 8, 2004. The signed PA is contained in the FEIS document. Construction Protection Plans for protecting and avoiding damage to historic properties are required as part of the Programmatic Agreement.

#### F. Environmental Justice

The Second Avenue Subway Project was evaluated with respect to its impacts on minority and low-income communities. This analysis determined that anticipated human

and environmental effects of the Project will largely be distributed evenly through the Project's corridor and will not be disproportionately borne by minority or low-income populations. Therefore FTA finds that the Project is in accordance with the requirements of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and the Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations.

#### G. Floodplains and Wetlands

As detailed in the FEIS, it is necessary to locate several construction areas and yard sites for the Project in the 100-year floodplain. There are no practicable alternatives to the use of these areas and the Project has been designed to minimize potential harm to or within the floodplains. The Project activities in the floodplain are not expected to result in any increased flooding. FTA therefore finds that the Project is in accordance with the requirements of Executive Order 11988.

The Project will not result in any significant adverse impact to wetlands. The only location where the Project could impact wetlands is if a spoils removal facility is operated at Pier 6 during Phase 4. The FEIS concluded that it is unlikely however that any wetlands exist at Pier 6. Appropriate environmental review will be conducted at such time if a spoils removal facility is operated at Pier 6. Thus, FTA finds that the Project is in accordance with the requirements of Executive Order 11990.

#### H. Permits and Approvals

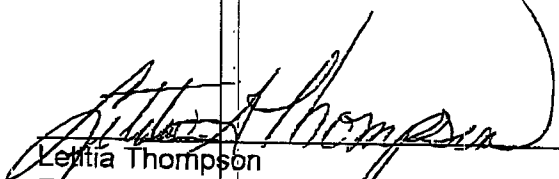
MTA and NYCT will obtain all necessary permits and approvals and comply with all applicable laws and policies in implementing the Project. The list of agency permits and approvals is contained in the FEIS.

### **7. Supplemental Environmental Review**

MTA and NYCT, in cooperation with FTA, shall initiate a supplemental environmental review of the Project, as outlined in 23 CFR 771.130, whenever: (1) Substantial changes to the Project would result in significant environmental impacts that were not evaluated in the FEIS; (2) New information or circumstances relevant to environmental concerns and bearing on the Project or its impacts would result in significant environmental impacts not evaluated in the FEIS; or (3) where the significance of new impacts is uncertain. A supplemental environmental review will not be necessary where the changes to the Project, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the FEIS without causing other environmental impacts that are significant and were not evaluated in the FEIS.

**Re-Evaluation**

Pursuant to 23 CFR Section 771.129, a written evaluation of the FEIS for the Project will be required before further approvals may be granted if it becomes necessary to make significant changes to the scope of the Project, or if major steps to advance the Project have not been taken within three years. As noted above, before considering a grant for construction of any segment after the first MOS, MTA and NYCT will conduct a re-evaluation of the FEIS so that FTA can determine whether its conclusions remain valid. Additionally, as part of any procurement contracts for the Project, MTA and NYCT must commit to carry out, or cause to be carried out, the mitigation measures described in the FEIS and herein.

  
\_\_\_\_\_  
Letitia Thompson  
Regional Administrator, Region II  
Federal Transit Administration

07/08/04  
Date

**RECORD OF DECISION  
ATTACHMENT A**

**Summary of Mitigation Measures  
for  
Second Avenue Subway Project**

**Introduction**

The following mitigation measures will be undertaken to minimize significant impacts that may occur as a result of the construction and operation of the Second Avenue Subway Project. Construction will cause the majority of the impacts. All mitigation measures will be incorporated into a Construction Environmental Protection Plan (CEPP) that will be applied to all aspects of the Project's construction and operation. The CEPP will be implemented through the Metropolitan Transportation Authority (MTA) and New York City Transit Authority (NYCT). The mitigation measures, which apply to all phases of construction, are listed briefly below by subject area. A more detailed discussion of Project impacts and mitigation is contained in the Final Environmental Impact Statement (FEIS).

**Transportation**

- A comprehensive area wide traffic management and mitigation plan will be developed by MTA and NYCT and reviewed by an Interagency Traffic Task Force consisting of affected and responsible agencies (e.g., MTA and NYCT, New York City Department of Transportation New York State Department of Transportation, MTA Bridges and Tunnels). The Interagency Task Force will consult with local Community Boards. This plan will include a comprehensive traffic-monitoring program, which will continually evaluate traffic conditions and ensure that traffic detours and mitigation measures responded effectively to traffic patterns as they change.
- Standard traffic engineering improvements will be used to mitigate traffic impacts during construction. These include low-cost and readily implementable measures such as adjusting signal phasing and green time, re-striping lanes and/or installing pavement lane markings, prohibiting curb parking, and enforcing prevailing traffic and parking prohibitions.
- Four or five moving lanes will be maintained on Second Avenue at critical intersections at major cross-streets in Midtown (such as between 63rd and 59th Streets and in the 34th Street area) by narrowing sidewalks to five feet. An aggressive traffic diversion plan will also be implemented at the most severely impacted intersections (such as 34th Street) to further improve traffic conditions.
- Where bus stops would interfere with traffic flow in or near construction zones, bus stops will be shifted short distances away from the critically affected intersections.
- Additional bus ridership is forecast to occur on the Lower East Side south of Houston Street when construction of Phase 3 is complete but Phase 4 is not. MTA and NYCT will monitor and review bus loading, and, if required, add service to the South Ferry and Park Row/City Hall branches of the M15 bus route, to remain within MTA loading guidelines.



- Widening crosswalks, creating sidewalk bump-outs, or relocating street furniture, will be employed if pedestrian crowding conditions occur at station entrances.

### **Social And Economic Conditions**

- NYCT will employ an extensive community outreach program throughout all phases of construction to keep the affected neighborhoods informed about construction activities taking place. This program will include meetings, newsletters, and a website. In addition, a Project office will be established at one or more locations along the alignment with a 24-hour telephone hotline, to allow people to ask questions and register complaints. MTA and NYCT will use the outreach program to work closely with Business Improvement Districts and other related business organizations, as well as other community groups, schools, houses of worship, etc., to spread information about construction activities. MTA and NYCT will also help organize community task forces to provide citizen input on construction effects and how they could be mitigated, and will solicit community input on the appearance of ancillary facilities.
- NYCT will post subway construction information, possibly including detailed maps showing locations where pedestrian, bicycle, or wheelchair access might be difficult during construction of the relevant phase.
- NYCT will promote high-quality design of sidewalk sheds, such as the addition of windows, better lighting, and good store signage around construction sites in all phases.
- NYCT will coordinate with businesses in each phase to address access/delivery issues, and provide special loading and unloading areas on nearby side streets to locations where access would be curtailed in front of buildings during construction. In those designated side street areas, parking could be prohibited to allow more reliable deliveries and pick-ups.
- Measures will be taken to limit impacts on neighborhood character from construction activities. Certain particularly disruptive activities, such as vertical blasting, will not occur late at night to minimize to the greatest extent possible the unavoidable disruptions to surrounding uses. Screens will be erected to limit light emitted from construction areas. A dust suppression program will be used to control dust at the construction sites. Construction areas will be secured to maintain the safety of pedestrians and vehicles.
- Traffic management plans will be employed in each phase to manage the flow of traffic in construction zones as efficiently as possible, and to minimize disruptions to emergency vehicles and sensitive uses. Wherever practicable, trucks will also be routed away from residential streets to minimize disturbance to these areas. Trucking activities at construction sites will be managed to avoid unnecessary queues. This will involve use of radio dispatches.
- Following construction, MTA and NYCT will replant any street trees or otherwise restore properties affected during construction to the degree practicable.

### **Public Open Space**

- Screens will be erected between construction areas and adjacent sensitive land uses and between portions of parks not used for construction activities.

- Through its contractors, MTA and NYCT will erect attractive sound and safety barriers at Playground 96 (during Phase 1), St. Vartan Park (during Phase 3), and Sara D. Roosevelt Park (during Phase 3) to reduce the effects of noise associated with construction activities on the adjacent park areas and other uses.
- Light screens, best management practices to control dust, and specially quieted construction equipment will be used wherever practicable to separate parks and their uses from construction activities.
- NYCT will develop a forestry plan for all affected parks that will be subject to the New York City Department of Parks and Recreation (NYCDPR) review and approval. In accordance with the plan, trees will be replaced prior to completion of each phase according to NYCDPR specifications for tree protection and replacement. All trees under 4-inch diameter at breast height (dbh) will be replaced according to the Basal Area Replacement Formula, which is designed to ensure that replacement trees are of equal size to removed trees. If a removed tree is larger than 4-inch dbh (the limit of transplantable trees) MTA and NYCT, through its contractors, will plant multiple smaller trees, the basal areas of which add up to the basal area of the original tree, as replacement trees. Several of the replacement trees will be replanted in the vicinity of the trees to be removed prior to construction. The forestry plan will be included in relevant construction contract specifications to protect trees within parks.
- After the completion of each construction phase, MTA and NYCT will reconstruct spaces damaged during construction in coordination with NYCDPR.
- Where parks or portions of parks will be displaced during construction, MTA and NYCT will work with NYCDPR to identify the mitigation plan most compatible with each neighborhood's parks and open spaces.
- MTA and NYCT will comply with the letter agreement on St. Vartan Park and work with NYCDPR and OPRHP, pursuant to Section 6(f) of the Land and Water Conservation Fund Act. This will consist of identifying and purchasing either a temporary replacement space for recreational facilities displaced during construction or purchasing wetlands. The replacement park will be created prior to construction of Phase 3.
- In all cases where a park will be used for construction staging activities, the park will be restored, in consultation with NYCDPR and the affected community, once construction is complete.
- NYCT will work with the NYCDPR and Community Board 3 to design reconfigured recreational facilities in the portions of Sara D. Roosevelt Park that remain publicly accessible during construction.
- NYCT will work with NYCDPR to design any permanent features located in New York City parks to ensure compatibility with park character.

### **Displacement And Relocation**

- MTA/NYCT will adhere to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the New York State Eminent Domain Procedure Law (EDPL) for any private properties that will be acquired by the Project.
- MTA will hold a public hearing to inform the public and affected parties about the proposed acquisitions.

- Compensation will be made for private properties acquired, based on fair market value and, in the case of partial takings, diminution (if any) to the value of the remaining property.
- Relocation services, moving payments, replacement housing payments, and other allowable payments related to commercial and residential displacement will be provided, in accordance with the Uniform Act.
- For any locations where it will not be feasible for the Project to maintain reasonable access to businesses, MTA or NYCT will compensate the landlords for diminution of rental value and, where applicable, provide relocation payments to displaced tenants. Residents temporarily displaced will typically be offered an alternative residential facility, or some equivalent measure of compensation.

### **Historic Resources**

- Future steps to be taken to protect historic resources are set forth in the Programmatic Agreement for the Project, dated April 8, 2004, that has been executed by FTA, the New York State Historic Preservation Office (SHPO), and the MTA. The Programmatic Agreement describes the consultation to be conducted during the Project's design process to avoid or minimize permanent adverse effects of the Project on historic resources. It also lists the historic resources that may be affected by the Project's construction and operation.
- NYCT will consult with the SHPO on the design of Project elements that would physically alter a historic resource or that could affect its context or setting.
- Construction Protection Plans will be developed and implemented to protect historic resources located near construction areas from accidental damage.
- As Project designs evolve, any historic resources that might be affected by Project elements not yet designed will also be identified in consultation with SHPO.

### **Archaeological Resources**

- The Programmatic Agreement also sets forth the ongoing work and consultation to be undertaken with respect to archaeological resources, to investigate further the presence of significant archaeological resources, and to develop appropriate mitigation measures.
- NYCT will perform additional work where the potential for significant impacts to archaeological resources has been identified, to determine whether any archaeological resources are actually present in those locations and whether those resources are significant and eligible for the State and National Registers of Historic Places. These steps might include, for example, a combination of some or all of the following: review of geotechnical boring logs to refine the understanding of subsurface conditions; additional documentary research focused on the potential significance of potential resources; and subsurface testing in locations that would be affected by the Project and where the potential for significant archaeological resources exists.
- MTA and NYCT will appoint a Cultural Resource Manager who will be responsible for determining the nature of any discovery during construction. The Cultural Resource Manager will be a professional archaeologist who meets the standards of the New York Archaeological Council and the National Park Service (36 CFR 61) and will be located in the New York City metropolitan area.

- Locations identified as possibly containing burials will be avoided wherever possible. Where avoidance is not possible, MTA and NYCT will follow the procedures identified in the Programmatic Agreement concerning testing and excavation.
- Mitigation measures such as data recovery, public interpretation, or additional analysis and curation, will be developed and implemented where future work confirms the presence of significant archaeological resources (i.e., resources that are eligible for listing on the State and National Registers) that would be adversely affected by the Project.

### **Air Quality**

- The Construction Environmental Protection Plan (CEPP) and MTA and NYCT contract obligations will require that all contractors follow MTA and NYCT's directive for capital construction projects to minimize particulate matter (PM) emissions from use of diesel-powered construction equipment. Diesel emission controls for non-road equipment will be required. Accordingly, all heavy diesel-powered equipment used during construction will be required to use ultra-low sulfur diesel fuel and employ diesel particulate filters or other retrofit technology.
- All diesel equipment will not be permitted to idle for more than three consecutive minutes, except in certain limited circumstances.
- A dust suppression program with aggressive measures to reduce dust and air pollution during construction will be developed, included in the CEPP, and used throughout construction.
- The CEPP requirements to reduce emissions of PM from construction activities have been incorporated into the Project. MTA is researching the diesel emissions reduction technologies available, with the objective of stipulating that contractors use the best available emissions reduction technologies, with the first priority being reducing PM emissions, and a secondary objective of reducing other pollutants. With these commitments to controlling the emission of PM from construction activities, PM emissions will be reduced to the extent practicable.
- Particulates could be further reduced at construction sites by enclosing areas where spoils from tunnel boring or mining operations will occur, or at station locations where spoils removal will take place for some period of time. Such measures are currently being evaluated.
- In response to a comment by the Environmental Protection Agency, if New York City Transit elects to use barges at Pier 6 in Phase 4 of the Project, New York City Transit will evaluate the potential to reduce the ozone precursor Nitrogen Oxides (No<sub>x</sub>) emissions from marine vessels.

### **Noise And Vibration**

- NYCT is committed to developing and implementing an extensive mitigation program to reduce and alleviate noise impacts during construction. The FEIS provides a list of proposed mitigation measures on a site-by-site basis. MTA and NYCT contractors will be required to implement mitigation measures to achieve levels specified in performance standards identified in the FEIS and the Project's CEPP.
- Potential mitigation measures for airborne noise generated by construction work include: enclosing areas where spoils from tunnel boring or mining operations will be loaded into trucks, or at station locations where spoils removal will take place for

some period of time or at night; placing some equipment or operations below grade in shielded locations; changing construction sequencing to reduce noise impacts by combining noisy operations to occur in the same time period or by spreading them out; avoiding nighttime activities; and using alternative construction methods, such as avoiding impact pile installation in sensitive areas, using specially quieted equipment, and selecting and specifying quieter demolition methods. Despite these measures, it will not be possible to fully mitigate all airborne noise impacts because of the proximity of residences and other sensitive uses to construction.

- Potential mitigation measures for ground-borne noise and vibration from construction include development of a Project-wide vibration monitoring program to minimize vibration levels and respond to community complaints and concerns as they arise.
- Site-specific vibration control measures during construction could include multi-delay blasting techniques, careful installation of tracks for spoils removal trains, and imposition of blasting regulations.
- To mitigate ground-borne noise impacts from train operations, the Project will include resilient track fasteners or track support structures or other similar measures at all locations where operational ground-borne noise impacts are predicted. Ground-borne noise levels will be reduced at all locations to below FTA's impact thresholds.
- NYCT will continue its ongoing outreach program to discuss mitigation options with the public, including to sensitive uses—such as hospitals—that could be particularly affected by various Project disturbances.

### **Contaminated Materials**

- Investigations, including subsurface site investigations, are ongoing and will continue throughout the engineering phase and during later design and construction phases to better determine the nature and extent of contamination in areas where the Project might encounter it. A sampling protocol will be prepared and followed in areas requiring physical testing.
- Dust control and soil gas control measures will be employed throughout the Project area.
- Any groundwater resulting from dewatering exceeding the sewer use limitations set by NYCDEP will need to be treated and retested prior to its discharge to sewer systems or area water body via a State Pollutant Discharge Elimination System (SPDES) permit.
- Health and safety procedures will be employed to minimize exposure to workers and the public. Procedures for handling, stockpiling, testing, loading, transporting, and disposing of contaminated material in accordance with all applicable laws and regulations will be followed.
- A site-specific Health and Safety Plan (HASP) for each construction phase will describe in detail the health and safety guidelines, procedures, and work practices that must be adhered to and the work to be performed, and will also include special details governing certain work, such as working in confined spaces.
- All workers will be required to follow all applicable local, state, and Occupational Safety and Health Administration (OSHA) construction codes and regulations.
- A hazardous materials management plan will be developed for testing, handling, transporting, and disposing of contaminated materials encountered during the

proposed excavations, consistent with applicable regulations. This plan will be included in the Project's CEPP.

- Should contaminants be found, appropriate measures will be taken to mitigate potential effects on the operating subway. This may include excavation of contaminated soils and disposal at an appropriate facility.

#### **Natural Resources**

- MTA and NYCT will work with regulatory agencies in developing the Second Avenue Subway Project in order to minimize disturbances to natural resources. All Project commitments and conditions will be organized into the CEPP, and its relevant provisions will be incorporated into construction contracts that contractors will be obligated to follow.
- The Project will use specific techniques and safeguards to protect water quality and best management practices to control runoff and storm water at all locations near surface waters. A storm water pollution prevention plan (SPPP) will also be developed for Pier 6.
- Any additional necessary Project commitments or measures to minimize disturbances to natural resources will be determined as part of permitting requirements established by federal and state agencies.

End

**RECORD OF DECISION  
ATTACHMENT B**

**Summary of Written Comments and Responses  
for  
Second Avenue Subway Project**

**Introduction**

This section responds to written comments received on the Second Avenue Subway Project in the period between the close of the public comment period for the SDEIS in June 2003 and the issuance of the ROD in July 2004. The majority of letters sent to FTA, MTA and NYCT were received following the issuance of the FEIS in April 2004.

This attachment is organized as follows: First, the organizations or individuals who provided written comments to either FTA, MTA or NYCT are listed. As shown, the majority of written comments were from two residential buildings located in the vicinity of the proposed 72<sup>nd</sup> Street station. Second, each substantive comment is summarized and a response is provided. Following each comment, in parentheses, is the name of the organization/individual who made the comment. If multiple comments were made on the same subject, they are summarized into a single comment with all commenters listed afterward.

The full text of the comments received from two federal resource agencies – the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers – is included at the end of this attachment.

In addition to this summary of comments and responses, MTA NYCT will respond via letter to all written comments received. MTA and NYCT will respond on behalf of FTA, for the letters sent to the FTA.

The comments are organized by subject area, as follows:

- Public input
- Community Board Resolutions
- General Displacement and Relocation Issues
- General Station Entrance Issues
- 125<sup>th</sup> Street Station and Vicinity
- 86<sup>th</sup> Street Station Entrances
- 72<sup>nd</sup> Street Station Entrances
- Lexington Avenue/63<sup>rd</sup> Street Station Entrances
- General Noise and Construction Impacts
- Air Quality
- Department of the Army Permits
- Architectural Resources
- Engineering and Design

## List of Commenters

### Resource Agencies

- June 7, 2004, Dept. of the Army, Corps of Engineers, Richard L. Tomer, Chief, Regulatory Branch (Dept. of the Army, Corps of Engineers)
- June 17, 2004, U.S. Environmental Protection Agency, Robert Hargrove, Chief, Strategic Planning and Multi-Media Programs Branch (EPA)
- May 18, 2004, New York City Landmarks Preservation Commission, Gina Santucci, Environmental Coordinator (NYCLPC)

### Elected Officials

- May 14, 2004 – Coalition of East Side Elected Officials – Liz Kruger, State Senator; Carolyn B. Maloney, Congresswoman; Gifford Miller, Speaker of the City Council; Pete Grannis, State Assembly Member; Eva S. Moskowitz, City Council Member (Coalition)

### Organizations/Individuals

- August 2003 - June 2004 - 301 East 69<sup>th</sup> Street (approximately 40 letters) (301 East 69<sup>th</sup> St)
- March 23, 2004 – Tenants of 305 and 315 East 86<sup>th</sup> St (305-315 East 86<sup>th</sup> St)
- April 14, 2004 – Charles H. Greenthal Management Corp. (250 East 87<sup>th</sup> St)
- April 30, 2004 - 305 East 72<sup>nd</sup> Street (approximately 100 letters) (305 East 72<sup>nd</sup> St)
- May 4, 2004 - Ogden Cap Properties, LLC representing MF Associates of New York LLC (MF Assoc. of NY)
- May 13, 2004 – Herrick, Feinstein LLP representing East 124<sup>th</sup> St Partners (East 124<sup>th</sup> St Partners)
- May 17, 2004 – Charles O. Blaisdell representing the DaFilippo Restaurant (DaFilippo Rest.)
- June 17, 2004 – Herrick, Feinstein LLP representing Food Emporium at NE corner of 86<sup>th</sup> St and Second Ave (Food Emporium)
- June 17, 2004 – 63/64 Street Associates, LP (63/64 St. Assoc.)
- June 23, 2004 – Clayton Parker, citizen (C. Parker)
- July 6, 2004 – David Kupferberg, citizen (D. Kupferberg)

## Comments Received

### Public Input

**Comment 1** MTA has failed to adequately involve the community. MTA claims that current plans are based on community input from Community Board meetings, which were not widely publicized and had little attendance. We should have been informed directly rather than learning of a subway entrance in our building through local papers. We would like to meet with people who can personally and directly discuss our concerns. (301 East 69<sup>th</sup> St, 305 East 72<sup>nd</sup> St)

### **Response:**

Over the past several years, during the DEIS, SDEIS and FEIS phases, the NYCT project team has met with the community on many occasions to discuss project plans, including the proposed location of subway entrances and ancillary facilities.



The project team continues to meet with Community Board 8's Second Avenue Subway Task Force to discuss the project. Community Boards were established by the City Charter to serve as official advocates for the local community and provide a forum for the residents and businesses within the Board. Community Boards have the advisory role of coordinating and reviewing major projects occurring within their boundaries, and provide smaller, working-group settings. Furthermore, Community Boards publicize projects to those who would otherwise be unaware. Community Board 8 publicizes its meetings through its mailing list and web site. NYCT is aware that Community Board 8 has met with representatives of numerous buildings and has held public meeting with hundreds in attendance.

For meetings held by the project team, a notice is sent out to the Second Avenue Subway mailing list, which includes Community Boards, elected officials, and members of the public. Official public hearings are extensively promoted through a variety of different communication modes, including direct mailings, announcements on [www.mta.info](http://www.mta.info), press advisories, bus and subway posters, etc.

**Comment 2** At our Fall 2003 meeting, the MTA was advised of 11 alternatives for an entrance other than our building. At the Spring 2004 meeting, none of the 11 alternatives were given any consideration. (301 East 69<sup>th</sup> St)

**Response:**

The NYCT project team has reviewed all alternate station entrance and ancillary locations suggested by the public. The project team attended a meeting March 18, 2004 of the Community Board 8 Second Avenue Subway Task Force to review such alternatives. For the entrance proposed to the 72<sup>nd</sup> Street station at 301 East 69<sup>th</sup> Street, the NYCT project team evaluated the following eleven different alternatives:

- four corners of 70<sup>th</sup> Street
- the other three corners of 69<sup>th</sup> Street
- four corners of 68<sup>th</sup> Street

As detailed in the presentation, each of the other alternate locations either had similar or worse impacts than an entrance in 301 East 69<sup>th</sup> Street, or did not adequately meet the requirements of this station entrance. (See responses to comments 16-21 for more details regarding specific alternatives.)

**Comment 3** The MTA has not addressed the concerns of building owners and residents. The MTA should provide direct answers to direct questions. The MTA has not actively sought input in the design and location of subway entrances. MTA's responses were dismissive and did not fairly address our concerns. MTA should listen to the community. It is evident from public meetings that the MTA will not change their plans. (301 East 69<sup>th</sup> St, 305 East 72<sup>nd</sup> St)

**Response:**

Prior to presenting proposals for the location of station entrances and ancillary facilities to the community, the project team conducted numerous site visits and alternatives analyses in order to develop the best possible proposals with the minimum impacts. At a meeting of the Community Board 8 Second Avenue Subway Task Force in March 2004, the project team conducted an exhaustive review of all alternatives presented by the community at previous meetings. Additionally, the NYCT project team recently conducted yet another review of certain locations based on suggestions presented at that meeting.

## **Community Board Resolutions**

**Comment 4** Community Board 8 passed a resolution on January 17, 2002, stating “Let it be resolved that CB 8 strongly opposes any condemnation of private property by the MTA for the purpose of providing subway access.” (301 East 69<sup>th</sup> St)

### **Response:**

To conform to modern design standards and the current regulations of the Americans with Disabilities Act (ADA) and safety guidance of the National Fire Protection Association (NFPA), all stations will be accessible by escalators, elevators, and stairs. Escalators and elevators require more space than stairs, and station entrances must be covered for weather protection. For these reasons, the new subway system’s entrances will be larger than the entrance stairs to NYCT’s existing, older subway lines, and would generally not fit within the public sidewalks without causing substantial obstruction. Therefore, most stations will have entrances located within buildings, in private and public plaza areas, or in wide sidewalks. Given the high level of development in Community Board 8 and the related infeasibility of utilizing existing sidewalk space in most instances, many of the entrances will require the acquisition of private property, through condemnation, if necessary.

**Comment 5** Community Board 8 adopted a resolution that the Second Avenue Subway entrance to the 72<sup>nd</sup> Street station be located at 68<sup>th</sup> Street. (301 East. 69<sup>th</sup> St)

### **Response:**

The NYCT project team examined shifting the 72<sup>nd</sup> Street Station south to accommodate Community Board 8’s request that an entrance be located at 68<sup>th</sup> Street. However, the track geometry associated with Second Avenue Subway connections to the 63<sup>rd</sup> Street Line and passing over other existing subway tunnels preclude shifting the 72<sup>nd</sup> Street Station platform further south.

Given that the platform cannot be shifted south, providing an entrance at 68<sup>th</sup> Street would necessarily require a two block-long underground passageway. From experience, we know it is not prudent to design long passageways because of safety and security concerns. Additionally, such a corridor would need to be constructed in part using cut-and-cover techniques along Second Avenue, considerably increasing disruption to street and pedestrian traffic and to local businesses. Utility diversions would also be needed, requiring additional construction.

In our meetings with Community Board 8, it was clear that, if an entrance at 68<sup>th</sup> Street was not feasible, then the station should have an entrance as far to the south as was possible.

**Comment 6** The Community Board made a resolution that it is imperative that there be another subway stop between 72<sup>nd</sup> and 86<sup>th</sup> Street. (305 East 72<sup>nd</sup> St)

**Response:**

In July 2003, the project team discussed with Community Board 8 the infeasibility of locating a station between the proposed 72<sup>nd</sup> and 86<sup>th</sup> Street stations. Accounting for track configuration, the current proposals give approximately 3,000 feet clear between the northern end of the 72<sup>nd</sup> Street station platform and the southern end of the 86<sup>th</sup> Street station platform for an additional station. Adding an intermediate station would result in only approximately three and half city blocks of tunnel between stations.

Having stations so closely spaced would increase construction cost and impacts. In addition, close station spacing would not allow trains to reach optimum travel speeds before braking for the next station. This slow speed, together with the additional train dwell time in the proposed station, would increase travel time and thereby reduce the line's overall capacity and customer attractiveness. Second Avenue Line capacity and speed is critical to providing a competitive service to the Lexington Avenue Line. Without that competitiveness, the Second Avenue Line will fail to achieve one of its primary goals of relieving overcrowding on the Lexington Avenue Line.

**General Displacement and Relocation Issues**

**Comment 7** For residential units covered by city and state rent regulation laws, in MTA's exercise of eminent domain, will protections afforded by the New York State Emergency Tenant Protection Act regarding the demolition of rent-controlled and rent-stabilized apartments be followed? If not, provide specifics of MTA's obligations and intentions regarding the rights and interests of the tenants and apartments targeted for acquisition. (Coalition)

**Response:**

For those properties that will be acquired for the Second Avenue Subway Project, MTA would adhere to the requirements of the New York State Eminent Domain Procedure Law (the "Eminent Domain Procedure Law") and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act and its implementing regulations (the "Uniform Act").

Prior to being required to vacate any business or residence, MTA will provide owners and occupants with relocation assistance and benefits under the Uniform Act and at least 90 days advance notice of the need to vacate. However MTA will typically be in touch with tenants at least a year prior to the vacate date to begin discussions regarding MTA's need for the property. For the Second Avenue Subway Project, offers in the full amount of MTA's highest approved appraisal will be made as soon as practicable after the public hearing; in some cases, they might be made prior to the hearing. Residential apartments that are rented, rather than owned, typically have no market value to the tenant, although such tenants may be eligible for relocation benefits under the Uniform Act.

In those instances in which businesses and persons are displaced by the project, the Uniform Act authorizes reimbursement for reasonable moving costs and related expenses. Other benefits also may be available to displaced businesses and persons. No person can be required to move from his or her dwelling unless at least one comparable replacement dwelling has been made available to the person. Where possible, three or more replacement dwellings will be made available. The

negotiated purchase price, or in the case of condemnation, the amount of MTA's appraisal, will be made available to each affected owner/occupant or tenant before possession of the property is surrendered to MTA.

**Comment 8** MF Associates of New York's predecessor, MF Associates, granted NYCT an easement for the construction of a subway station along the southerly half of the west side of Second Avenue between 95<sup>th</sup> and 96<sup>th</sup> Streets. However, Table 8-2 of the FEIS indicates that the portion of the 96<sup>th</sup> Street Station on our property is to be constructed at the southwest corner of 96<sup>th</sup> Street instead of the northwest corner of 95<sup>th</sup> Street where the present easement is located. Is this a discrepancy or does NYCT plan to take additional or different portions of our property? (MF Assoc. of NY)

**Response:**

The information in the FEIS correctly states the location of the proposed entrance and lists it as a partial acquisition since it does not fall within the existing easement. The existing easement was not proposed for the station entrance, because it does not meet the requirements of the proposed station. NYCT is in contact with the owner.

**Comment 9** Condemnation of the building at 1315 Second Avenue will result in the permanent displacement and relocation of the DaFilippo Restaurant. Compensation and relocation negotiations with the MTA should be undertaken separately from the condemnation proceeding for the fee simple and the building. We request a separate notification of condemnation proceedings. (DaFilippo Rest.)

**Response:**

MTA will acknowledge receipt of the letter and will notify the commenter of any condemnation proceedings affecting his client, DaFillipo Restaurant, in accordance with applicable laws.

**General Station Entrance Issues**

**Comment 10** How is it possible to finalize station locations when the engineering tests have not been finished? (Coalition)

**Response:**

The station locations have been developed through the Conceptual and Preliminary engineering design phases as being the most appropriate to satisfy the project needs and goals. Further studies and engineering design will continue through the final design phase. The final configuration of stations and entrances will not be concluded until this work is complete.

**Comment 11** The MTA should provide the analysis that shows why locating entrances on the west side of Second Avenue was rejected, for example the suggested alternative locations for station entrances at 305-315 East 86<sup>th</sup> Street and 301 East 69<sup>th</sup> Street Avenue. (Coalition, 301 East 69<sup>th</sup> St)

**Response:**

Entrance locations were sited using several criteria, including station design and the destinations and origins of riders predicted to use a given station. At most stations,

the majority of riders are predicted to come from east of Second Avenue, and entrances were placed on corners closest to those destinations. In the cases of 301 East 69th Street and 305-315 East 86th Street, the displacement impacts would not be reduced if these entrances were relocated to the west side of Second Avenue (see response to comment 13 and comments 16 to 21 below). Therefore, it was determined that locating the entrances on the east side of the street was preferable because it would better serve subway riders and result in less pedestrian congestion on sidewalks and in crosswalks while minimizing construction impacts and costs.

### **125<sup>th</sup> Street Station and Vicinity**

**Comment 12** Block 1789 Lot 25 is identified to be used for construction activities. MTA should consider alternative sites since Block 1789 Lot 25 is an integral part of a proposed development project consisting of a mixed-use, mixed income housing development of 151 dwelling units and 6,000 sq. ft. of professional, retail and community use. (East 124<sup>th</sup> St Partners)

**Response:**

MTA NYCT is seeking to arrange a meeting with the commenter to discuss both the MTA's and the owner's proposed use of this site.

### **86<sup>th</sup> Street Station Entrances**

**Comment 13** MTA should build a subway station entrance other than in the Food Emporium inside the residential building at 305-315 East 86<sup>th</sup> St. Two alternative sites proposed are a plaza on the southeast corner of 85<sup>th</sup> St/Second Ave and Chase Bank on the northeast corner. (305-315 East 86<sup>th</sup> St)

**Response:**

Shifting the entrance from 305-315 East 86<sup>th</sup> St. to the Chase Bank site on the northwest corner of 86<sup>th</sup> Street would still require that a commercial tenant be displaced. Locating the entrance on the east side of Second Avenue was determined to be preferable, since it would better serve subway riders and result in less pedestrian congestion on sidewalks and in crosswalks.

Shifting the entrance to the southeast corner of 85<sup>th</sup> Street and Second Avenue would shift the entrance off the main business and crosstown street, reducing its convenience and visibility for customers, and increasing the usage of the entrance proposed at the southeast corner of 86<sup>th</sup> Street and Second Avenue, increasing the size of this facility, and potentially requiring additional property impacts.

**Comment 14** We request to meet with MTA/NYCT to discuss the subway's impact on 250 East 87<sup>th</sup> St, and request MTA/NYCT's attendance at annual meeting on May 20, 2004. (250 East 87<sup>th</sup> St)

**Response:**

NYCT has had several telephone conversations with the management company and building president in response to the letter and will continue to respond to the buildings concerns.

**Comment 15** We propose an access easement alternative to MTA's proposed condemnation of the Food Emporium supermarket, and request a meeting with MTA to discuss our proposed alternative. (Herrick, Feinstein LLP for Food Emporium)

**Response:**

The NYCT project team is reviewing the proposed alternative and will contact the commenter with the results of its review.

**72<sup>nd</sup> Street Station Entrances**

*ALTERNATIVE ENTRANCE LOCATIONS TO THE 301 EAST 69<sup>TH</sup> ST. ENTRANCE*

**Comment 16** One of MTA's goals in choosing station sites was to use open plazas for entrances. MTA should utilize the open plaza at the southwest corner of 68<sup>th</sup> Street as an alternative to the proposed entrance at 301 East 69<sup>th</sup> St., since it would not require the condemnation of buildings and would serve the public better. Other sites suggested include an open plaza on the northeast corner of 68<sup>th</sup> St, or moving the entrance to 67<sup>th</sup> St. (Coalition, 301 East 69<sup>th</sup> St)

**Response:**

As detailed in the response to comment 5, it is not feasible to shift this station platform south to accommodate an entrance south of 69<sup>th</sup> St. Locating an entrance in the plaza at the south east corner of 68<sup>th</sup> Street would require a two block-long, circuitous subsurface corridor to connect the entrance to the mezzanine at 70<sup>th</sup> Street. There is no plaza on the northeast corner. From experience, we know it is not prudent to design long passageways because of safety and security concerns. Additionally, such a corridor would need to be constructed in part using cut and cover techniques along Second Avenue, considerably increasing disruption to street and pedestrian traffic and to local businesses. Utility diversions would also be needed, requiring additional construction.

The estimated construction cost of an entrance in the 68<sup>th</sup> Street south east corner plaza is between \$40 and \$60 million (not including potential underpinning costs). This is significantly more than the \$21 million that the entrance at 301 East 69<sup>th</sup> Street is estimated to cost (including underpinning costs).

**Comment 17** We suggest Second Avenue within the East 69<sup>th</sup>-70<sup>th</sup> Street block front (in the retail space occupied by Off-Track Betting). as a viable alternative entrance to 301 East 69<sup>th</sup> Street. (Coalition, 301 East 69<sup>th</sup> St)

**Response:**

Locating the entrance north of its currently proposed location within the Off Track Betting office would require a passageway directly beneath the foundations of the buildings to the north of 301 East 69th Street and may require their demolition, thereby increasing impacts to residents.

An entrance facing Second Avenue at the corner of 69th Street will be investigated further, although it may require some additional takings in the basement. Additional detail of the existing structure is required to further develop this option. NYCT recently received plans from the building, and will evaluate them.

**Comment 18** We suggest that the northwest corner of 69<sup>th</sup> St., where there is a 70-year old walk-up, be considered for demolition and the subway entrance. (301 E. 69<sup>th</sup> St)

**Response:**

The project team proposes to acquire these buildings for the construction of an ancillary building housing tunnel ventilation equipment, shafts and emergency egress. The site is not large enough to also incorporate an entrance.

With respect to property acquisition, one of MTA's goals is to limit residential and business displacement to the extent practicable and to avoid impacts to community facilities such as schools, parks, houses of worship, or libraries if possible. When acquisition of residential or commercial properties is unavoidable because of the absence of other suitable sites, the project team generally has sought to site entrances in a large building where construction could occur in the building's lobby, basement, or storefront without requiring displacement of the residents, as in the case of 301 East 69<sup>th</sup> Street. If such a space is not available, and acquisition of an entire building is required (such as for the ancillary facility at the northwest corner of 69<sup>th</sup> Street), the project team has sought to locate the new subway facilities in the smallest possible building so as to reduce the amount of displacement required.

**Comment 19** Relocate the proposed entrance at 301 East 69 St. to the southeast corner of 69<sup>th</sup> St. (301 East 69<sup>th</sup> St)

**Response:**

Shifting the entrance from 301 East 69<sup>th</sup> St. to the southwest corner of 69<sup>th</sup> Street would not reduce displacement impacts. It would only substitute one commercial tenant for another. In addition, the station entrance will be too large to fit within the portion of this site occupied by the one story Hold Everything store and would create similar structural issues to the 301 East 69<sup>th</sup> St. site. Therefore, it was determined that locating the entrance on the east side of Second Avenue was preferable, because it would better serve subway riders and result in less pedestrian congestion on sidewalks and in crosswalks.

**Comment 20** Relocate the proposed entrance at 301 East 69<sup>th</sup> St. to 70<sup>th</sup> St, back of a large apartment house (lobby on 300 East 71<sup>st</sup> St), or to 300 East 70<sup>th</sup> St (south east corner). (301 East 69<sup>th</sup> St)

**Response:**

While the end of the platform of the 72<sup>nd</sup> Street Station is at 70<sup>th</sup> Street, the length of the escalators are used to extend the entrance to the 69<sup>th</sup> Street location without creating a passageway. This is preferable to locating the entrance at 70<sup>th</sup> Street, since most riders projected to use the southern entrance to the 72<sup>nd</sup> Street Station are coming and going to locations south of 69<sup>th</sup> Street. In addition, it is preferable to locate the entrance on a corner where it is more convenient and can more easily be seen by compared to a side street location. The buildings at 70<sup>th</sup> and 71<sup>st</sup> Streets are similar to 301 East 69<sup>th</sup> St, and relocating the entrances to this location would not reduce impacts.

Moving the entrance to the southeast corner of 70<sup>th</sup> Street and Second Avenue would require the acquisition of a residential building, which would result in residential displacement. This is because locating entrances in older, typically four to five story brownstone and masonry type structures generally means that the structures would need to be demolished. The buildings often have stone foundations that are susceptible to movement, and the structural framing is such that it makes the major structural alterations required to place an entrance in the first floor and basement of such structures impractical. The 301 East 69<sup>th</sup> Street site is a preferable entrance location in that no residential displacement is anticipated, and, as mentioned above, this corner better serves more of the riders projected to use this station.

#### *PEDESTRIAN ISSUES ASSOCIATED WITH 301 EAST 69<sup>TH</sup> ST. ENTRANCE*

**Comment 21** Subway riders flowing to and from the 301 East 69<sup>th</sup> St. station entrance could reach 50,000 plus per day. There is no infrastructure in place or planned to support this level of increase in pedestrian traffic on our neighborhood street. We are concerned about the chaos and safety during morning rush hours when our residents leaving the lobby encounter crowds of medical complex employees emerging from the subway exit. Please provide the projections detailing the expected increase in pedestrian traffic with the proposed entrance on 69<sup>th</sup> Street. Also, would it be possible to evacuate the residences of 301 East 69<sup>th</sup> St safely and promptly in case of emergency with the proposed subway station fully operational? Tenants would not be able to freely evacuate into sidewalks due to the subway traffic and would be forced to walk into the street. (Coalition, 301 East 69<sup>th</sup> St)

**Response:**

During the AM peak hour in 2025, approximately 2,600 exiting riders and approximately 700 entering riders are projected to use the 69<sup>th</sup> Street entrance. Over an entire day the total number of entering and exiting riders in 2025 is projected to be approximately 24,100 riders.

Since the existing pedestrian volumes and the projected volume of riders using the Second Avenue Subway entrance at the 69<sup>th</sup> Street intersection was less than at 72<sup>nd</sup> Street (6,900 riders in 2025 in the AM peak hour), the intersection at 72<sup>nd</sup> Street was selected for a pedestrian analysis. This 72<sup>nd</sup> Street intersection analysis concluded that there would be no sidewalk/pedestrian impacts. Therefore, no sidewalk/pedestrian impacts are anticipated at the intersection of 69<sup>th</sup> Street and Second Avenue.

Over 55 percent of the riders predicted to travel to/from the 69<sup>th</sup> Street entrance will be coming from or heading to the southwest quadrant of 69<sup>th</sup> Street and Second Avenue. Many of these riders will cross 69<sup>th</sup> Street and will not come in conflict with the entrance to 301 East. 69<sup>th</sup> St. To further reduce potential conflicts with the subway entrance and the entrance to 301 East. 69<sup>th</sup> St., the project team is investigating if the subway entrance can face Second Avenue at the corner of 69<sup>th</sup> Street rather than facing 69<sup>th</sup> Street (see response to comment 17).

#### *ALTERNATIVE ENTRANCE LOCATIONS TO 305 EAST 72<sup>ND</sup> ST. ENTRANCE*



**Comment 22** The entrance slated for 305 East 72<sup>nd</sup> St should be moved to an open plaza on the southeast corner of 74<sup>th</sup> Street, which would reduce the distance of those traveling from the north to the subway. MTA has not granted this request because of budget constraints. (305 East 72<sup>nd</sup> St)

**Response:**

The area suggested on the southeast corner of 74<sup>th</sup> Street is not a plaza but is a set-back from the sidewalk with stores along the full frontage of this building. The width of the set-back is approximately 13 feet, and the width of the sidewalk 20 feet, for a combined width of 33 feet. The width of the entrance proposed for Second Avenue Subway at this location to allow the required number of escalators to accommodate the ridership is approximately 26 feet. If the entrance were built at this location there would only be seven feet remaining, which is not sufficient width for the sidewalk

Relocating the entrance to 74<sup>th</sup> Street would not reduce the distance traveled by passengers traveling from the north because they would need to use an extended subsurface corridor to reach the mezzanine instead of using the sidewalk. Also, passengers coming from the south side of the entrance and the cross street would need to walk an additional three blocks to reach the station mezzanine (1 ½ blocks above ground and 1 ½ blocks below ground) than if the entrance were on 72<sup>nd</sup> Street.

Placing an entrance at this location would require extending the length of the entrance by approximately 360 feet, creating a long subsurface passageway as mentioned above. As stated in response to Comment 16, from experience, we know it is not prudent to design long passageways because of safety and security concerns. Additionally, such a corridor at the north end of the station would need to be constructed using cut and cover techniques because the bedrock is lower at 74<sup>th</sup> Street than at 72<sup>nd</sup> Street. This would considerably increase disruption to street and pedestrian traffic and to local businesses during construction. Utility diversions would also be needed, further adding to the time and cost of construction. The additional cost of constructing such an entrance would be at least \$10 to \$30 million (not including potential relocation and underpinning costs).

**Comment 23** The entrance slated for 305 East 72<sup>nd</sup> St should be moved to the southwest corner of 72<sup>nd</sup> St and Second Avenue. (305 East 72<sup>nd</sup> St)

**Response:**

Moving the entrance to the southwest corner of 72<sup>nd</sup> Street and Second Avenue would require the acquisition of the buildings on the southwest corner of 72<sup>nd</sup> Street, which would result in residential displacement. This is because locating entrances in older, typically four to five story brownstone and masonry type structures generally means that the structures would need to be demolished. The buildings often have stone foundations that are susceptible to movement, and the structural framing is such that it makes the major structural alterations required to place an entrance in the first floor and basement of such structures impractical. The 305 East 72<sup>nd</sup> Street site is a preferable entrance location in that no residential displacement is anticipated, and this corner better serves more of the riders projected to use this station.

**Comment 24** Provide specific data of safety problems or incidents and/or increased security costs associated with existing passageways. (Coalition)

**Response:**

Specific data is not available regarding the number of crimes/incidents in existing passageways. However, as stated in response to comment 16, from experience, we know it is not prudent to design long passageways because of safety and security concerns.

*CONSTRUCTION IMPACTS*

**Comment 25** There are many elderly and small children that live in our building. We are concerned about safety around heavy equipment, dust and construction debris. (301 East 69<sup>th</sup> St)

**Response:**

All construction sites would be fenced and secured to protect the safety of residents and pedestrians. Protected sidewalk areas would be created for pedestrians. During construction, every effort would be made to maintain uninterrupted access to buildings. Dust control measures would be implemented at all construction sites to minimize dust.

**Comment 26** We are concerned that the subway entrance will weaken the apartment structure. (301 East 69<sup>th</sup> St)

**Response:**

The plans for the subway entrances are being developed using all available information about the designs of nearby buildings, to minimize any damage to existing buildings, and to ensure the safety of all occupants. Additional testing and field inspections are being done to ensure accuracy of existing plans and to obtain information where it is currently lacking. Where necessary, such as at subway entrances, existing buildings will be underpinned to reinforce their foundations. Underpinning is a construction technique that permanently extends the foundations of a structure to below the area of influence of nearby construction.

**Comment 27** During construction rats and roaches will infest our apartments. (301 East 69<sup>th</sup> St)

**Response:**

Construction contracts would include provisions for a rodent and pest control program. Before the start of construction, the contractor would survey and bait the appropriate areas and provide for proper site sanitation. During the construction phase, as necessary, the contractor would carry out a maintenance program. Coordination would be maintained with appropriate public agencies. Only U.S. Environmental Protection Agency and New York State Department of Environmental Conservation (NYSDEC)-registered rodenticides and pesticides would be permitted, and the contractor would be required to perform rodent control programs in a manner that avoids hazards to persons, domestic animals, and non-target wildlife.

**Comment 28** Increased pedestrian traffic, noise and air pollution, and debris will impact the historic buildings across from 301 East 69<sup>th</sup> St. (301 East 69<sup>th</sup> St)

**Response:**

The Second Avenue Subway project team will follow the requirements of a Programmatic Agreement, executed by the FTA, the State Historic Preservation Office, MTA/NYCT, to minimize impacts to historic resources. One of the requirements of this Programmatic Agreement is development and implementation of construction protection plans for historic resources in close proximity to construction activities. These plans will specify protection measures to be used at each historic resource to minimize the potential for adverse impacts during construction.

*OTHER STATION ENTRANCE RELATED IMPACTS*

**Comment 29** The subway entrance would take over part of the garage and basement under 301 East 69<sup>th</sup> St. These are valuable and essential spaces for the operation of our building. (301 East 69<sup>th</sup> St)

**Response:**

The proposed entrance was designed to take the minimum area of the ground floor and basement of the existing building. The design team will take into account surveys of the ground floor and basements, as well as the recently-received building drawings.

**Comment 30** If a subway entrance is placed at 301 East 69<sup>th</sup> St, the property value will decline. (301 East 69<sup>th</sup> St)

**Response:**

Proximity to the subway typically has a positive effect on property values, rather than a negative effect, as potential buyers appreciate the convenience provided by subway access. The subway's visible elements, including station entrances and above-ground ventilation and cooling structures, are all common features of Manhattan streetscapes and would not be incongruous to the visual environment. The design of station entrances would be sensitive to the surrounding architectural context; they would not disturb views or change the area's urban design.

### **Lexington Avenue/63<sup>rd</sup> Street Station Entrances**

**Comment 31** Serious consequences would result to 63/64<sup>th</sup> Street Associates, the Food Emporium and the garage as they are under the plaza on the northwest corner of 63<sup>rd</sup> Street and Third Avenue, which is identified in the FEIS as a proposed location for an entrance and ancillary facility. A condemnation would result in many millions of dollars of damages to us and our tenants. We strongly advise NYCT to seek an alternative and want to meet with your representatives. (63/63 St. Assoc.)

**Response:**

NYCT plans to meet with 63/64 Street Associates, LP to discuss its concerns, once MTA's plans have been advanced to a more detailed level.

### **General Noise and Construction Impacts**

**Comment 32** Will there be any noise impacts due to increased truck traffic related to the construction, and what mitigation measures (such as prohibition of work during certain hours) would be implemented? (C. Parker)

**Response:**

Noise and Vibration impacts and mitigations are analyzed in Chapter 12 of the FEIS, and mitigation measures are detailed for each geographic location and major construction activity in Table 12-9. Although most surface construction activities will not occur between 10 pm and 7 am (as described in Table 12-9), underground tunneling, and the removal of rock from this tunneling, will occur on a 24 hour basis. It should be noted that on page 3-29, detailed information on the number of truck trips per day required for various types on construction. When spread over a 24 hour period, the number of truck trips for removing tunneling spoils is not significant compared with the existing number of trucks along Second Avenue.

### **Air Quality**

**Comment 33** We offer the following information to be included in the Record of Decision. If the project sponsors elect to use barges in the last phase of the Project, we suggest that the ROD offer some commitments to emission control measures to reduce the emissions of NO<sub>x</sub>. (EPA)

**Response:** FTA has added the above information to the ROD.

**Comment 34** Will extra precautions be taken to prevent any health risk due to the increased localized vehicular traffic and construction equipment? (C. Parker)

**Response:**

The project will implement an aggressive dust and emissions control program to minimize pollutant emissions at construction sites. This will include mandatory use of diesel emission controls for non-road equipment, limits to idling, and dust suppression measures.

### **Department of the Army Permits**

**Comment 35** If excavated material is used for building artificial fishing reefs, reinforcing bulkheads, or paving of roads, a Department of the Army permit would be required to place material in navigable waters of the U.S. A Department of the Army permit would also be required if mooring facilities for barges (e.g. piers or dredging) are built in the waterway. (Dept. of the Army, Corps of Engineers)

**Response:**

NYCT will comply with the required permits.

### **Architectural Resources**

**Comment 36** The following properties appear eligible for LPC designation and listing on the State/National Registers and are not included in the FEIS: 6-8 Delancey St., 403-405 Broome St., 406-412 Broome St. and 223-233 East 96<sup>th</sup> St. (NYCLPC)

**Response:**

The Delancey and Broome St. properties were within the Area of Potential Effect (APE) for historic resources for the Nassau Street alignment, and determinations of eligibility were sought from NYCLPC and the State Historic Preservation Office (SHPO). Subsequently, this alignment was dropped from consideration and not analyzed in the SDEIS and FEIS.

With regard to the properties mentioned at 223-233 East 96<sup>th</sup> St, two tenements, 231 and 233 East 96<sup>th</sup> St., are within the APE for a potential shaft site at East 96<sup>th</sup> Street. These buildings are part of a larger group of tenements, including 223-229 East 96<sup>th</sup> Street, that were determined eligible for State/National listing and New York City Landmark designation. 223-229 East 96<sup>th</sup> Street fall outside the APE for the shaft site, so they are not included in the FEIS.

**Comment 37** The Beekman Theatre blockfront, 1242-1258 Second Avenue, appears to be eligible for State/National Register listing only and not for LPC designation. (NYCLPC)

**Response:**

The Beekman Theatre blockfront was determined eligible for both State/National Registers on April 26, 2002 and, based on NYCLPC comments received on July 11, 2002, for designation as a New York City Landmark.

### **Engineering and Design**

**Comment 38** The planned cost of the subway is \$2 billion per mile; there's no doubt that the cost is being padded. (Kupferberg)

**Response:**

The cost estimate for the project, which accounts for inflation to the midpoint of construction, was developed by an experienced engineering team, and independently reviewed, is based on the project's overall size, the particular complexities of constructing in Manhattan, the site-specific issues associated with the project's alignment, and the cost of similar work in New York and elsewhere.

**Comment 39** The tables in Chapter 5B of the FEIS that illustrate projected loading conditions for the Second Avenue Subway and the 4/5 express trains during the AM peak hour show v/c ratios of 0.96 and 0.94, respectively. If these data hold, the Second Avenue Subway would reach capacity by 2027 and the 4/5 a year later. Additional capacity should be provided via a four-track Second Avenue Subway north of East Houston Street. (Kupferberg)

**Response:**

Compared with a two-track line, a four-track line would greatly increase the disruption and impacts associated with construction of the new subway, as well as the cost of the system, to an extent that would likely be prohibitive. A more detailed response to this comment is provided in the FEIS in Chapter 23 ("Response to Comments on the SDEIS") on page 23-53 in response to Comment 135.

The tables in the FEIS illustrate that the 4 and 5 express trains would operate below MTA Board approved guideline loads, which is a significant improvement compared to both present conditions, and those projected in 2025 without the Second Avenue Subway. The new Second Avenue Subway is also projected to operate within guidelines in 2025, and would have capacity for additional train service beyond the projected 2025 service to accommodate future growth.

**Comment 40** If a four-track Second Avenue Subway were developed, the station designs would have to be revised. The commenter suggests additional station locations, and adds that with different pedestrian flows from those for a two-track system, the traditional sidewalk entrance would have to be reconsidered. (Kupferberg)

**Response:**

See the response to Comment 4 for the reasons why new stations on the Second Avenue subway generally will not fit within available sidewalk space, and require acquisition of off street easements. This is true regardless of the size of the station.

If additional stations were built, as suggested by the commenter, this would further increase construction impacts and costs.

**Comment 41** The new subway should have its terminus at South Ferry rather than Hanover Square, since South Ferry is a major intermodal point and tourist destination. An extension to Brooklyn would still be possible with a South Ferry terminus. (Kupferberg)

**Response:**

The planning for the Lower Manhattan alignment is described in detail in Appendix B of the FEIS. As noted there, many challenges restrict the location of the new subway, including numerous existing structures. Any subway alignment allowing for a future extension to Brooklyn must be deep enough to pass beneath these obstructions. As detailed on page B-30, the option that terminated as far south as Whitehall Street/South Ferry was eliminated because it would not attract enough riders, given the Whitehall Street Station's distance to large office buildings and its depth, to offset the higher cost in relation to the Hanover Square terminal. This option also would have resulted in impacts to Battery Park and Peter Minuit Plaza, and could not have

been extended to Brooklyn due to the orientation of this section of Water Street, and the location of the Brooklyn Battery Tunnel.

**Comment 42** Table 5B-15 in the FEIS shows that the Second Avenue Subway would not relieve congestion for riders coming into the study area from Brooklyn; the v/c ratio for the build options would be 1.06 in 2025. The commenter suggests converting several LIRR branches to subways, and connecting them to the Second Avenue Subway. (Kupferberg)

**Response:**

Responses to similar comments are provided in detail in the FEIS, Chapter 23 (“Response to Comments on the SDEIS”), especially comments 122, 123 and 132. The v/c ratio cited in the comment is for the northbound 4 and 5 trains at Nevins Street in Brooklyn; the ratio is greatly reduced by the time the trains reach Borough Hall in Brooklyn. It should be noted that v/c ratios are significantly reduced along the northbound Lexington Avenue line in lower Manhattan, where a large number of Brooklyn riders currently board after transferring. Significant additional capacity is created at Union Square, the current peak load point in Manhattan. Extensions of the Second Avenue Subway to Brooklyn were not within the scope, goals and objectives of this project; however, as noted above, such an extension is not precluded.

End

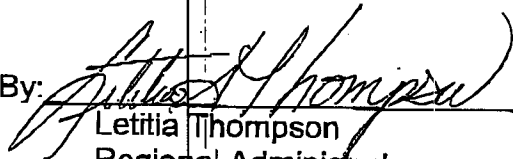
FEDERAL TRANSIT ADMINISTRATION

Section 4(f) Finding  
for  
Second Avenue Subway Project  
New York, New York

Based upon our review of the Second Avenue Subway Project Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation, and the comments received from the New York State Office of Parks, Recreation and Historic Preservation (SHPO) and the U.S. Department of Interior, the Federal Transit Administration (FTA) finds that there is no prudent and feasible alternative to the proposed Project and that the Metropolitan Transportation Authority and New York City Transit (MTA and NYCT) have considered all reasonable avoidance alternatives to minimize harm to the parkland, archaeological and historic resources within the study area.

This finding is subject to the MTA and NYCT adhering to the mitigation measures specified in the Section 4(f) Evaluation and all conditions specified in the Programmatic Agreement among FTA, SHPO, the MTA and NYCT.

By:

  
Letitia Thompson  
Regional Administrator

Date:

