

**Combined Final Environmental Impact
Statement/Record of Decision
And Final Section 4(f) Evaluation**

**Addressing the Construction and Operation of
the
Western Rail Yard Infrastructure Project
New York, New York**

November 2021



U.S. Department
of Transportation

**Federal Railroad
Administration**

Western Rail Yard Infrastructure Project

Final Environmental Impact Statement and Final Section 4(f) Evaluation

Prepared by:

**US Department of Transportation –
Federal Railroad Administration**

Submitted Pursuant To:

National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality Implementing Regulations for NEPA (40 CFR Parts 1500-1508); Department of Transportation Environmental Impact and Related Procedures (23 CFR Part 771) Efficient Environmental Reviews for Project Decision making (23 U.S.C. § 139); Section 4(f) of the United States Department of Transportation Act of 1966 (49 U.S.C. § 303) and implementing regulations at 23 CFR part 774; Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 306101); the Clean Air Act of 1970, as amended (42 U.S.C. § 7401 et seq.); the Clean Water Act of 1972 (33 U.S.C. § 1251-1387); and the Endangered Species Act of 1973 (16 U.S.C. § 1531-1544).



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WRY Tenant LLC (an affiliate of The Related Companies, LP) and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through a loan program, or an available grant program administered by the U.S. Department of Transportation (USDOT). The Federal Railroad Administration (FRA) is conducting the environmental analysis in compliance with the National Environmental Policy Act of 1969 (NEPA), (42 USC 4321 et seq.) and other applicable environmental laws. The Proposed Action put forth by the Project Sponsor includes the construction and operation of the following: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement). The Platform would allow for privately funded mixed-use development and public open space above the Platform. The Proposed Action would be located on the 13-acre Western Rail Yard site, located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka "Hudson Yards").

This Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation evaluate the Western Rail Yard Infrastructure Project. Because the FRA is modifying the Draft Environmental Impact Statement (DEIS) in response to comments that are only minor and limited to factual corrections or explanations of why the comments do not warrant additional agency response, FRA is issuing the FEIS using errata sheets. FRA's use of errata sheets is consistent with 23 United States Code (U.S.C.) 139(n); and 49 U.S.C. 304a.

Pursuant to 49 USC 24201 and 23 USC 139(n)(2), FRA is issuing a single document that consists of the FEIS/Final Section 4(f) Evaluation and Record of Decision (ROD). The primary purpose of the FEIS is to present responses from FRA and the Project Sponsor to public and agency comments received on the DEIS and Draft Section 4(f) Evaluation. The ROD states the decision, identifies the alternatives considered in reaching the decision, summarizes avoidance, minimization, and mitigation strategies and future design practices appropriate for this EIS, and states the next steps in the environmental review process that may occur with subsequent phases of the Project.

This combined FEIS/ROD documents the evaluation of the reasonably foreseeable potential beneficial and adverse environmental impacts of implementing the Project, including a No Build Alternative and Preferred Alternative. FRA has also prepared a Final Section 4(f) Evaluation for the Western Rail Yard Infrastructure Project in compliance with Section 4(f) of the United States Department of Transportation Act of 1966. The Proposed Action remains the Preferred Alternative in the FEIS and is the Selected Alternative in the ROD.

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Part 1: Final Environmental Impact Statement

1.1 INTRODUCTION

WRY Tenant LLC (an affiliate of The Related Companies, LP) and the National Railroad Passenger Corporation (Amtrak) are partnering in a joint venture (the Project Sponsor) to seek Federal financial assistance through a loan program, or an available grant program administered by the U.S. Department of Transportation (USDOT) for the Western Rail Yard Infrastructure Project (Proposed Action). The Federal Railroad Administration (FRA) is conducting the environmental analysis in compliance with the National Environmental Policy Act of 1969 (NEPA), (42 USC 4321 et seq.) and other applicable environmental laws. This Final Environmental Impact Statement (FEIS) may be used by FRA, the USDOT, another USDOT operating administration, or another Federal agency to satisfy those entities' obligations to comply with NEPA, should they take action with regard to this Proposed Action.

The Proposed Action put forth by the Project Sponsor includes the construction and operation of the following: (1) a structural Platform (Platform); and (2) a railroad right-of-way preservation Tunnel Encasement (Tunnel Encasement). The Proposed Action would be located on the 13-acre Western Rail Yard site, located on the western half of the Metropolitan Transportation Authority (MTA) Long Island Rail Road (LIRR) John D. Caemmerer Yard (aka "Hudson Yards").

The Western Rail Yard site (Project Site) includes two parcels (Block 676, Lot 1 and Lot 5) in New York County (Manhattan), New York (see **Figure 1-1**). MTA LIRR is the owner of both parcels (comprising the entire 13-acre Western Rail Yard site) and has a lease agreement for both parcels with WRY Tenant LLC¹. The Platform would allow for privately funded mixed-use development and public open space over the existing rail yard. The mixed-use development planned for the site (Overbuild) has been approved by the New York City Planning Commission (CPC), and adopted by the New York City Council into the New York City Zoning Resolution, for redevelopment of the Western Rail Yard site. The Tunnel Encasement would preserve the right-of-way for new rail infrastructure under the Western Rail Yard site to maintain a functional, resilient, and improved trans-Hudson passenger rail crossing into New York Penn Station (Penn Station).

¹ WRY Tenant LLC is the Overbuild Developer.

Data source: NYS ITS GIS Program Office; Nearmap, 2020 imagery



- Project Site (Western Rail Yard)
- Hudson Yards
- Approximate Terra Firma Area
- Proposed Platform
- Existing Concrete Encasement
- Proposed Tunnel Encasement
- Existing High Line Park (Remains Unaltered)

0 400 FEET

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Project Location
Figure 1-1

The rail yard is located between West 33rd Street to the north, Eleventh Avenue to the east (beyond which is the new private mixed-use development above the Eastern Rail Yard); 30th Street to the south; and Twelfth Avenue to the west. The rail yard is operated by LIRR and is used as a commuter railroad storage yard and maintenance facility. The yard contains storage tracks for 12-car trains, a car-cleaning platform, and other maintenance and staff facilities for LIRR's commuter rail service into Penn Station.

1.1.1 PRIOR ENVIRONMENTAL REVIEWS

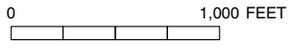
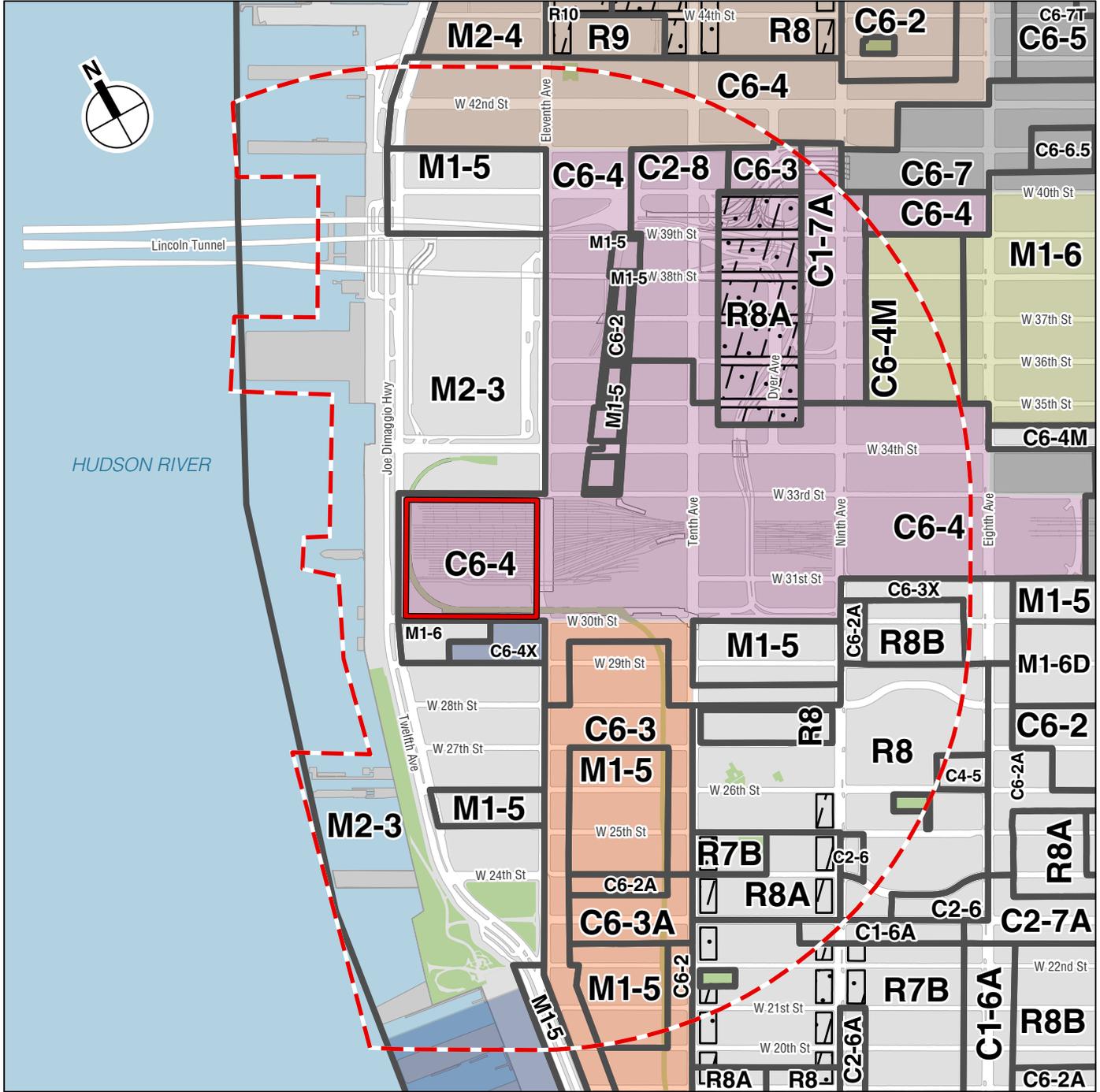
The Project Site and individual elements of the Proposed Action have been the subject of prior environmental reviews. The sections below describe the previous environmental reviews to provide additional background and context for the Proposed Action that FRA is evaluating in this Environmental Impact Statement (EIS). FRA has used information and analysis contained in the prior project-related environmental reviews to support the corresponding impact analysis for the Proposed Action in the preparation of this EIS, to the maximum extent applicable and practicable. In addition, FRA has incorporated findings and analyses from these documents in this EIS, where appropriate. This included using information such as estimates of construction worker and trucking activity, equipment and logistical information, and operational characteristics of the elements of the Proposed Action, accounting for any updates needed.

1.1.1.1 PLATFORM

The Platform and Overbuild were the subject of an FEIS prepared under the New York State Environmental Quality Review Act (SEQRA) and New York CEQR, which was published on October 9, 2009 (2009 SEQRA/CEQR FEIS). The CPC and the MTA acted as co-lead agencies for the environmental review and issued environmental findings under CEQR and SEQRA. Subsequent zoning actions associated with the Overbuild development were approved by the CPC and adopted by the New York City Council as zoning text and map amendments to the New York City Zoning Resolution (see **Figure 1-2**). The Overbuild development is now as-of-right development, since it would be built in accordance with the New York City Zoning Resolution's existing zoning controls, which regulate type of use, building envelopes, publicly accessible open space areas, street wall controls, retail continuity, and maximum floor area ratio (i.e., the ratio of floor area to lot size).

More details concerning the actions evaluated in the 2009 SEQRA/CEQR FEIS pertaining to the Western Rail Yard site are available in the DEIS, see Chapter 1, "Introduction," Section 1.3.3. For more information about the MTA and CPC's past environmental review of the Western Rail Yard project, please refer to the following website:

<https://www1.nyc.gov/site/planning/applicants/env-review/western-rail-yard.page>.



Existing Zoning in Study Area
Figure 1-2

Following the completion of the 2009 SEQRA/CEQR FEIS,² the WRY Tenant LLC entered into a Restrictive Declaration (RD) with New York City, which incorporates commitments associated with the design and construction of the Platform and Overbuild. Chapter 22, “Mitigation Measures and Project Commitments,” of the DEIS includes a summary of the RD’s design and construction commitments. These commitments, which are still in force, include environmental controls during construction, noise attenuation, restrictions on fuel use and location of air intakes for ventilation systems, procedures for addressing hazardous materials on site, and commitments to sustainable development.

1.1.1.2 TUNNEL ENCASEMENT

FRA conducted an environmental assessment (EA) in accordance with NEPA for the construction of a concrete casing in the Hudson Yards, and issued Findings of No Significant Impact (FONSI) in 2013 for the concrete casing project’s EA, and in 2014 for the concrete casing project’s Supplemental EA (SEA). The purpose of the concrete casing project was to preserve underground right-of-way in Hudson Yards to maintain opportunities to expand rail services, meet future demand, and improve intercity and commuter rail system safety and reliability. The preservation of the right-of-way is necessary to ensure that any development at the yard would not eliminate the possibility of future rail development and expansion into New York Penn Station.

Chapter 1, “Introduction,” Section 1.3.3, of the DEIS contains more details concerning Amtrak’s previous engineering analyses and the factors considered in the planning and design of the Tunnel Encasement component, and how they support the purpose and need to preserve a ROW through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

Since FRA’s issuance of the 2013 and 2014 FONSI, Amtrak has constructed the portion of concrete casing extending beneath the Eastern Rail Yard and under Eleventh Avenue. The final section is the Tunnel Encasement that the Project Sponsor would construct as a part of the Proposed Action would extend on a diagonal alignment from the western edge of Eleventh Avenue to the northern edge of 30th Street underneath the Western Rail Yard. Amtrak has advanced the design of the Tunnel Encasement to 100 percent Final Design. Final Design includes design of temporary works, construction phasing, structural details and all Tunnel Encasement details including interim facilities, any necessary demolition, and utility relocation work. For more information about FRA’s past environmental review of the concrete casing and Tunnel Encasement, please see <https://www.fra.dot.gov/Page/P0666>.

² The 2009 CEQR/SEQRA FEIS was accompanied by a Findings Statement, issued April 30, 2010, by the MTA Board pursuant to SEQRA and 6 NYCRR §§ 617.11 and 617.12(b)(1). <https://a002-ceqraccess.nyc.gov/Handlers/ProjectFile.ashx?file=MjAwOVVwOURDUDAwN01cZmluZGluZ3NcMDIEQ1AwMDdNX1N0YXRlbWVudF9PZl9GaW5kaW5nc18wNTA2MjAxMC5wZGY1&signature=82107f9edb9366e8339468304e35c89d4dc8a543>, accessed February 19, 2021.

1.2 ERRATA SHEETS AND COMBINED FEIS/ROD

Part 1 of this document consists of the FEIS and Final Section 4(f) Evaluation. Part 2 of this document provides the Record of Decision (ROD) document that considers all comments from the comment period and confirms FRA's Selected Alternative for the Project. The ROD also provides a written public record of FRA's decision and states how FRA's decision was made.

1.2.1 ERRATA SHEETS AND FEIS

In accordance with 40 CFR 1503.4(c), the use of errata sheets and a table, in lieu of rewriting the Draft EIS (DEIS) into an FEIS, is appropriate when comments received on the DEIS are minor and the responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further consideration of environmental consequences or response. Errata sheets are being made available to the public and agencies to the same extent as the DEIS, and FRA will ensure the DEIS remains publicly accessible.

The FEIS discloses potential environmental effects associated with the Proposed Action identified at this stage of project development and whether they are adverse or beneficial and identifies the Preferred Alternative. The FEIS includes all comments received on the DEIS and responds to those comments.

Comments received from the public and agencies require only factual corrections and minor clarifications to the DEIS; however, no comments on the DEIS warranted further response in the form of additional alternatives or consideration of undisclosed environmental consequences or impacts. The DEIS is available on the Western Rail Yard Infrastructure Project website (<http://www.westernrailyardinfrastructure.com>) and the federal docket (Regulations.gov, Docket No. FRA-2020-0039-0023) and is included as **Appendix A** of this FEIS. Section 1.6 of this FEIS presents the DEIS Errata Table, which indicates where changes were made to text in the DEIS document. The revised DEIS tables, figures, and additional new appendix materials are included in **Attachment 1**.

1.2.2 FEIS AND ROD

In accordance with 23 USC § 139(n) and 23 CFR § 771.124(a), to the maximum extent practicable, FRA must develop a combined FEIS and ROD unless:

- The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns, or
- There are significant new circumstances or information relevant to environmental concerns and that bears on the proposed action or the impacts of the proposed action.

This FEIS does not include substantial changes to the Proposed Action in terms of environmental or safety concerns, nor are there significant new circumstances or information relevant to environmental concerns of the Proposed Action or its impacts, as set forth in the law.

FRA will announce the availability of the combined FEIS/ROD on the Project website. In addition, FRA will send email notifications to the individuals and groups on the Project email list, post the document on the federal docket, and make a limited number of printed copies available upon request.

1.3 PURPOSE AND NEED

As explained in Chapter 2 of the DEIS, Purpose and Need, the purpose of the Proposed Action is to:

- (1) cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard so that the Project Sponsor can provide additional new capacity for real estate development and house critical life safety and mechanical, electrical and plumbing support services for the yard, including new lighting, sprinklers and an extensive Platform ventilation system; and
- (2) preserve a right-of-way through the Western Rail Yard to support the future construction of a trans-Hudson passenger rail crossing into New York Penn Station.

The Platform is needed to support the provision of developable land area that would generate revenue for the MTA and its subsidiary agencies, to protect the rail yard, and to provide modern state-of-the-art life safety systems for the entire Western Rail Yard. The Tunnel Encasement is needed to maintain the ability to preserve passenger rail service in and out of New York Penn Station.

1.4 ALTERNATIVES

The Project Sponsor developed and presented the Proposed Action to FRA for consideration. For each project component of the Proposed Action, FRA reviewed the design standards, relevant site constraints, design process, and stakeholder input to identify potential feasible alternatives to advance for analysis in the EIS. As the result of this process, and using the information regarding the engineering constraints, FRA identified two alternatives for analysis in the EIS: the No Action Alternative and the Preferred Alternative.

Chapter 3 of the DEIS presented the alternatives considered, including the No Action Alternative and the Preferred Alternative. No substantive comments were received on the DEIS that would result in changes to the Preferred Alternative (see Section 1.5.3).

As described in the EIS, because of the unique engineering considerations and site constraints considered by the Project Sponsor in the planning and design of the Platform and Tunnel Encasement, FRA concluded that only the Preferred Alternative meets the purpose and need. FRA, in collaboration with the Project Sponsor and MTA, have determined that other options for location, size and alignment for the Platform and Tunnel Encasement are infeasible as they would fail to satisfy the engineering and design constraints of the Project Site.

1.4.1 NO ACTION ALTERNATIVE

CEQ regulations for implementing NEPA require consideration of a No Action Alternative, which represents the conditions that would exist in the planning year if a proposed action is not implemented. Under the No Action Alternative, the Western Rail Yard Platform and Tunnel Encasement would not be built. The existing use of the rail yard and associated LIRR facilities, as well as their maintenance regimen would continue. Therefore, the No Action Alternative includes only those projects that are necessary to keep the Western Rail Yard and the associated LIRR facilities in service and provide continued maintenance. The No Action Alternative does not meet the purpose and need of the Proposed Action because it does not protect or enhance MTA's assets, it would not preserve the ROW for a future trans-Hudson passenger rail connection into New York Penn Station, and would not advance New York City's land use objectives for Hudson Yards. The No Action Alternative instead serves as a baseline for comparison against the potential impacts of the Proposed Action in the EIS.

1.4.2 PREFERRED ALTERNATIVE

As detailed in Chapter 3, Section 3.4.2 of the DEIS, the Preferred Alternative includes a Platform and Tunnel Encasement.

1.4.2.1 PLATFORM

The approximately 9.8-acre Platform spanning the Western Rail Yard would include deep footings and a concrete slab to cover the active rail yard below, and reinforced building foundations to support the future Overbuild. The deep footings and a concrete slab would transfer the building loads to the bedrock below to support the Overbuild. Approximately 400 caissons (i.e., watertight columns) would be drilled into bedrock through the water table and soil and to the rock that is up to 120 feet below the surface in certain locations.

The Platform's support columns would be threaded between the existing railroad tracks and associated infrastructure in Western Rail Yard. No existing storage tracks would be displaced and train service would be maintained during the construction of the Platform.

Platform construction would also include the modernization of LIRR support services for the yard, including new life-safety systems. The following Platform infrastructure components are necessary to support rail yard operations for LIRR:

- Ventilation system;
- Emergency electrical equipment;
- Life safety equipment (i.e., fire protection and fire alarm system);
- Crash walls (i.e., concrete barriers to redirect trains away from support columns);
- Lighting;
- Rail car cleaning services;
- Associated mechanical, electrical, and plumbing services;
- LIRR service buildings (LIRR staff locker rooms and train maintenance and inspection equipment rooms); and
- Electrical Substation

In accordance with MTA's 1989 Master Plan for Caemmerer West Side Yard, the placement of a Platform over the rail yard was included in the original design criteria for the yard, which MTA established to provide safety considerations and to ensure reliable train operations with a minimum disruption of service.

The ventilation system would require ventilation fan plants and localized exhaust hoods for Dual Mode (DM-30) LIRR train engines that must be located within the Western Rail Yard. Ventilation of the yard is a necessary component to the Platform to remove the heat and emissions from train operations. As such, a heating, ventilating, and air condition (HVAC) system would be incorporated into the design of the Platform.

The existing LIRR support facilities that house the LIRR locker room and the equipment room must be removed and temporarily relocated to allow for construction of the Platform. The permanent LIRR service buildings would be re-constructed in the same locations and within the same footprint. The substation would house mechanical and electrical equipment, fuel oil storage, office space and LIRR substation equipment. Besides Consolidated Edison (Con Edison) service connection and its associated electrical equipment, the substation would house the Medium-Voltage Substation, Emergency Generators for the Eastern and Western Rail Yards, an Electrical Distribution Room, Western Rail Yard Fire Pump, Fire Protection Valves, Communication Rooms, as well as office and storage spaces.

1.4.2.2 TUNNEL ENCASEMENT

The Tunnel Encasement in the Western Rail Yard would start at the western edge of Eleventh Avenue and extend underground across the Project Site to the northern edge of 30th Street. The tunnel box would be between 50 and 65 feet wide and between 27 and 38 feet high. The Tunnel Encasement has been designed to be constructed completely independent of the above ground structures and would not take on any load from the Platform. Together, the Tunnel Encasement below both rail yards (Eastern and Western Rail Yards) would preserve a total ROW of approximately 1,400 feet. It would extend underneath a portion of the High Line and require the underpinning an approximately 100-foot segment of the historic elevated structure during construction. This Preferred Alternative does not include any permanent operational component for the Tunnel Encasement. No permanent operational components, such as tracks, lighting, ventilation, or electrical systems, would be constructed as part of the Preferred Alternative. Minor, temporary systems, such as sump pumps, lighting, and ventilation would be installed to enable its construction, which would be removed once construction is completed.

1.5 PUBLIC AND AGENCY OUTREACH AND COORDINATION

Following FRA's publication of the Notice of Intent (NOI) on June 15, 2020, the scoping period ran from July 1 to July 31, 2020. During the scoping period, the public and agencies had an opportunity to review and comment on the scope of the DEIS. FRA prepared *the Western Rail Yard Infrastructure Project Scoping Summary Report* after the conclusion of the scoping process.³ Chapter 23 of the DEIS provides a summary of the public involvement and agency coordination that FRA conducted up to the release of the DEIS. This section provides an overview of the public and agency outreach and coordination that has occurred since the release of the DEIS. **Appendix B** contains the complete DEIS Public and Agency Involvement Summary Report, which provides more detail regarding outreach and coordination activities.

1.5.1 DISTRIBUTION OF THE DEIS

FRA released the DEIS and Draft 4(f) Evaluation for public review and comment on June 11, 2021. The U.S. Environmental Protection Agency (EPA) published a Notice of Availability in the Federal Register on June 11, 2021. The public was invited to provide comments on the DEIS during a 45-day public comment period from June 11, 2021, through July 26, 2021.

The distribution of the DEIS emphasized the use of electronic media to provide cost-effective access to the public. The DEIS was available on the internet on the Project website (<http://www.westernrailyardinfrastructure.com>). FRA encouraged submission of comments for the DEIS and other documents electronically. Public and interested agencies had the opportunity to submit comments in writing, via the Docket system at Regulations.gov (Docket FRA-2020-0039), electronic mail, voicemail to a Project phone number, or U.S. mail.

Federal agencies, Native American Tribes, state agencies, regional and local agencies, and the other selected interested parties and organizations were sent a link to the electronic copy of the DEIS via electronic mail. Additional local elected officials and agency representatives, along with others on the mailing list (118 contacts), were mailed a notification that included information about how to access the DEIS; timing for the formal DEIS comment period; and public hearing date.

In addition, during the public comment period, the public was able to review hard copies of the DEIS. Copies were available at the following locations:

³ FRA, September 2020, *Western Rail Yard Infrastructure Project Scoping Summary Report*, found at <http://westernrailyardinfrastructure.com/library.html> or at www.regulations.gov (using Docket Number FRA-2020-0039).

Organization	Address	City, State	Phone
Jack Brause Library*	11 West 42nd Street, #510	New York, NY	(212) 992-3627
Manhattan Community Board 4**	330 West 42nd Street, 26th Floor	New York, NY	(212) 736-4536
Manhattan Community Board 5**	450 Fashion Avenue, #2109	New York, NY	(212)-465-0907
Mid-Manhattan Library*	455 Fifth Avenue	New York, NY	(212) 340-0863
NYPL Columbus Branch Library*	742 Tenth Avenue	New York, NY	(212) 586-5098

Notes:

Since the availability of materials for public review at these repositories was uncertain, as an accommodation, FRA offered to send a copy of the DEIS Executive Summary in English or Spanish to anyone that requested it free of charge.

* Libraries were not fully open to visitors during the DEIS comment period.

** The Community Board offices had the DEIS and Draft Section 4(f) Evaluation available for public review in their offices, by appointment.

1.5.2 DEIS PUBLIC HEARING

FRA conducted a virtual public hearing for the DEIS June 30, 2021, from 6:30 to 8:30 pm EDT accessible via phone or virtual meeting. The public hearing was recorded and available on YouTube on July 1, 2021. The hearing provided an overview of the Project and an opportunity to provide comments. American Sign Language interpretation was provided, and Spanish language interpretation was available, upon request. There were 8 attendees at the public hearing, including 2 agency representatives and 6 individuals. There was an opportunity for the public and stakeholders to provide comment using oral and private testimony. No comments or oral testimony were received during the public hearing. The transcript from the public hearing is included in **Appendix C1**.

1.5.3 COMMENTS AND RESPONSES ON THE DEIS

During the public comment period for the DEIS, agencies, organizations, and one community board submitted a total of 9 comments. No comments from individuals were received. Of the 9 comments, 8 comments were received by email and 1 by mail. The comments are presented in their entirety in **Appendix C2**. The commenters included the following:

AGENCIES

1. Mark Austin, Environmental Review Team, United States Environmental Protection Agency, letter dated July 26, 2021 (EPA_004)
2. Gregory L. Capobianco, Office of Planning, Development, and Community Infrastructure, New York State Department of State, letter dated August 10, 2021 (NYSDOS_009)
3. Lawrence Lennon, Deputy Chief Planning Officer, MTA Construction and Development, letter dated July 26, 2021 (MTA_002)
4. Andrew L. Raddant, Regional Environmental Officer, United States Department of the Interior, letter dated July 23, 2021 (USDOI_003)
5. Gina Santucci, Environmental Review Coordinator, New York City Landmarks Preservation Commission, letter dated July 14, 2021 (NYCLPC_005)
6. Hilary Semel, Director and General Counsel, Mayor's Office of Environmental Coordination, letter dated July 27, 2021 (MOEC_001)
7. Allen Zaretsky, Senior Planner, New York City Department of City Planning, email dated August 10, 2021 (NYCDCP_008)

COMMUNITY BOARD

8. Lowell D. Kern, Chair, Manhattan Community Board 4, letter dated July 28, 2021 (MCB4_007)

ORGANIZATIONS

9. Felicia Park-Rogers, Director of Regional Infrastructure Projects, Tri-State Transportation Campaign, oral comment notes received June 30, 2021 (Tri-State_006)

FRA reviewed all of the public and agency comments and have taken the comments into consideration in the decision-making process for the EIS. All of the comments received on the DEIS and FRA's corresponding responses are included in **Appendix C3**.

1.6 DEIS ERRATA TABLE

Table 1-1 documents changes that have been made to the DEIS based on comments received during the public comment period and updates after the publication of the DEIS. The revised DEIS tables, figures, and additional new appendix materials are included in **Attachment 1. Appendix A** contains the DEIS as published on June 11, 2021.

**Table 1-1
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
S.3	S-3	Revised text to show completion of construction at Moynihan Station	Construction is also ongoing at Moynihan Station located between Eighth Avenue and Ninth Avenue and West 31st Street and West 33rd Street, <u>was completed in April 2021</u> . When completed, The Moynihan Station Development Project <u>will convert</u> the Farley Building post office facility into a new passenger rail station and mixed-use facility with 123,000 gross square feet (gsf) of retail, 228,000 gsf of public facility, and 672,000 gsf of office. The new Train Hall at Moynihan Station (an extension of New York Penn Station), which provides additional and improved connectivity to passenger platforms and enhanced passenger circulation space, opened on January 1, 2021. The associated private development is still under construction.	3 (MOEC_001)
4.3.1	4-4	Revised text to show completion of construction at Moynihan Station	The Moynihan Station Project will create a new passenger rail station within the historic James A. Farley Post Office Building (Farley Building), which is across Eighth Avenue from New York Penn Station and was designed by the same architecture firm as the original Penn Station building...The project is advanced in phases, and the first final phase is now complete <u>as of April 2021</u> ...The <u>final</u> next phase, now in construction, <u>will include</u> a new train hall, internal pedestrian circulation space, and commercial development in the Farley Building, including transit-oriented and destination retail as well as other commercial uses. The transportation infrastructure component of the project was substantially completed in December 2020, with the train hall and associated passenger circulation elements opened for public use on January 1, 2021; final completion is planned for 2021.	3 (MOEC_001)
4.3.1	4-6	Added High Line Moynihan Connector Civic Project to Table 4-1 and Figure 4-1	<u>A new Map ID "L" was added to Figure 4-1. See Table 4-1 in Attachment 1. A new line for Map ID "L" was added to Table 4-1, including new text: High Line Moynihan Connector Civic Project; Inside ½-mile Study Area; Block 728; Lot 1; The project would connect the High Line to the New Moynihan Train Hall; Build Year 2022</u>	7,8,9 (MOEC_001)

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
6.6.1	6-7	Revised text for clarity regarding the closure of West 33rd Street	However, the segment of West 33rd Street between Eleventh and Twelfth Avenues would be completely closed to non-emergency vehicles during the Preferred Alternative's construction period <u>if the Proposed Actions are approved and that street segment is to be rebuilt, as well as part of coordination with the NYCEDC West 33rd Street Viaduct project's construction. Construction trucks for the Preferred Alternative would still be allowed to use the entrance to the "construction area" via West 33rd Street and Eleventh Avenue throughout the duration of Platform construction, per the second bullet point listed above...</u> Nearby <u>non-emergency</u> vehicle detour routes would include West 34th Street, West 30th Street, and West 29th Street and none of the streets are likely to be disrupted by the detour, nor would other nearby projects during the construction period.	12 (MOEC_001)
6.6.1	6-6	Revised text to clarify NYCDOT-OCMC approval of MPT Plan, including any pedestrian access changes.	Pedestrian circulation adjacent to the Project Site <u>may</u> be temporarily closed during throughout Platform construction on Eleventh Avenue and West 33rd Street. <u>It is likely that the pedestrian passage could be maintained via overhead protections or temporary sidewalks. Any pedestrian access changes would be part of the MPT plan approved by NYCDOT's Office of Construction Mitigation and Coordination (OCMC).</u>	15 (MOEC_001)
Appendix C2	Table C2-4	New Table C2-4A	<i>A new Table C2-4A was added to the Appendix to show the 24-hour range of hourly trip distribution for construction truck trips for the Platform and Tunnel Encasement Components separately. See Table C2-4A in Attachment 1.</i>	16 (MOEC_001)
7.3.1.1	7-3	New text added to clarify why emergency generators are not included in the analysis.	<u>Emergency generator operations are unlikely to occur simultaneously with the worst-case meteorological conditions and worst-case project emissions. Therefore, consistent with USEPA guidelines, the emissions associated with emergency generator testing would not occur frequently enough to affect the 98th or 99th percentile of NO₂ and SO₂ concentrations (the statistical forms of ambient air quality standards, respectively) and are not included in the modeling analysis.</u>	24 (MOEC_001)

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
8.5.2	8-5	Revised Table 8-3 to include the Leq descriptor and added a new Table 8-4	<i>The following new footnote 2 was added in Table 8-3:</i> <u>Following the FTA guidance manual, the Ldn metric was used for category 2 receptors and the Leq(1h) metric was used for category 3 receptors. See Chapter 5 of Appendix B.</u> <i>A new Table 8-4 was added to show the operational stationary noise analysis results using the Leq descriptor. See Table 8-4 in Attachment 1.</i>	27 (MOEC_001)
8.5.3	8-7	Revised footnote in Table 8-5 (Table 8-4 in the DEIS)	<i>Footnote 2 in Table 8-5 was revised:</i> Receptor 1, the High Line, is currently open from 7 AM to 7PM <u>9 PM on weekdays and 9 AM to 9 PM on weekends</u> , therefore nighttime construction noise levels are not considered at this receptor.	28 (MOEC_001)
8.5.3	8-9	Revised text to include potential steps to alert park users of increased noise levels during construction and how community complaints can be directed.	<u>As such, the Project Sponsor would consult with NYC Parks and Friends of the High Line to determine the necessary steps to protect park users, such as providing signage alerting park users to the potential for increased noise levels of certain portions of the park where high noise levels are anticipated. It is a standard practice and requirement at construction sites in New York City to have posted signage that indicates where community complaints (including those related to noise and vibration) can be directed.</u>	50 (MOEC_001)
8.5.2	8-10	Revised text to include the construction noise impacts at residential receptors during nighttime hours	Because construction of the Preferred Alternative would result in noise level increments exceeding the <i>CEQR Technical Manual</i> noise threshold over an extended period (i.e., greater than 24 consecutive months), it would result in an adverse impact at receptors 2a, 2b, and 2c according to the <i>CEQR Technical Manual</i> guidelines, <u>including significant increases (i.e., up to 8 dBA) during the night when residential receptors are particularly sensitive to noise.</u>	30 (MOEC_001)
11.1	Figure 11-1	Revised Figure 11-1	Figure 11-1 revised to more clearly delineate the Terra Firma Area. See <i>Attachment 1</i> .	32 (MOEC_001)
11.5.1.2	11-2	Revised text to “uses it for parking” and “metal barricades block”	The section of West 33rd Street between Eleventh and Twelfth Avenues adjacent to the Project Site is open to bus traffic, but the New York Police Department (NYPD) uses it for parking, and metal gates <u>barricades</u> block the sidewalks to pedestrians.	33 (MOEC_001)
11.5.1.2	11-3	Revised text to “tinted glass”	The 175-foot-tall building has a dense, boxy form that is clad in dark <u>tinted</u> glass and steel in a lattice design.	34 (MOEC_001)

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
11.5.1.2	11-3	Revised text to “a mostly textured metal panel wall”	Along West 34th Street, the convention center presents a mostly black masonry textured metal panel wall with pedestrian and vehicular entrances located toward Twelfth Avenue (see view 9 of Figure H-6).	35 (MOEC_001)
11.5.1.2	11-4	As the metal sculpture is no longer present, this sentence has been deleted from the text.	A large metal sculpture of a reclining gorilla is located at the West 33rd Street entrance to the park.	36 (MOEC_001)
11.6.2 Appendix H	11-7 H-19	Added new Figure H-19	<i>New figure reference added to text and appendix:</i> <u>(Figure H-19 illustrates the visual relationship between the High Line and the top of the Platform.) See Attachment 1.</u>	37 (MOEC_001)
12.6.3	12-12	Reference to the Restrictive Declaration (RD) was added.	<i>New text added to first bullet:</i> Since an RD was assigned to the Project Site based on the 2009 SEQRA/CEQR FEIS <u>(see Appendix O)</u> , the Phase II must be conducted with NYCOER approval.	38 (EPA_004)
12.6.3	12-13	Reference to the Construction and Environmental Protection Plan (CEPP) was added	<i>New text added to last bullet:</i> <u>FRA would require the Project Sponsor to develop a CEPP for the Preferred Alternative (see Chapter 22).</u>	38 (EPA_004)
13.5.2.5	13-11	The annual energy estimates for the ventilation system have been added to those for the electrical substation for the energy consumption analysis.	As shown in Table 13-4, the <u>combined</u> estimated energy consumption of the LIRR service facilities <u>and the ventilation system would be approximately 8,526 18,327</u> million BTUs per year. <u>The estimates are based on standard CEQR Technical Manual rates and estimates developed by the Project Sponsor’s design engineers for the ventilation system. These assumptions are being used only for NEPA analysis purposes with the understanding that the final estimated energy consumption figures are subject to change based upon MTA’s review and approval of the Western Rail Yard Platform design to ensure conformance with the Project Sponsor’s contractual requirements, including without limitation, applicable design criteria and LIRR operations.</u> The total incremental energy use between the No Action Alternative and the Preferred Alternative would be approximately 4,395 <u>14,196</u> million BTUs per year. <i>See Table 13-4 in Attachment 1.</i>	40 (MOEC_001)

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
13.5.3	13-12	New text added to Section 13.5.3 to include coordination with Con Edison.	<i>New text added in the second paragraph:</i> <u>The Project Sponsor continues to coordinate with Con Edison on the Project, and any required utility re-routings or reconstructions needed.</u>	41 (MOEC_001)
15.2	15-1	Reference to the NEPAssist and EnviroAtlas tools were added to the Methodology section.	<u>In addition, the online NEPAssist and EnviroAtlas tools were reviewed for the project area.</u>	42 (EPA_004)
15.3.1	Figure 15-1	Revised Figure 15-1	<i>Figure 15-1 was updated to include the 500-year floodplain as Zone X. See Attachment 1.</i>	43 (EPA_004)
Appendix D, Section D.3.2.6	D-7	Clarification provided regarding elevated receptors that were modeled using CEQR Technical Manual guidelines.	FRA modeled discrete receptors (i.e., locations at which concentrations are calculated) along existing and future building façades to represent potentially sensitive locations such as operable windows and intake vents. Rows of receptors were spaced at regular intervals on the modeled buildings and multiple elevations, <u>consistent with CEQR Technical Manual analysis guidance</u> . FRA also placed receptors at publicly accessible ground-level locations, including sidewalks and open spaces.	N/A
Appendix D, Section D.4.1.2	D-8	Added tables with dust emissions data to Appendix D.	<u>Dust emissions associated with the transfer of excavated materials were estimated (see Table D-4) assuming that each dump truck would be filled to a maximum capacity of 20 cubic yards (CY) of soil per truck with a soil density of 2.6 tons per CY.</u>	22 (EPA_004)
16.5.2 Appendix L	16-2	Revised text to include coastal zone consistency concurrence from NYCDCP and NYSDOS.	<u>NYSDOS and NYCDCP provided their coastal zone consistency determination in correspondence on August 10, 2021 (see Appendix L).</u> <i>Copies of the NYSDOS and NYCDCP determinations were added to Appendix L and included in Attachment 1.</i>	58 (NYCDCP_008) 59 (NYSDOS_009)
19.2	19-2	Revised to include updated regulatory framework.	<u>This analysis complies with EO 12898, USDOT Order 5610.2(a) 5610.2(c), as updated in May 2021,</u> and other related federal policy and guidance documents, as further described in Chapter 16 of Appendix B.	48 (MOEC_001)
19.10	19-7	Revised to past tense of Environmental Justice outreach between DEIS and FEIS.	The public comment period for the DEIS will be <u>was</u> open for 45 days after the publication of the DEIS... <u>Comments received on the DEIS have been reviewed and addressed in the Final EIS.</u>	N/A
19.6.3	19-4	Revised text to include "noise, dust, or emissions"	Given this distance, these populations would not experience adverse effects from onsite construction activities, <u>including noise, dust, or emissions.</u>	49 (MOEC_001)

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
22.4	22-10, 22-11, and 22-16	Added text in Table 22-1 to reflect Final Section 4(f) Evaluation (Parks and Recreation and Section 4(f) sections are both reflected in the table)	<p>FRA is consulting <u>consulted</u> with NYC Parks to determine the appropriate steps to protect High Line park users and the agency's ability to maintain the High Line (<u>see Appendix O3</u>). The Project Sponsor would consult with NYC Parks regarding those aspects of the Platform design that relate to the High Line. Design plans for the Platform would be submitted at the preliminary and pre-final design stages. If NYC Parks identifies substantive concerns with maintenance and operation access, the Project Sponsor would continue coordination with NYC Parks to mitigate those concerns. The Project Sponsor would consult with NYC Parks regarding aspects of the Platform design that relate to the High Line. The Project Sponsor would coordinate with NYC Parks on the design plans for the Platform at the preliminary and pre-final design stages. If NYC Parks identifies substantive concerns with maintenance and operation access, the Project Sponsor would continue to coordinate with NYC Parks to mitigate those concerns.</p> <p><u>The Project Sponsor would adhere to the terms of the Amended, Modified, and Restated High Line Easement Agreement among WRY Tenant LLC, the City of New York, the Metropolitan Transportation Authority, and the Long Island Rail Road Company (see FEIS Attachment 1, Appendix F4), which provides for, but is not limited to the following:</u></p> <ul style="list-style-type: none"> • <u>Perpetual easements over the Western Rail Yard for the High Line structure, including "any alterations, replacements, substitutions and renewals thereof" and for structural supporting elements.</u> • <u>Reciprocal easements as between the City of New York and the owners of the Western Rail Yard parcels to enter the Western Rail Yard parcels and the High Line easement area, respectively. The access easement benefiting the City of New York provides explicitly for access for City personnel "to perform any inspections, repairs, maintenance, construction, restoration, improvements, alterations or capital improvements" to the High Line and related support facilities.</u> 	N/A

**Table 1-1 (cont'd)
DEIS Errata Table**

Chapter Section	Page(s) in DEIS	Description of Action	FEIS Revised Text	Comment Number Addressed (see Appendix C)
22.4 (cont'd)	22-10, 22-11, and 22-16	Added text in Table 22-1 to reflect Final Section 4(f) Evaluation (Parks and Recreation and Section 4(f) sections are both reflected in the table)	<ul style="list-style-type: none"> • <u>The City's review of any work that involves the Western Rail Yard developer's exercise of its rights under the Easement Agreement (e.g., construction of the Platform that affects the High Line).</u> • <u>The Western Rail Yard developer's responsibility for the restoration of any High Line structures damaged in the course of the developer's exercise of its rights under the Easement Agreement; and</u> • <u>Construction-period coordination between the City and the Western Rail Yard developer to ensure that the Western Rail Yard mixed-use development (which included the Platform that is the subject of the current DEIS) and the restoration and use of the High Line as a park proceed in a timely and safe manner.</u> <p><u>In addition, the High Line Easement Agreement includes a perpetual easement that applies to Amtrak's ownership rights of the Tunnel Encasement. The Tunnel Encasement would be 15-20 feet below grade and Amtrak's use and operations of the tunnel would not affect the City's ability to inspect and maintain the High Line. Those activities would be governed by the terms of the High Line Easement Agreement (see FEIS Attachment 1, Appendix F4).</u></p> <p><u>To address potential noise impacts during construction of the Preferred Alternative, the Project Sponsor would consult with NYC Parks and Friends of the High Line to determine the necessary steps to protect park users, such as providing signage alerting park users to the potential for increased noise levels of certain portions of the park where high noise levels are anticipated.</u></p>	N/A

1.7 FINAL SECTION 4(F) EVALUATION

As detailed in Chapter 21 of the DEIS, FRA prepared the Section 4(f) Evaluation to document and evaluate the Preferred Alternative's potential impacts to resources protected under Section 4(f) of the USDOT Act, (23 USC 138 and 49 USC 303), and the implementing regulations at 23 CFR 774. Section 4(f) is a Federal law that protects publicly owned parks, recreation areas, or wildlife and waterfowl refuges of national, state, or local significance, and historic sites of national, state, or local significance that may be affected by transportation projects approved or funded by the USDOT and its operating administrations, including FRA.

In the DEIS and Draft Section 4(f) Evaluation, FRA proposed a *de minimis* finding. Because the High Line is both a historic site and a park resource, FRA must find that the criteria for both parks and historic sites are met in order to reach a conclusion that the impacts are *de minimis* and coordinate with the officials with jurisdiction, the NYSHPO and NYC Parks. FRA has determined there is no adverse effect to the historic property under Section 106. In a letter dated February 11, 2021, NYSHPO concurred with the Section 106 finding, and FRA is using this concurrence for the *de minimis* finding. Following the release of the DEIS and Draft Section 4(f) Evaluation, FRA continued consultation with NYC Parks. FRA received concurrence from NYC Parks regarding the Section 4(f) Evaluation *de minimis* finding on September 3, 2021. The Final Section 4(f) Evaluation, prepared in accordance with 49 U.S.C. § 303; 23 CFR Part 74; and FHWA's Section 4(f) Policy Paper (2012), describes that coordination, additional mitigation, and FRA's conclusion that the effects resulting from Western Rail Yard Infrastructure project are *de minimis* impacts, including concurrence from the officials with jurisdiction on FRA's finding. **Appendix D** contains the Final Section 4(f) Evaluation. *