

**Appendix C Public Hearing Transcript, DEIS Comments,
and Response to DEIS Comments**

Appendix C1

Public Hearing Transcript

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UNITED STATES DEPARTMENT OF TRANSPORTATION -
FEDERAL RAILROAD ADMINISTRATION (FRA)

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Transcription of:

Draft Environmental Impact Statement

Public Hearing

RE: Western Rail Yard Infrastructure Project

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June 30, 2021

6:30 P.M.

B e f o r e :

Nick Campbell, Technical Host

Andrea Poole, FRA

Leslie Black, Moderator

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2 and will be available on the Western Rail Yard
3 Project website at
4 www.Westernrailyardinfrastucture.com.

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6 If you're experiencing technical
7 issues, you can contact the technical team via the
8 Q&A function or by calling our tech support line at
9 (929) 229-5220.

10

11 We have American Sign Language
12 interpretation for today's hearing. Only members
13 of the Project team and our ASL interpreter will be
14 on video. Attendees will not have video, will be
15 muted, and will have chat disabled.

16

17 We have optimized the webinar
18 settings to have all attendees in gallery view.
19 While you have the option to change your view
20 settings in Zoom, we recommend you do not adjust it
21 as we had set it currently for the best viewing
22 experience. I will pause for a moment to give
23 anyone having technical issues a chance to contact
24 us via the Q&A or support line.

25

26 If you are registered speaker,
27 your microphone will be unmuted when it is your
28 turn to speak. The chat function is also disabled
29 for attendees, but you may communicate with our

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2 team through the Q&A box.

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4 If you experience any technical
5 issues with Zoom, you can communicate with the
6 technical team running today's meeting via the Q&A
7 function or by calling our tech support line at
8 (929) 229-5220. If you did not preregister to give
9 an oral comment, you may also submit a comment in
10 the Q&A box and it will be added to the record.

11

12 And now I would like to introduce
13 Andrea Poole from FRA.

14

15 MS. POOLE: Good evening. My
16 name is Andrea Poole and I am an environmental
17 protection specialist in the Federal Railroad
18 administration's office of Railroad Policy and
19 Development.

20

21 The Federal Railroad
22 Administration, or FRA, is the lead federal agency
23 in charge of advancing the environmental review for
24 this project.

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26 On behalf of FRA, I welcome you
27 to this public hearing for the Western Rail Yard
28 Infrastructure Project's Draft Environmental Impact
29 Statement and Draft Section 4F Evaluation.

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31 In just a few moments we'll be

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2 showing you a Project video, and that will be
3 followed by our public comment portion of this
4 hearing. We will not be responding to your
5 comments or questions during this hearing, but all
6 comments will be considered in the final
7 Environmental Impact Statement.

8 Our public comment period is open
9 through July 26 and there are a number of ways that
10 you can submit comments as shown on your screen.

11 In addition to comments submitted
12 directly to regulations.gov or through the Project
13 website at [www.westernrailyardinfrastucture](http://www.westernrailyardinfrastucture.com), all
14 one word, .com, you can also send in comments via
15 US mail to the address on the screen, as well as
16 leaving a voicemail on the Project telephone
17 hot-line at (929) 229-5220.

18 All of these comments have the
19 same weight and will be considered by FRA
20 regardless of how they're submitted. We will be
21 posting also a recording of this hearing on the
22 Project website tomorrow and YouTube so that those
23 who are not able to attend can view the meeting on
24 demand and utilized the YouTube closed captioning
25 for language translation.

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2 We also have an executive summary
3 of the draft EIS in both English and Spanish
4 languages on the Project website. And we would
5 also be happy to mail you a copy of that document
6 to anyone who requested. The full Draft EIS is
7 also available for review by appointment at
8 Manhattan Community Boards 4 and 5 offices. I will
9 know ask our host to play the Project video, which
10 will be followed by the public comments portion of
11 the hearing.

12 (VIDEO PRESENTATION.)

13 Hello, on behalf of the Federal
14 Railroad Administration (or FRA), an agency in the
15 United States Department of Transportation (or US
16 DOT), we welcome you to this Presentation for the
17 Western Rail Yard Infrastructure Project. FRA is
18 the federal agency in charge of advancing the
19 environmental review for this project, including
20 preparing the Environmental Impact Statement also
21 called an EIS.

22 During this presentation, you will
23 learn about the Project, also referred to as the
24 Preferred Alternative, and the process that FRA
25 followed to analyze potential environmental

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2 impacts.

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4 Due to the ongoing coronavirus
5 disease COVID-19 public health emergency, and
6 consistent with the Centers for Disease Control and
7 Prevention's guidance regarding limiting large
8 events and mass gatherings, FRA is conducting a
9 virtual Public Hearing for the Draft EIS and Draft
10 Section 4(f) Evaluation for this project. This is
11 why FRA has prepared this presentation and made it
12 available on the Project Website and YouTube for
13 viewing at your convenience.

13

14 FRA will be collecting your
15 comments at the conclusion of this presentation as
16 well as throughout the Draft EIS and Section 4(f)
17 Evaluation Public Comment period, which runs from
18 June 4th through July 21st, 2021. FRA is also
19 collecting comments on the project findings in
20 accordance with Section 106 of the National
21 Historic Preservation Act.

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22 On behalf of FRA and the entire
23 project team, we thank you for your interest in
24 learning about this project and watching this Draft
25 EIS Public Hearing Presentation. We welcome your
26 comments and feedback.

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2 FRA is the Federal lead agency for
3 the Proposed Action. WRY Tenant LLC (an affiliate
4 of The Related Companies, LP) and the National
5 Railroad Passenger Corporation (commonly known as
6 Amtrak) are partnering in a joint venture (referred
7 to as the Project Sponsor) to seek Federal
8 financial assistance through a loan program or an
9 available grant program administered by the U.S.
10 Department of Transportation (or USDOT) for the
11 Western Rail Yard Infrastructure Project.

12 The overall preparation of the
13 Draft EIS was led by AKRF, Inc. as the Independent
14 Third Party Consultant that assisted FRA in
15 conducting the environmental review. AKRF, Inc.
16 was supported by their subconsultants: WSP USA,
17 Inc. and FHI Studio.

18 Chapter 27 of the Draft EIS
19 provides additional details of the FRA and
20 consultant team personnel that contributed to the
21 preparation of the Draft EIS and Draft Section 4(f)
22 Evaluation.

23 Now we'd like to provide some
24 background about the project site and planning
25 processes that have been undertaken in the area

1

2 over the past 35 years.

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4 The Western Rail Yard tracks and
5 other facilities were specifically reconstructed by
6 the MTA in 1986 to accommodate support columns that
7 would allow for future construction of private
8 development over the yard. As shown on the map on
9 the right, the Western Rail Yard site, outlined in
10 yellow, is part of the larger Hudson Yards,
11 outlined in blue.

12

13 The area in and around the Western
14 Rail Yard has been the subject of various planning,
15 rezoning, and redevelopment efforts, covering more
16 than 4 dozen blocks of Manhattan's Far West Side.
17 In 2005, the Hudson Yards Rezoning Project
18 instituted a major rezoning of the entire Hudson
19 Yards area, to accommodate a mix of uses and
20 densities throughout the Far West Side, including
21 over 38 million square feet of new development, the
22 provision of new public open space, and an
23 extension of the No. 7 subway line, with a new
24 Number 7 subway station at 34th Street and Eleventh
25 Avenue.

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27 In 2009, an EIS prepared following
28 the New York State and City processes was completed

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2 for the development proposed at the Western Rail
3 Yard site, which included a Platform and Overbuild
4 development. Based on that 2009 Final EIS, zoning
5 text and map amendments to the New York City Zoning
6 Resolution were adopted by the City Council for the
7 Western Rail Yard development.

8

The Platform and Overbuild
9 development are now considered to be built
10 As-of-Right, in accordance with the City Zoning
11 Resolution's existing zoning controls for this
12 site. This is a very important point to keep in
13 mind, in the context of the current NEPA project
14 and its environmental review.

15

In 2015 the new 34th Street-Hudson
16 Yards Subway Station opened, making development in
17 this area more attractive with access to the subway
18 system. Most recently, the mixed-use development
19 over the Eastern Rail Yard across the street from
20 this site is getting close to being finished.

21

The Proposed Action for this EIS
22 has two main purposes:

23

The first is to cover and protect
24 the active Long Island Rail Road tracks and support
25 facilities in the Western Rail Yard, to house

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2 critical life safety and mechanical, electrical and
3 plumbing support services for the Yard, including
4 new lighting, sprinklers, and an extensive Platform
5 ventilation system, and provide additional new
6 capacity for real estate development.

7 As mentioned before, when Hudson
8 Yards was redeveloped in 1986, tracks and other
9 facilities for the Long Island Railroad (referred
10 to as the LIRR) were specifically laid out to
11 accommodate support columns that would be required
12 for future development to be constructed at this
13 site.

14 The second purpose of the Proposed
15 Action is to preserve a right-of-way through the
16 Western Rail Yard to support the future
17 construction of a trans-Hudson passenger rail
18 crossing into New York Penn Station.

19 The Western Rail Yard lies below
20 street level on a site that is open to the sky and
21 is intensively used every day by LIRR for the
22 storage, interior cleaning, and maintenance of
23 their commuter railcars, as well as for other LIRR
24 services and functions. As a result, no development
25 above the rail yard can occur.

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The platform is needed to cover and protect the active railroad tracks and LIRR support facilities in the Western Rail Yard, and modernize state-of-the-art life safety systems for the entire Western Rail Yard, and to provide additional new capacity for real estate development above the active rail yard that would generate revenue for the MTA and its subsidiary agencies.

The MTA has long sought to maximize the revenue generation potential of its real estate assets. Currently, there is no capacity for development over the Western Rail Yard without construction of the Platform.

The tunnel encasement is needed to preserve right of way through the Western Rail Yard to allow the future construction of new rail infrastructure which would support passenger rail service in and out of New York Penn Station. If this right-of-way is not preserved now, before private development occurs on the site, it will not be possible to construct this rail connection to Penn Station in the future.

New rail infrastructure is part of the effort to maintain a functional resilient, and

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2 improved trans-Hudson passenger rail crossing into
3 New York Penn Station, and maintain existing Amtrak
4 intercity and NJ TRANSIT commuter rail service on
5 the Northeast Corridor, as well as to support
6 future increases in the capacity of the regional
7 rail system that may be pursued.

8 Consistent with the stated Project
9 Purpose and Need of the Western Rail Yard
10 Infrastructure project that were just outlined in
11 the two previous slides, the four principal
12 objectives of the project relate to:

13 #1. Maintain safe, continuous, and
14 uninterrupted LIRR operations, construct critical
15 life safety and ventilation systems, and modernize
16 operational facilities within Western Rail Yard;

17 #2. Preserving opportunities to enable
18 future growth of passenger rail service and to
19 maintain a functional, resilient, and improved
20 trans-Hudson passenger rail crossing into New York
21 Penn Station;

22 #3. Supporting the ability to meet the
23 revenue-generation goals of the MTA, the owner of
24 the Western Rail Yard; (the Platform is essential
25 to enabling the previously approved

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2 privately-funded Overbuild development to occur on
3 the site. The sale of these development rights
4 provides revenue to the MTA; and

5 #4. Providing the support for the
6 economic, social, and recreational life of the
7 Hudson Yards area and the City.

8 During the development of the
9 Draft EIS, FRA determined that there is only one
10 reasonable, feasible and constructible alternative
11 that meets the purpose and need statement and
12 objectives. This is the Preferred Alternative. The
13 following slides provide more description of the
14 elements of the Preferred Alternative, including
15 the locations of these elements, and some details
16 related to their design.

17 As we have been explaining, the
18 Preferred Alternative has two main elements:
19 A 9.8-acre structural steel and concrete Platform
20 that would be built over the MTA-LIRR Western Rail
21 Yard; and

22 A Tunnel Encasement built of
23 reinforced concrete below a southeastern solid
24 ground portion of the Western Rail Yard site,
25 running diagonally from the northern edge of 30th

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2 Street to the western edge of Eleventh Avenue,
3 where it would connect to an existing concrete
4 encasement that has been built under Eleventh
5 Avenue, and which runs eastward under the Eastern
6 Rail Yard to the western edge of Tenth Avenue.

7 The image on this slide shows the
8 location of the elements of the Preferred
9 Alternative, with the Platform in purple and Tunnel
10 Encasement in red, in the context of the Project
11 Site and surrounding neighborhood. Also of note on
12 the aerial is the recently constructed concrete
13 encasement to the east of the Project Site, shown
14 in orange, as well as the existing High Line Park,
15 shown in green on the figure for context, which
16 wraps around the Project Site.

17 In addition to covering and
18 protecting the LIRR's Western Rail Yard commuter
19 railcar storage, maintenance, and support services
20 and functions, the Platform would house critical
21 life safety and mechanical, electrical, and
22 plumbing support services for the yard, including
23 new lighting, sprinklers, and an extensive platform
24 ventilation system. Once complete, the entire yard
25 would contain comprehensive state-of-the-art life

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2 safety systems, securing this critical
3 infrastructure and protecting both the workers and
4 the railroad equipment in the yard.

5 The Tunnel Encasement would be
6 between 50 and 65 feet wide, and between 27 and 38
7 feet high beneath the Western Rail Yard site and
8 would attach to a previously constructed encasement
9 under the Eastern Rail Yard. Together these tunnel
10 encasements would preserve approximately 1,400 feet
11 of railroad right of way. No permanent operational
12 components, like tracks, lighting, ventilation or
13 electrical systems would be constructed in the
14 Tunnel Encasement as part of the Project.

15 Here is a brief overview of the
16 main steps that occur during an EIS process, along
17 with the dates FRA has completed these steps or is
18 expecting these steps to occur. A few of the steps
19 that have already happened, or are occurring right
20 now, include:

21 1. The Notice of Intent was
22 published in the Federal Register on June 15, 2020

23 2. The Draft EIS Scoping Period
24 went from July 1 to July 31, 2020.

25 3. A Draft EIS and Draft 4(f)

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2 Evaluation was released on June 4, 2021, and is
3 available for Public Review and comment until July
4 21, 2021.

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4. Public Hearing in the Draft EIS
6 and Draft Section 4(f) Evaluation scheduled for
7 June 22, 2021.

8

5. The combined Final EIS and
9 Final Section 4(f) Evaluation, and Record of
10 Decision are expected to be finished this Fall.

11

Shown here is a Timeline showing
12 the key milestones in the Project's development and
13 EIS process. Considerable time and thought have
14 been spent by the Project Sponsors to plan for the
15 Project and to consider and refine the feasible and
16 constructible design for the Project.

17

This process involved coordination
18 between Project designers and engineers, and
19 intensive review by the MTA and Amtrak over the
20 last several years.

21

As you can see on the slide, there
22 are two main times during the EIS process that FRA
23 will actively ask for public input. During Scoping,
24 which occurred last summer, and upon release of the
25 Draft EIS, which is currently available for public

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2 review.

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4 We are now in the Public Review of
5 the Draft EIS and Draft Section 4(f) Evaluation,
6 and FRA is asking for your thoughts and feedback.
7 FRA expects the last step in this process to be a
8 Combined Final EIS, Section 4(f) Evaluation and
9 Record of Decision, which would be published by FRA
10 this Fall.

11

12 The National Environmental Policy
13 Act, or NEPA for short, is the law that requires
14 federal agencies to undertake an environmental
15 review process that takes a "hard look" at a
16 Project's or Proposed Action's potential impacts on
17 the built and natural environment. This has to
18 happen before a decision is made and construction
19 begins.

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21 For this project, FRA led the
22 preparation of the Environmental Impact Statement
23 for the project in compliance with NEPA. In
24 addition, FRA followed the procedures of Section
25 106 of the National Historic Preservation Act,
which also applies to this project.

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27 Section 106 requires federal
28 agencies to consider the effects of their projects

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2 on historic properties, including archaeological
3 and cultural resources. As part of that process,
4 Section 106 also requires that FRA seek comments
5 about historic and archaeological issues of concern
6 for the project from a variety of entities,
7 including the New York State Historic Preservation
8 Office, Native American tribes with an interest in
9 the project area, and other organizations and
10 individuals that have a specific interest in
11 historic, archaeological, and cultural resources
12 that could be affected by the project.

13 Section 106 also includes
14 opportunities for public review. During Scoping,
15 the public was invited to get involved in the
16 Section 106 consultation for the project.

17 During the preparation of the
18 Draft EIS, FRA coordinated with Section 106
19 consulting parties which included State and Local
20 agencies, tribal stakeholders, and local
21 stakeholders.

22 During this Draft EIS comment
23 period, FRA is providing an opportunity for public
24 review and comment in accordance with Section 106.

25 SLIDE 13: Section 106 of the National Historic

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2 Preservation Act

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4 The Section 106 consultation
5 identified the North River Tunnel and High Line as
6 the only historic properties located within 90 feet
7 of construction for the Preferred Alternative. The
8 Project Sponsor will develop a Construction
9 Protection Plan (or CPP) to protect the North River
10 Tunnel and High Line. FRA and the New York State
11 Historic Preservation Office determined that
12 operation and construction of the Preferred
13 Alternative would not result in any adverse effects
14 to historic properties with implementation of the
15 CPP. With this determination, the Section 106
16 process for the Project has been completed, and is
17 summarized in the Draft EIS.

17

18 Evaluation Section 4(f) is a
19 Federal law that protects publicly owned parks,
20 recreation areas, or wildlife and waterfowl refuges
21 of national, state, or local significance, and
22 historic sites of national, state, or local
23 significance that may be affected by transportation
24 projects approved or funded by the USDOT and its
25 operating administrations, including FRA.

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The Section 4(f) Evaluation

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2 establishes procedures for determining if a
3 potential use of a Section 4(f) property would
4 result in a de minimis impact. The regulations
5 define de minimis impacts related to historic sites
6 as those where the responsible USDOT modal
7 administration made a determination of either "no
8 effect" or "no adverse effect" pursuant to Section
9 106.

10 The New York State Historic
11 Preservation Office concurrence of de minimis
12 finding issued in February 2021. A Draft Section
13 4(f) Evaluation was completed for the Preferred
14 Alternative and is included in the Draft EIS.
15 The public is invited to make comments on the Draft
16 Section 4(f) Evaluation and the finding FRA has
17 proposed.

18 What is in the Draft EIS? The EIS
19 evaluates impacts on the built environment, such as
20 land use, parks, visual resources, historic and
21 archaeological resources, and noise and vibration.
22 It also considers effects on transportation
23 systems, including not only rail service but also
24 impacts to vehicular and pedestrian traffic.

25 The EIS includes analyses of a

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2 full range of environmental issues, each with a
3 defined study area, and considers the potential
4 impacts of the No Action and Preferred Alternative
5 both during construction, and after construction is
6 complete, as well as any foreseeable indirect and
7 cumulative effects of the Preferred Alternative.
8 The analysis of how the project may affect historic
9 and archaeological resources, has been coordinated
10 with the concurrent Section 106 review for the
11 project as defined in the previous slides.

12 The EIS also includes a Section
13 4(f) Evaluation, as required under the Department
14 of Transportation Act of 1966. The evaluation
15 examines potential impacts to Section 4(f)
16 resources, such as: parklands; historic structures,
17 sites, or archaeological resources; and protected
18 wildlife areas, from the construction and/or
19 operation of a US DOT project or action, and looks
20 at measures that can be taken to avoid, minimize,
21 or mitigate any identified impacts.

22 This slide shows the list of
23 resource categories examined in the EIS for both
24 the operation and construction of the Platform and
25 Tunnel Encasement.

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2 FRA found that construction of the
3 Preferred Alternative would not have the potential
4 to result in exceedances of the general
5 construction noise assessment screening-level
6 thresholds included in the Federal Transit
7 Administration guidance manual. However, FRA found
8 that construction of the Preferred Alternative
9 would exceed the City Environmental Quality Review
10 or CEQR Technical Manual thresholds and have the
11 potential to result in adverse noise impacts at the
12 High Line within approximately 630 feet of the
13 nearest work area, residential buildings along
14 Eleventh Avenue between West 29th and West 33rd
15 Streets, along West 30th Street between Eleventh
16 and Twelfth Avenues, and along West 33rd Street
17 between Tenth and Eleventh Avenues.

18 The Draft EIS lists the practices
19 that would be used to the extent feasible and
20 practicable to reduce noise and vibration levels
21 associated with construction of the Preferred
22 Alternative.

23 Due to the ongoing COVID-19 public
24 health emergency, and consistent with the CDC's
25 guidance regarding large events and mass

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2 gatherings, FRA will conduct a virtual public
3 hearing for the Draft EIS on June 21st 2021 at 6:30
4 PM. Attendees will have the opportunity to provide
5 comments on the Draft EIS and Draft Section 4(f)
6 Evaluation. All comments provided during the Public
7 Comment Period for the Draft EIS and Draft Section
8 4(f) Evaluation will be given the same
9 consideration by FRA.

10

Methods to provide comments
11 outside the Public Hearing are on the next slide
12 and posted on the Project Website.

13

For those who are unable or do not
14 wish to share comments during the public hearing on
15 June 22nd, you can submit comments through July
16 21st 2021.

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All comments will be submitted for
18 public review at Regulations.gov. You may submit
19 comments during the Draft EIS public review period
20 in a number of different ways.

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Speak at the public hearing on
22 June 21, 2021 as noted on the previous slide;

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Provide comments online at
24 Regulations.gov. The Docket No. for this project
25 is FRA-2020-0039;

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Provide comments through a link on
the project's website:

www.westernrailyardinfrastructure.com;

Via voice mail at: +1 929 229
5220. Comments can be submitted to this number
throughout the comment period. Note that comments
left by voicemail will be transcribed and included
in the public comments archive;

Written comments will be collected
by US mail to the address on your screen, which is
also found on the project website. FRA will give
equal consideration to all comments submitted
during the Public Comment period, regardless of how
the comments were submitted.

As a reminder, please submit any
comments by July 21st 2021.

Thank you for your interest in the
Western Rail Yard Infrastructure Project, for
participating in the public hearing process, and
for your time watching this presentation.

The project website:
www.westernrailyardinfrastructure.com will be a
resource for project updates throughout the
remainder of the EIS process.

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Thank you again for your interest
in this project. We hope to hear from you.

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MS. BLACK: Thank you and good
evening. My name is Leslie Black and I will be the
moderator for this evening's public comment
portion of the hearing.

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I'd like to go over the ground
rules before we begin to hear public comments.

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If you have not already registered
to make a public statement and would like to,
please use the Zoom Q&A function to make that
request, which can be accessed by clicking the
button at the bottom of your screen.

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Each speaker will be allowed
three minutes. We will be keeping time and I will
notify you when you have 30 seconds remaining and
when your time is complete. Please note that we
will not be responding to comments or questions in
this meeting, but all comments submitted will
become part of the meeting record and responses
will be included in the Final Environmental Impact
Statement.

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I ask that you address your
comments to the subject at hand, the Western Rail

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2 Yard Infrastructure Project, and that you use
3 respectful language in your communications. If you
4 prefer not to speak publicly, you can write your
5 comment in the Q&A function during tonight's
6 meeting.

7 As previously noted, you can also
8 comment by filling out a comment form accessible
9 via the Project's website and using the comment
10 link provided or, directly at Regulations.gov,
11 Docket Number F-R-A-2020-0039. You can also send
12 written comments by mail to the following address:
13 Western Rail Yard Infrastructure Project, care of
14 FHI Studio, 416 Asylum Street, Hartford,
15 Connecticut 06103. All comments will receive equal
16 consideration and will be stored for public review
17 at Regulations.gov. Those addresses are on your
18 screen.

19 We will also accept comments by
20 voicemail at (929) 229-5220. I want to stress that
21 all these comments will be considered equally by
22 FRA regardless of how they are submitted.

23 I will be calling names of those
24 who have registered to speak in the order received.
25 Elected officials will be offered the opportunity

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2 to speak first. I will also be calling the names
3 of the next few speakers. You will see the list of
4 upcoming speakers on the screen. You can register
5 to speak at any time until 8:30 p.m. by using the
6 Zoom Q&A function.

7 When your name is called, your
8 microphone will be unmuted by the meeting host.
9 Please allow a moment for that to occur and please
10 have your microphone volume up. I will then ask
11 you to state and spell your name for the record, as
12 well as your affiliation. After that, I will begin
13 to time your statement.

14 As a reminder, we will be limiting
15 comments to three minutes and I will let you know
16 when you have 30 seconds left to wrap up.

17 This comment portion of the
18 meeting last until 8:30 p.m. However, if speakers
19 are waiting, as that time approaches, we will try
20 to accommodate them as needed. If time allows,
21 people who have already spoken will be able to
22 provide additional comments.

23 And we are just pulling up the
24 speaker list now. And I am seeing that we
25 currently do not have any speakers registered to

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2 speak. So I would like to ask if any elected
3 officials or their representatives wish to make a
4 statement. If you wish to do so, please put your
5 name in the Q&A function.

6

And for that, we will take a
7 brief off screen break while we wait for a
8 registered speaker to put their name in the Q&A
9 function.

10

Thank you very much and we will
11 return shortly.

12

(Short Recess.)

13

MS. BLACK: Good evening and
14 welcome back.

15

That concludes the public comment
16 portion of this meeting. I will now turn it back
17 over to Andrea Poole for closing remarks.

18

Thank you.

19

MS. POOLE: Thank you for
20 participating in this component of the FRA public
21 outreach for the Western Rail Yard Infrastructure
22 Project.

23

As a reminder, the public comment
24 period will remain open until July 26, 2021. And
25 should you want more information, the Project

website includes documents as well as videos about the Project.

We've now reached the end of our public hearing and we will now be adjourned.

Thank you so much and goodnight.

(At 8:30 p.m., the proceedings were concluded.)

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STATE OF NEW YORK)

SS.

COUNTY OF NEW YORK)

I, MARC RUSSO, a Shorthand
(Stenotype) Reporter and Notary Public within and
for the State of New York, do hereby certify that
the foregoing pages 1 through 32, taken at the time
and place aforesaid, is a true and correct
transcription of the above matter.

IN WITNESS WHEREOF, I have
hereunto set my name this 16th day of July, 2021.

Marc Russo

MARC RUSSO

Appendix C2

DEIS Comments



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West West 33 Street, Suite #580
New York, NY 10001
tel: 212-736-4536
www.nyc.gov/mcb4

LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

July 28, 2021

Western Rail Yard Infrastructure Project
c/o FHI Studio
416 Asylum Street
Hartford, CT 06103

Re: Comments on Draft EIS and Draft Section 4(f) Evaluation

To Whom It May Concern:

On July 14, 2021, Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use Committee held a public hearing on the draft Environmental Impact Statement (EIS) and draft section 4(f) evaluation for the Western Railyard (WRY) Infrastructure Project.

At its Full Board meeting on July 28th, MCB4, by a vote of 35 in favor, 0 opposed, 0 abstentions, and 0 present but not eligible to vote, MCB4 recommended the following concerns be specified:

1. The encasement tunnel under the Western Rail Yards, as part of the Gateway project for the new Hudson River tunnel, must be designed and built to allow multiple rail options to expand rail service to and through Penn Station; and,
2. The Gateway Project tunnels should not preclude any options available for the best and most efficient expansion of Penn Station that preserves affordable housing and jobs.

Background

WRY Tenant LLC (affiliated with The Related Companies, LP) and Amtrak are partnering in a joint venture to seek federal assistance through a loan program, or an available grant program administered by the United States Department of Transportation.

The joint venture includes the construction and operation of a structural platform and a railroad right-of-way preservation tunnel encasement. The structural platform allows for privately funded

mixed-use development and public open space previously adopted by the New York City Council into the applicable local zoning. The tunnel encasement preserves the right-of-way for new rail infrastructure.

Tunnel Encasement

The Board understands that the design of encasement tunnel and tracks under the Western Rail Yards could limit the options for the design and placement of the new Penn Extension. This casement design should not preclude any of the options for the expansion of Penn Station including through-running of tracks to the east; connections to tracks at levels below the current platform levels; and connections to both the north and south of the existing tracks.

The availability of such options will have a drastic impact, not only on the station's efficiency but on whether or not two dense blocks of Midtown Manhattan, which house 120 low-income residences and a myriad of small businesses employing over 10,000 workers, will be razed. Historic resources on the blocks — a Catholic church and the last building of the original Penn station — may or may not be preserved.

Community Benefit

In July 2009, when MCB4 commented on the Western Rail Yard Rezoning that would trigger this infrastructure project, it advocated for community benefits to mitigate the radical development contemplated over the Hudson Yards rail yards (comprising Eastern Rail Yard and Western Rail Yard). As one of the community benefits, MCB4 insisted that 27% of residential development be affordable and that housing be permanently affordable. The finances at the time ruled out the possibility of permanent affordability. Given that a federal loan may now be added to the finances of the development, consideration should be given to making the affordable housing permanent.

MCB4 thanks everyone associated with this project and with the draft EIS for their hard work and their consultation with the Board.



Lowell D. Kern

Chair

Manhattan Community Board 4



Jean-Daniel

Chair

Clinton/Hell's Kitchen Land Use Committee

cc: Hon. Jerry Nadler, U.S. Congress
Hon. Robert Jackson, New York State Senate
Hon. Brad Hoylman, New York State Senate
Hon. Richard Gottfried, New York State Assembly
Hon. Linda Rosenthal, New York State Assembly
Hon. Corey Johnson, Speaker, City Council
Hon. Gale Brewer, Manhattan Borough President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

July 26, 2021

Andrea Poole
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Western Rail Yard Infrastructure Project Draft Environmental Impact Statement

Dear Andrea Poole:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Railroad Administration's June 11th, 2021 Draft Environmental Impact Statement (EIS) for the Western Rail Yard Infrastructure Project. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA). The proposed project, located at the Western Rail Yard site between West 30th and 33rd Streets and Eleventh and Twelfth Avenues in New York City, New York, will include a new approximately 9.8 acre platform that will cover the active rail yard below and provide for overbuild development and a tunnel encasement to preserve right-of-way for a new trans-Hudson rail connection.

In general, EPA concurs that the project will not cause significant impacts to the environment and offers the following comments:

General comment: As noted during the scoping period, New York State or New York City environmental documents prepared for this project and/or the new development should be incorporated by reference in the final EIS and should be available for view on the Western Rail Yard Infrastructure project website.

Chapter 7 - Air Quality, Greenhouse Gas (GHG) Emissions, and Resilience:

- Only fan equipment was used for operational GHG determination of the platform – are there other sources of emissions that should be considered in the analysis, for example the intermittently-operated fossil fuel-fired equipment?
- EPA appreciates the measures taken to reduce criteria pollutants and GHG emissions during construction including utilizing ultra-low sulfur diesel, opting to use electrically powered equipment when feasible and other best management practices.
- Appendix D 4.1.2: The details of the dust emission calculations are unclear; a table including the inputs and results would be helpful.

Chapter 12 – Contaminated Materials:

- The Final EIS should include references to the restrictive declaration (RD) for the site from 2014 and the construction and environmental protection plan (CEPP) for the Preferred Alternative, or otherwise detail the mitigation requirements of those documents.

Chapter 15 - Water and Natural Resources:

- EPA suggests the analysis incorporate tools such as such as [NEPAssist](#) and [EnviroAtlas](#) for project planning to identify possible areas of concern and gather information on land use, wetland delineation, location of sensitive habitats, etc.
- It should be clarified in Figure 15-1 that the 500-year floodplain is Zone X as mentioned in the text.
- EPA recognizes the efforts taken to minimize impacts to water quality and reduce exposure to contaminants via implementation of a site-specific Construction Health and Safety Plan (CHASP) and Stormwater Pollution Prevention Plan (SWPPP).

Chapter 19 - Environmental Justice:

- While the environmental justice (EJ) analysis conducted by FRA is adequate, EPA suggests using the [EJSCREEN](#) tool to evaluate other EJ indicators in addition to minority and low-income population census data.

EPA has agreed to be a participating agency for this EIS process and appreciates the opportunity to comment. If you have any questions, please contact Abbey States at (212) 637-4350 or states.abbey@epa.gov.

Sincerely,

Mark Austin

Mark Austin, Team Leader
Environmental Review Team

August 10, 2021

Marlys Osterhues
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington DC 20590

Re: F-2021-0402 (DA)
Federal Railroad Administration submission of a consistency determination - A new 9.8-acre platform above the MTA's existing rail yard and reconstruction and upgrades to railroad staff facilities and other LIRR support services and a 605-foot-long Tunnel Encasement under the Western Rail Yard.
Concurrence with Consistency Determination

Dear Marlys Osterhues:

The Department of State has completed its review of the Corps' consistency determination regarding the proposed installation of a new 9.8 acre platform in the West Hudson Rail Yard and a tunnel encasement under the Western Rail Yard near the Hudson River, with the New York City Waterfront Revitalization Program.

Based upon the information submitted, the Department of State concurs with the Corps' consistency determination regarding this matter.

Please feel free to contact Rebecca Ferres at (518) 419-7490 or e-mail at: rebecca.ferres@dos.ny.gov and reference file no. F-2021-0402 (DA).

Sincerely,



Gregory L. Capobianco
Office of Planning, Development and
Community Infrastructure

GLC/rf

cc: DEC Region 2
NYC LWRP- Chris Wassif and Allan Zaretsky





Construction & Development

July 26, 2021

Ms. Andrea M. Poole, PMP
Environmental Protection Specialist
USDOT Federal Railroad Administration
Office of Railroad Policy and Development
Via email to Andrea.Poole@dot.gov and WRYproject@dot.gov

RE: DOT Docket No. FRA-2020-0039
Western Rail Yard Infrastructure Project, New York, New York
Notice of Availability and Comment Request: Draft EIS and Section 4(f) Evaluation

Dear Ms. Poole,

I'm writing in response to your June 10, 2021 email regarding the Notice of Availability and request for comments on the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation of the Western Rail Yard Infrastructure Project. MTA's comments, on behalf of itself and the Long Island Rail Road (LIRR) Company, follow:

- Page S-2, the text states "MTA has sought to maximize the revenue generation potential of its real estate assets, and when TBTA redeveloped Hudson Yards in 1986, the tracks and other facilities were reconfigured to accommodate columns that would be required for a Platform needed to allow future private development to occur." Please revise this text as follows: "MTA has sought to maximize the revenue generation potential of its real estate assets, and when LIRR constructed the West Side Yard in 1986, the tracks and other facilities were reconfigured to accommodate columns that would be required for a Platform needed to allow future private development to occur."
- During construction of the platform and tunnel encasement, flagging and outages must be coordinated to preclude the disruption of train service in and out of the yard. Any required flagging must be reimbursed by WRY Developer LLC and Amtrak, as applicable.
- Anyone involved in the maintenance, restoration, or state of good repair of the High Line must take the LIRR Roadway Worker Protection class at their cost, and safety procedures for lead abatement must be implemented.

While the DEIS references certain design assumptions and criteria, as a reminder, the MTA and LIRR have not yet approved, but look forward to receiving for MTA and LIRR review and approval, designs and plans from WRY Tenant LLC (as developer of the WRY Overbuild) for the Western Rail Yard Platform, ventilation system and related infrastructure,

utilities and equipment, consistent with the parties' contractual agreements. Amtrak's proposed segment of the tunnel encasement will require formal agreements with the MTA and LIRR, as well as MTA Board approval.

Thank you for the opportunity to comment on the Draft EIS and Section 4(f) Evaluation.

Sincerely,



Lawrence Lennon, PE, AICP
Deputy Chief Planning Officer

CC: J. Lieber
J. Balter
D. Betty
R. Blatnica (Volpe)
K. Cibelli (AKRF)
F. Cuenca
R. Free
P. Graves
S. Holley (AKRF)
H. Freidus (PW)
L. Messina
L. Oliva
B. Ogurek
R. Paley
N. Perkins
N. Renek
T. Ryan (FRA)
M. Shiffer
J. Urda



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
5 Post Office Square, Suite 18011
Boston, Massachusetts 02109

July 23, 2021

9043.1
ER 21/0229

Andrea Poole
USDOT Federal Railroad Administration
Environment and Project Engineering Division
1200 New Jersey Ave SE
Washington, DC 20590

**Subject: Draft Environmental Impact Statement and Draft Section 4 (f) Evaluation
Western Rail Yard Infrastructure Project
New York County, New York**

Dear Ms. Poole:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Western Rail Yard Infrastructure Project in New York County, New York. The proposed project consists of covering and protecting the active railroad tracks in the Western Rail Yard and preserving 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 following comments on this project are offered for your consideration.

Section 4(f) Evaluation Comments

The Department concurs with the Federal Railroad Administration (FRA) determination that noise levels at portions of the High Line Park (High Line) during construction activities for the Preferred Alternative and the temporary underpinning of the High Line would be a *de minimis* impact under Section 4(f). Since New York City (NYC) Parks is the official with jurisdiction for the High Line as a park resource, they must concur that the project will not adversely affect the activities, features, or attributes that make the High Line eligible for Section 4(f) protection, before FRA may finalize the *de minimis* impact determination. We understand that FRA is consulting with NYC Parks and have informed them of their intent to find the impacts are *de minimis* under Section 4(f). In addition, we understand that FRA has proposed measures to avoid, minimize, and mitigate harm to the High Line.

The FRA has also determined there will be no adverse effect to any historic properties in the area under Section 106, provided they complete a construction protection plan for the historic

properties in the area, which include the North River Tunnel and the High Line. In a letter dated February 11, 2021, the New York State Historic Preservation Office concurred with the Section 106 finding, and FRA is using this concurrence to support their *de minimis* finding.

The Department encourages FRA to complete their coordination with NYC Parks and provide NYC Parks concurrence with the *de minimis* finding in the final Section 4(f) Evaluation. The Department has no objection to the Section 4(f) approval, provided that a letter from NYC Parks, with their concurrence, be included in the final Section 4(f) Evaluation.

Thank you for the opportunity to review and comment on this project. If you have questions regarding these comments, please contact Mark Eberle, National Park Service, at (215) 597-1258, or mark_eberle@nps.gov. Please contact me at (617) 223-8565 if I can be of further assistance.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

cc: SHPO-NY (daniel.mackay@parks.ny.gov)

ENVIRONMENTAL REVIEW

Project number: 106-M/21FRA001M (FEDERAL RAILWAY ADMINISTRATION)
Project: WESTERN RAILYARD INFRASTRUCTURE
Address: WEST 33 STREET BBL: 1006760005
Date Received: 6/10/2021

The LPC is in receipt of the DEIS Historic Resources chapter dated 6/10/21. The text appears acceptable.

Cc: FRA
SHPO



7/14/2021

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 35030_FSO_GS_07142021.docx



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

July 28, 2021

Andrea Poole
Environmental Protection Specialist
USDOT Federal Railroad Administration
Environment and Project Engineering Division
1200 New Jersey Avenue SE
Washington, DC 20590

Re: **Western Rail Yard Infrastructure Project, Draft Environmental Impact Statement Comments**

The New York City Mayor's Office of Environmental Coordination, on behalf of the City of New York (the "City"), appreciates the opportunity to provide comments on the Federal Railroad Administration's (FRA) Draft Environmental Impact Statement issued June 11, 2021 (DEIS) concerning the Western Rail Yard Infrastructure (WRY) Project. With the Project site situated in western Manhattan just across from the Hudson Yards development, this transformational development is a significant Federal, State and City infrastructure proposal. As such, the City is in support of the stated goals of the Western Rail Yard Infrastructure Project and its potential for greater regional design planning.

The following includes City comments and recommendations on specific areas of analysis per our review of the WRY Application. We are providing both general comments as well as comments on specific Chapters of the Draft EIS.

General Comments:

- 1) On June 17th NYS Empire State Development (ESD) issued a Lead Agency notification for the High Line Moynihan Connector Civic Project. Please include this project (Block 728, Lot 1) with an anticipated projected completion of 2022 into the DEIS section narratives relative to No-Build Projects (infrastructure related).

Executive Summary:

- 2) Page ES-3 Paragraph 2: Please note the Monahan Station Project is no longer undergoing construction. It was completed in April 2021. Please update throughout the DEIS.

Chapter 3: Alternatives

- 3) Page 3-5 Section 3.2.2.1 paragraph 1, last sentence: The City believes the reference to “60%” should be “90%”.
- 4) Page 3-8 Section 3.3.2.2 last paragraph second to last sentence: Reference to the “2014 SEA” should this read “2014 SEA/FONSI”?

Chapter 4: Analysis Framework

- 5) Figure 4-1: Please include the High Line Moynihan connector Civic Project (Block 728, Lot 1).
- 6) Table 4-1: Please include the High Line Moynihan connector Civic Project location into this Table 4-1 and any other section narratives relative to No-Build Projects (infrastructure related).
- 7) Page 4-4: Moynihan Station Project: The project is complete and opened in April 2021.

Chapter 6: Transportation

- 8) Please provide a comprehensive site plan including all ADA compliant ramps, ingress and egress for both operational and during construction. Please provide details related to the temporary two-lane bridge to be used for construction access to span over the excavation area (location, connection to the street network, etc., as well as staging plans).
- 9) Please provide all Level 1 and Level 2 backup files (including information on construction conditions with separate assignment maps for worker autos and truck trips). Backup information files should also include data collection, recent census data, soft site information, electronic/executable files for traffic and pedestrian level of service analyses, signal timings, physical inventory, traffic observations, calibration memo, parking accumulation etc.
- 10) The chapter indicates that West 33rd street will be temporarily closed throughout the platform construction. Please clarify whether this closure is part of the Western Railyards project and provide a logistics plan and staging plan during this closure.
- 11) The chapter indicates that vehicle detour routes would include West 34th Street, West 30th Street, and West 29th Street, however the assignment maps provided do not reflect vehicles reassigned to these routes. Reassignments should also be considered in whether the proposed action screens in for construction analyses. As per the CEQR Technical Manual closures should be analyzed in the analyses as the MPT process is separate from environmental review.
- 12) Please including all details related to the temporary closure of lanes, temporary closure/reduction/relocation of sidewalks (with exact locations, duration, etc.) as these may be needed for the environmental review. As per the CEQR Technical Manual closures, as well as any reduction in sidewalk width, should be included in the analyses, as the MPT process is separate from environmental review.
- 13) Please note that a proposal of a complete closure of the western sidewalk of 11th Avenue with crossing/diverting pedestrians to the other side is not an acceptable option. Similarly the proposed 12th Avenue sidewalk closure is not acceptable. Any work proposed within the 12th Ave corridor would require NYSDOT approval.
- 14) Please include the 24 hour truck trips entering and exiting the site in Table C2-4 which is consistent with the content of Table C2-3.

- 15) Please provide clarification regarding the analysis peak hours provided in the document (i.e. weekday 8–9 AM, 12–1 PM and 5–6 PM and Saturday 12–1 PM) during construction. These hours do not typically overlap with the peak generation of construction-related vehicles, and the operations during the typical construction peak hours (6-7 AM and 3-4 PM) differ due to variations in signal timing and parking regulations at that time. Additionally, the documents states that traffic analyses during construction screen out, so it not clear why analyses have been provided, however as per the above comment, lane closures, diversions, etc., should also be considered when determining whether construction analyses screen out. Any sidewalk reduction which would result in reduced capacity and/or closures leading to pedestrian reassignment should be considered in determining whether pedestrian elements screen in for analyses. The Appendix (page C1-1) references this project and the Empire Station development project sharing 2019 condition network volumes, as well as an aligned Synchro network, however the Empire Station Development Project shows differing results in delays. Please clarify the discrepancies.
- 16) The appendix states an extrapolation factor was used for the Saturday midday traffic volumes, which were unavailable from the Empire Station Development project. This was based on the comparison of available data from 2018 Port Authority Bus Terminal and 2019 CBD Tolling ATR data sets, between Weekday midday and Saturday midday peak traffic periods. Please provide the back-up for how this network was developed. Additionally, the travel patterns for weekday midday are different than Saturday midday, therefore applying a factor to midday counts would not be appropriate.
- 17) Please provide the utilization for off-street parking section. Currently only capacity is provided which is not sufficient to determine whether auto trips can be assigned to these lots.

Chapter 7: Air Quality

- 18) Please provide the backup files for the air quality assessment performed for the proposed project.
- 19) Page 7-3, Section 7.3.1.1: Please identify if emergency generators would be tested during the modeled 6 a.m. to 6 p.m. period. USEPA permits the appropriate reviewing authority to exercise its professional judgement in determining if emergency generators should be modeled. Please revise the statement “USEPA has determined that emission sources, such as emergency generators normally only operated intermittently for testing, as not having a significant effect on 1-hour average ambient concentrations of NO₂ and SO₂.” and evaluate if the emergency generators should be included in the assessment.
- 20) Please discuss if the elevated receptors were modeled using the CEQR Technical Manual guidelines.

Chapter 8: Noise and Vibration

Mobile Sources:

- 21) Please discuss the incremental increase of vehicular noise during the operational phase with the proposed Platform.

Stationary Source

- 22) Please use the use the Leq descriptor to assess the project noise sources at all receptors per CEQR Technical Manual.

Construction Source

- 23) Page 8-7, Table 8-4: Since the opening hours for the Highline are currently 7am to 9pm on weekdays and 9am to 9pm on weekends, please revise the Notes under Table 8-4: Worst-Case Platform Construction Noise Levels in dB(A) which state that because the Highline is open from 7am to 7pm, nighttime construction noise levels are not considered.
- 24) Please include a timeline of the five (5) year construction of the Platform and three (3) year construction of the Tunnel Encasement. Please include the phases, the duration, and the construction activity of each phase, as well as the noise impact. Furthermore, the proposed Platform allows the Overbuild development above it. The impacts from the construction of both the Platform and the Overbuild development should be disclosed.
- 25) Please disclose the nighttime construction impacts at residential receptors. The Noise Chapter does not mention nighttime construction impacts on the surrounding receptors.

Chapter 11: Aesthetics and Visual Quality

- 26) Figure 11-1: Consider utilizing a color, or a heavier line to outline “Appropriate Terra Firma Area”
- 27) Page 11-2, Section 11.5.1.2, paragraph 1, sentence 7: “..uses if for parking” should be changed to “uses it for parking”. And “metal gates block” should be changed to “metal barricades block”.
- 28) Page 11-3, Section 11.5.1.2, paragraph 2, sentence 4: The 175-foot tall building is clad in ‘dark’ glass, should be replaced with “tinted glass”.
- 29) Page 11-3, Section 11.5.1.2, paragraph 2, sentence 5: “...presents a mostly blank masonry wall” should be replaced with “a mostly textured metal panel wall..”
- 30) Page 11-4, Section 11.5.1.2, paragraph 1, last sentence: Please confirm if the referenced metal sculpture is still located at the entrance of the park. The City understands that this art installation was for a temporary exhibition period and is no longer there.
- 31) For Chapter 11 and Appendix H, please include an illustrative graphic or photograph representing a vantage point from the High Line with views toward the proposed WRY platform and indicate the height of the top of the platform. This would provide a helpful visual relationship between the heavily trafficked High Line and the WRY development which proposes to provide a new visual landscape.

Chapter 13: Utilities and Energy

- 32) Section 13-5-2-5: Please clarify why the LIRR 39,422 sf Service Facility (housing the medium voltage electrical substation and emergency generators & fire protection related materials) considered structures to be categorized under Commercial office space for the purpose of analysis and not under the Institutional.
- 33) Please confirm that the construction of the medium-voltage electrical substation for the proposed ventilation system has been factored into the energy consumption budget.
- 34) Section 13-5-3: Please confirm if there is a current dialogue with Con Edison where the proposed re-routing and reconstruction of the on-site utility services for the existing rail yard has been initiated, If so, please indicate that this coordination is ongoing.

Chapter 17: Socioeconomics

- 35) Page 17-2, Section 17.3.3, second paragraph: The City believes that if the FTA followed the socioeconomic screening analysis per the CEQR Technical Manual that it would likely find that the proposed project would screen out for potential socioeconomic impacts. This is an infrastructure project not anticipated to directly or indirectly displace residents or businesses.

Chapter 19: Environmental Justice

- 36) Page 19-1, Section 19.2: Please confirm if the cited Executive Order (EO) 12898 is really the most up to date regulatory framework.
- 37) Page 19-4, Section 19.6.3: Please confirm or identify if the construction noise and construction dust was estimated to travel to the adjacent environmental justice populations.
- 38) Page 19-6, Section 19.7: Please confirm in the final environmental review documents that the construction site will have signage providing information on how to address noise and vibration complaints from the community.
- 39) Page 19-7, Section 19.10: Please identify how FRA determined that the public outreach efforts were designed specifically to reach EJ populations in the study area. Please identify if through the Public Involvement Process, comments are received from residents within EJ areas. Confirm which locally based organizations listed in the Chapters 19 and 23 are directly serving parts of the study area with EJ populations. Please indicate if NYCHA communities are within the Project area. If so, had outreach been conducted to any tenant associations within the Project area.

Chapter 20: Indirect and Cumulative Impacts

- 40) The chapter states that the FRA re-evaluated the impact analyses and associated commitments from previous environmental review documents (including reviews of the methodologies for each resource category discussed), details related to previously analyzed program of the Overbuild, as well as the reported baseline conditions in the previous environmental reviews. For Transportation, FRA stated the previous environmental review documents and impact analyses to still be applicable. Please note that the baseline condition, such as the geometry and signal timing at intersections has changed since the issuance of the 2009 SEQRA/CEQR EIS, and therefore may not be appropriate.

Western Rail Yard Infrastructure Project
CEQR # 21FRA001M

Thank you for the opportunity to submit comments on the Draft Environmental Impact Statement. We look forward to continuing to work with Federal Railroad Administration as this project proceeds. If you have any questions concerning these comments, please contact the project manager, Ingrid Young, at (212) 788-6848.

Sincerely,

A handwritten signature in cursive script that reads "Hilary Semel".

Hilary Semel
Director and General Counsel
Mayor's Office of Environmental Coordination

cc:

Vicki Been, Deputy Mayor for Housing and Economic Development
Vincent Sapienza, Commissioner, New York City Department of Environmental Protection
Polly Trottenberg, Commissioner, New York City Department of Transportation
Marisa Lago, Commissioner, New York City Department of City Planning

Rebecca Kriss

From: Allan Zaretsky (DCP) <AZARETSKY@planning.nyc.gov>
Sent: Tuesday, August 10, 2021 10:29 AM
To: Blatnica, Rebecca (Volpe)
Cc: Poole, Andrea (FRA); Stephen Holley; Keri Cibelli; Rebecca Kriss; Osterhues, Marlys (FRA); Ferres, Rebecca (DOS); Michael Marrella (DCP)
Subject: WRP Concurrence Review: Western Railyard Infrastructure Project (WRP #21-087)

Hello,

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

Western Railyard Infrastructure Project (DOS #F-2021-0402): FRA is evaluating potential financial assistance for the Western Rail Yard (WYR) Infrastructure Project (Proposed Action), which would consist of a new, approximately 9.8-acre Platform above the MTA's existing rail yard, which is used and operated by Long Island Rail Road (LIRR) 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 facilities for LIRR's commuter rail service into Penn Station. The Platform would include building foundations which would keep interruptions of yard operations to a minimum. The construction of the Platform would require the reconstruction and upgrades to approximately 20,000 square feet of railroad staff facilities and other LIRR support services including existing emergency electrical equipment, and rail car cleaning services. The Tunnel Encasement in WYR would extend from Eleventh Avenue to 30th Street. Amtrak estimates the concrete casing extension would be 605 feet long, between 50 and 65 feet wide and between 27 and 38 feet high under the Western Rail Yard. The Tunnel Encasement in WYR would extend from the recently completed encasement under Eleventh Avenue and the Eastern Rail Yard. Together, the encasement below both rail yards (WYR and Eastern Rail Yard) would preserve a total right-of-way of approximately 1,400 feet. No permanent operational components, such as tracks, lighting, ventilation, or electrical system, would be constructed within the Tunnel Encasement as part of the Proposed Action.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and provides its finding to the New York State Department of State (DOS). Please note that the proposed action(s) are subject to consistency review and approval by the New York State Department of State (DOS) in accordance with the New York State Coastal Management Program.

This determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 21-087. If there are any questions regarding this review, please contact me.

Allan Zaretsky, AICP
Senior Planner | [WATERFRONT & OPEN SPACE DIVISION](#)
Waterfront Revitalization Program Consistency Review

NYC DEPT. OF CITY PLANNING
120 Broadway, 31st Floor • NEW YORK, NY 10271
t 212.720.3448 • azaretsky@planning.nyc.gov

<http://www1.nyc.gov/site/planning/applicants/wrp/wrp.page>

I am the Director of Regional Infrastructure Projects for Tri-State Transportation Campaign, an advocacy and policy organization fighting for sustainable mobility in New York, New Jersey, and Connecticut.

We are happy that the Western Rail Yard Infrastructure Project is moving forward, providing the platform for future mixed-use development at one of the last remaining sites of undeveloped land in Midtown Manhattan.

This project also includes a tunnel encasement to preserve the right-of-way for future construction of a new Hudson River rail tunnel, which will greatly increase rail capacity between New York and New Jersey. Preserving this right-of-way is critical to ensuring that the Gateway Program moves forward while ongoing funding negotiations continue.

Development over the Western Rail Yard is also important for generating more revenue for Metropolitan Transportation Authority operations. The Covid-19 pandemic put a massive strain on the MTA's budget and it is unclear when congestion pricing will be fully implemented. Therefore, it's necessary for the MTA to maximize its potential funding streams, including by developing above MTA-owned property.

Given the proximity of the Western Rail Yard to Penn Station, this site is an obvious candidate for new high-density development. We look forward to the continued transformation of the west side of Midtown into a vibrant and active neighborhood.

Thank you.

Appendix C3

Response to DEIS Comments

Appendix C3: Response to Comments on the DEIS

C.1 INTRODUCTION

This appendix of the Final Environmental Impact Statement (FEIS) summarizes and responds to comments on the Draft EIS (DEIS) and Draft Section 4(f) Evaluation for the Western Rail Yard Infrastructure Project. The Federal Railroad Administration (FRA), as lead Federal agency, released the DEIS on June 11, 2021. FRA coordinated with the U.S. Environmental Protection Agency (EPA) to publish a Notice of Availability of the DEIS in the Federal Register on June 11, 2021, which officially opened the public comment period on the document and announced that the agencies would accept comments through July 26, 2021, although FRA continued to consider comments received after that time. During the public comment period, FRA held a virtual DEIS Public Hearing on June 30, 2021 to accept oral comments and written comments, and also accepted written comments submitted to the Federal Docket system at www.regulations.gov (using Docket Number FRA-2020-0039), via mail, email, telephone (through a dedicated Project phone line), and through the Project website. found at:

<http://westernrailyardinfrastructure.com/library.html>.

This appendix summarizes and responds to all substantive comments received on the DEIS, including those that FRA received after the close of the comment period.

This appendix includes the following:

- Section C.2 describes how FRA conducted the DEIS public review process, including how copies of the DEIS were made available and how comments were accepted.
- Section C.3 provides a list of commenters on the DEIS, organized in the following categories: public agencies, community boards, organizations, and individuals. Following each commenter in the list, an abbreviated version of the commenter's name is provided in parentheses, indicating how the commenter may be identified elsewhere in this chapter.
- Section C.4 provides a summary of the relevant comments and a response to each, with the abbreviated name of the commenter(s) who made the comment provided in parentheses after each comment. These summaries convey the substance of the comments made, but do not necessarily quote the entire comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

This appendix provides the full text of all comments received.

C.2 DEIS PUBLIC REVIEW PROCESS

This section provides an overview of the public and agency outreach and coordination that has occurred since the release of the DEIS. **Appendix B** of the FEIS contains a compendium of the public and agency outreach that occurred during the DEIS Public Comment Period, included as part of the complete DEIS Public and Agency Involvement Summary Report, which provides a detailed documentation of the outreach and coordination activities undertaken for this EIS.

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 other interested parties and organizations were sent a link to the electronic copy of the DEIS via e-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.

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 was received during the public hearing. The transcript from the public hearing is included in **Appendix C1** of the FEIS.

C.3 LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT¹

Comments were received from public agencies, Manhattan Community Board 4, and a local non-governmental organization. No comments were submitted by elected officials or individuals.

C.3.1 AGENCIES

1. Mark Austin, Environmental Review Team, United States Environmental Protection Agency (EPA), 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 (MOEC), letter dated July 27, 2021 (MOEC_001)
7. Allen Zaretsky, Senior Planner, New York City Department of City Planning, email dated August 10, 2021 (NYCDPC_008)

¹ Citations in parentheses refer to comment tracking annotations.

C.3.2 COMMUNITY BOARD

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

C.3.3 ORGANIZATION

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

C.4 COMMENTS AND RESPONSES

C.4.1 PUBLIC INVOLVEMENT AND PUBLIC PARTICIPATION

Comment 1: As noted during the scoping period, New York State or New York City environmental documents prepared for this project and/or the new development should be incorporated by reference in the final EIS and should be available for view on the Western Rail Yard Infrastructure project website. (EPA_004)

Response: The environmental documents previously prepared under the New York State Environmental Quality Review Act (SEQRA) and/or New York City Environmental Quality Review (CEQR) related to development of this Project Site are available in the Library tab on the Western Rail Yard Infrastructure Project website at www.westernrailyardinfrastructure.com and on the Federal Docket system at www.regulations.gov (using Docket Number FRA-2020-0039).

C.4.2 EXECUTIVE SUMMARY

Comment 2: Page S-2 of the text states “MTA has sought to maximize the revenue generation potential of its real estate assets, and when TBTA redeveloped Hudson Yards in 1986, the tracks and other facilities were reconfigured to accommodate columns that would be required for a Platform needed to allow future private development to occur.” Please revise this text as follows: “MTA has sought to maximize the revenue generation potential of its real estate assets, and when LIRR constructed the West Side Yard in 1986, the tracks and other facilities were reconfigured to accommodate columns that would be required for a Platform needed to allow future private development to occur.” (MTA_002)

Response: The text has been updated to incorporate this comment.

Comment 3: Page ES-3 Paragraph 2: Please note the Moynahan [sic] Station Project is no longer undergoing construction. It was completed in April 2021. Please update throughout the DEIS. (MOEC_001)

Response: The text has been updated to reflect that the infrastructure aspect of the Moynihan Station Project was completed in April 2021 and is no longer under construction.

C.4.3 CHAPTER 3: ALTERNATIVES

Comment 4: Page 3-5 Section 3.2.2.1 paragraph 1, last sentence: The City believes the reference to “60%” should be “90%”. (MOEC_001)

Response: The text has been updated to reflect the correction of this typographical error.

Comment 5: Page 3-8 Section 3.3.2.2 last paragraph second to last sentence: Reference to the “2014 SEA” should this read “2014 SEA/FONSI”? (MOEC_001)

Response: The text has been updated and now reads as: “2014 SEA/FONSI.”

Comment 6: The Board understands that the design of encasement tunnel and tracks under the Western Rail Yards could limit the options for the design and placement of the new Penn Extension. This casement design should not preclude any of the options for the expansion of Penn Station including through-running of tracks to the east; connections to tracks at levels below the current platform levels; and connections to both the north and south of the existing tracks. MCB4_007)

Response: As detailed in Chapter 3 of the EIS, engineering and constructability requirements have resulted in FRA identifying and advancing only one Alternative for the Tunnel Encasement. The Project Sponsor developed the size and alignment of the Tunnel Encasement in line with the current criteria for the development of the proposed Hudson Tunnel (also known as Amtrak’s Gateway Tunnel) to ensure consistency with current planning documents. The ROW preservation alignment was initially developed in Amtrak’s 2011 Final Report, and as stated in the EIS Section 3.3.2.1, Amtrak has advanced the design of the Tunnel Encasement to 100 percent Final Design. The alignment of the Tunnel Encasement does not preclude other alignment options for tracks to serve an expansion of Penn Station.

C.4.4 CHAPTER 4: ANALYSIS FRAMEWORK

Comment 7: Figure 4-1: Please include the High Line Moynihan connector Civic Project (Block 728, Lot 1). (MOEC_001)

Response: The High Line Moynihan Connector Civic Project has been added to the Figure 4-1.

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Comment 8: Table 4-1: Please include the High Line Moynihan connector Civic Project location into this Table 4-1 and any other section narratives relative to No-Build Projects (infrastructure related). (MOEC_001)

Response: This project is not included elsewhere in the narrative as it does not affect and is not affected by the Proposed Action.

Comment 9: Page 4-4: Moynihan Station Project: The project is complete and opened in April 2021. (MOEC_001)

Response: The text has been updated to reflect that the Moynihan Station Project is complete.

C.4.5 CHAPTER 6: TRANSPORTATION

Comment 10: Please provide a comprehensive site plan including all ADA compliant ramps, ingress and egress for both operational and during construction. Please provide details related to the temporary two-lane bridge to be used for construction access to span over the excavation area (location, connection to the street network, etc., as well as staging plans). (MOEC_001)

Response: Following the completion of the 2009 SEQRA/CEQR FEIS², the Project Sponsor entered into a Restrictive Declaration (RD) with New York City, which incorporates commitments associated with the design and construction of the Platform, including any necessary ADA compliance commitments. Specific to construction-related elements of the site access and circulation plan, the Project Sponsor would be responsible for obtaining the City's approval for the Maintenance and Protection of Traffic (MPT) Plans for the Western Rail Yard Infrastructure Project, through NYCDOT's Office of Construction Mitigation and Coordination (OCMC).

Comment 11: Please provide all Level 1 and Level 2 backup files (including information on construction conditions with separate assignment maps for worker autos and truck trips). Backup information files should also include data collection, recent census data, soft site information, electronic/executable files for traffic and pedestrian level of service analyses, signal timings, physical inventory, traffic observations, calibration memo, parking accumulation etc. (MOEC_001)

Response: FRA previously provided the following files to MOEC on April 21, 2021:

- SYNCHRO models for 2019 Existing Conditions
- Level 1 and Level 2 back up files

² 2009 Western Rail Yard Project FEIS, prepared under the New York State Environmental Quality Review Act (SEQRA) and New York City Environmental Quality Review (CEQR), published on October 9, 2009 (2009 SEQRA/CEQR FEIS).

- 2023 Construction Ped Trip Assignment v5
- 2023 Construction Trip Assignment v5

FRA again provided the materials previously provided above, along with the following new files to MOEC on August 4, 2021:

- Level 1 and Level 2 backup files
- 2023 Construction Trip Assignment – Worker Auto Trips
- 2023 Construction Trip Assignment – Truck Trips

Comment 12: The chapter indicates that West 33rd street will be temporarily closed throughout the platform construction. Please clarify whether this closure is part of the Western Railyards project and provide a logistics plan and staging plan during this closure. (MOEC_001)

Response: This closure is not part of the Western Rail Yards Infrastructure Project; rather it is proposed by the New York City Economic Development Corporation's (EDC's) West 33rd Street Viaduct project and would have an overlapping construction timeline with the Western Rail Yard Infrastructure Project. Therefore, the traffic analysis accounted for this likely closure. Should West 33rd Street be closed to regular traffic during the construction of the West 33rd Street Viaduct project, the closure would allow for both non-emergency vehicles and Western Rail Yard Infrastructure project construction trucks to continue to use West 33rd Street. Traffic assignment back-up maps developed by WSP show construction truck trips on this road segment. Section 6.6.1 in the FEIS has been updated for clarity.

Comment 13: The chapter indicates that vehicle detour routes would include West 34th Street, West 30th Street, and West 29th Street, however the assignment maps provided do not reflect vehicles reassigned to these routes. Reassignments should also be considered in whether the proposed action screens in for construction analyses. As per the *CEQR Technical Manual* closures should be analyzed in the analyses as the MPT process is separate from environmental review. (MOEC_001)

Response: The detour routes do not apply to construction truck trips and therefore are not shown in the 2023 Peak Construction increment maps prepared as part of the Level 1 and 2 screening analysis. Per the *CEQR Technical Manual* Transportation Chapter, transportation analysis is not warranted if there are less than 50 vehicle trips added to any intersections within the study area; 2023 Peak Construction increment maps demonstrate that the peak construction periods are below Level 1 and 2 screening analysis thresholds and therefore 2023 Peak Construction Conditions maps were not developed.

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Comment 14: Please including all details related to the temporary closure of lanes, temporary closure/reduction/relocation of sidewalks (with exact locations, duration, etc.) as these may be needed for the environmental review. As per the *CEQR Technical Manual* closures, as well as any reduction in sidewalk width, should be included in the analyses, as the MPT process is separate from environmental review. (MOEC_001)

Response: Standard practices and direction for developing an MPT Plan were included in the EIS and are based on the project commitments in the 2009 SEQRA/CEQR FEIS and resulting Restrictive Declaration (RD). The Project Sponsor would be responsible for development of the MPT and submitting to the City for approval through NYCDOT's OCMC. As the MPT details are typically unavailable during this stage of the design process, preliminary plans were used for the EIS analysis and the EIS indicated that it is likely that the pedestrian passage could be maintained via overhead protections or temporary sidewalks. Traffic lane closures are anticipated to be limited to temporary displacement of adjacent parking lanes. The EIS does not include peak construction conditions analysis because the construction increments are less than the *CEQR Technical Manual* thresholds requiring such an analysis. As part of the MPT plan developed by the Project Sponsor, pedestrian access changes would be addressed. Section 6.6.1 of the EIS contains this information.

Comment 15: Please note that a proposal of a complete closure of the western sidewalk of 11th Avenue with crossing/diverting pedestrians to the other side is not an acceptable option. Similarly, the proposed 12th Avenue sidewalk closure is not acceptable. Any work proposed within the 12th Ave corridor would require NYSDOT approval. (MOEC_001)

Response: Comment Noted. The Project Sponsor would be responsible for development of the Maintenance and Protection of Traffic (MPT) Plan for the Project's construction period, and for submitting it to the City for approval by NYCDOT's Office of Construction Mitigation and Coordination (OCMC). Similarly, any MPT plans developed that would affect Twelfth Avenue (Route 9A) would be submitted to NYSDOT for review and approval, although none are anticipated. Therefore, any sidewalk or other closures that OCMC and/or NYSDOT deem unacceptable would not be implemented as part of an MPT plan for Project construction.

Comment 16: Please include the 24-hour truck trips entering and exiting the site in Table C2-4 which is consistent with the content of Table C2-3. (MOEC_001)

Response: The estimated 24-hour distribution of truck trips, shown separately for the Platform and Tunnel Encasement elements of the Preferred Alternative's construction, are provided in a new Table C2-4A in the FEIS (see Attachment 1 of this FEIS).

Comment 17: Please provide clarification regarding the analysis peak hours provided in the document (i.e., weekday 8–9 AM, 12–1 PM and 5–6 PM and Saturday 12–1 PM) during construction. These hours do not typically overlap with the peak generation of construction-related vehicles, and the operations during the typical construction peak hours (6-7 AM and 3-4 PM) differ due to variations in signal timing and parking regulations at that time. Additionally, the documents states that traffic analyses during construction screen out, so it is not clear why analyses have been provided, however as per the above comment, lane closures, diversions, etc., should also be considered when determining whether construction analyses screen out. Any sidewalk reduction which would result in reduced capacity and/or closures leading to pedestrian reassignment should be considered in determining whether pedestrian elements screen in for analyses. The Appendix (page C1-1) references this project and the Empire Station development project sharing 2019 condition network volumes, as well as an aligned Synchro network, however the Empire Station Development Project shows differing results in delays. Please clarify the discrepancies. (MOEC_001)

Response: The weekday traffic peak hours (8-9am, 12-1pm, and 5-6pm) were chosen for LOS analysis of Existing Conditions to present the busiest periods of the Affected Environment. As disclosed in the DEIS text, the trip generation was shown for all construction peak hours as well as for traffic network peak hours. As discussed in the DEIS Appendix C-2, even at the maximum construction peak hours (6-7am and 3-4pm), the assignment of truck trip and worker auto trip increments indicate that results would not meet the *CEQR Technical Manual* Level 2 screening threshold requiring additional analysis. This is also true for all other peak periods.

Based on the consideration of affected environment as a baseline for all technical areas in this DEIS, the existing conditions are only shown for the base traffic network. No additional impact assessment was shown after the Level 2 screening, consistent with guidance in the *CEQR Technical Manual*. The baseline conditions did not indicate that there would be substantial rerouting of pedestrians as screening volumes were low; therefore, no additional analysis was undertaken. The Project Sponsor would be responsible for development of the Maintenance and Protection of Traffic (MPT) and submitting to the City for approval to NYCDOT's Office of Construction Mitigation and Coordination (OCMC).

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The Synchro networks from the Empire Station Development project were shared and served as a common starting basis for both projects with approval from NYCDOT. This DEIS added several intersections to complete the far west side network examined for this Project, resulting in some minor variations of overall network results (adding new adjacent intersections to an existing Synchro network results in some minor changes to the results at some of the original intersections). Since the project did not exceed Level 2 screening analysis, no additional work or analysis was presented on Synchro networks after the existing baseline was established. The following intersections were added and included in the previously provided back-up materials:

- Sixth Avenue at West 29th Street
- Tenth Avenue at West 29th Street
- Eleventh Avenue at West 29th Street
- Tenth Avenue at West 31st Street
- Eleventh Avenue at West 33rd Street

The addition of these intersections would potentially, minimally, affect the delay/LOS results at adjacent intersections in SYNCHRO.

Comment 18: The appendix states an extrapolation factor was used for the Saturday midday traffic volumes, which were unavailable from the Empire Station Development project. This was based on the comparison of available data from 2018 Port Authority Bus Terminal and 2019 CBD Tolling ATR data sets, between Weekday midday and Saturday midday peak traffic periods. Please provide the back-up for how this network was developed. Additionally, the travel patterns for weekday midday are different than Saturday midday, therefore applying a factor to midday counts would not be appropriate. (MOEC_001)

Response: The traffic analysis takes into account that the travel patterns for weekday midday are different than Saturday midday. The Comparison Factor used to develop the WRY Saturday network accounted for this by looking at the difference between weekday midday and Saturday midday ATR volumes from other projects within one mile of the Project site (i.e., 2018 Port Authority Bus Terminal and 2019 CBD Tolling). This methodology used real Saturday midday data within the area to develop the Saturday midday Synchro network by calculating how it compared, on average, to Weekday midday volumes. Additionally, Saturday midday would not be a substantial trip generator for the construction of the Platform. FRA provided the Comparison Factor calculation table to MOEC on August 4, 2021.

Comment 19: Please provide the utilization for off-street parking section. Currently only capacity is provided which is not sufficient to determine whether auto trips can be assigned to these lots. (MOEC_001)

Response: Because there are a limited number of auto-trips associated with construction worker arrivals, which do not exceed the Level 2 threshold, no detailed off-street parking analysis was undertaken. Section 6.4 of the EIS and Appendices C-1 and C-2 did identify the two immediately adjacent off-street facilities that could be used by construction workers.

C.4.6 CHAPTER 7: AIR QUALITY, GREENHOUSE GAS (GHG) EMISSIONS, AND RESILIENCE:

Comment 20: Only fan equipment was used for operational GHG determination of the platform – are there other sources of emissions that should be considered in the analysis, for example the intermittently-operated fossil fuel-fired equipment? (EPA_004)

Response: The fossil fuel-fired equipment and infrastructure related to life-safety generally operates in the event of an emergency involving the loss of utility electrical power, or for periodic testing for short periods to ensure the reliability and availability of the equipment in the event of an actual emergency. FRA estimated that emissions from the diesel generators would be minor on an annual basis due to their limited usage and are not anticipated to result in a significant source of GHG emissions. Therefore, these emissions were not included in the GHG analysis.

Comment 21: EPA appreciates the measures taken to reduce criteria pollutants and GHG emissions during construction including utilizing ultra-low sulfur diesel, opting to use electrically powered equipment when feasible and other best management practices. (EPA_004)

Response: Comment noted.

Comment 22: Appendix D 4.1.2: The details of the dust emission calculations are unclear; a table including the inputs and results would be helpful. (EPA_004)

Response: The calculations of fugitive dust associated with transfer of excavated material, on-site vehicle movements over unpaved surfaces, and on-site vehicle movements over paved surfaces were calculated based on Equation 1 from Section 13.2.4 of AP-42, Equation 1a from Section 13.2.2 of AP-42, and Equation 1a from Section 13.2.1 of AP-42. The calculations were based on the anticipated number of vehicles operating on site during the modeled time periods. Calculation details including the inputs and results, are included in the Air Quality analysis back-up files, which FRA provided to EPA on April 19, 2021. New tables showing the results of the fugitive dust calculations are shown in Tables D-4, D-5, and D-6, which have been added to Appendix D, “Air Quality, Greenhouse Gas Emissions, and Resilience,” Section D.4.1.2), and are also presented in **Attachment 1** of this FEIS.

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Comment 23: Please provide the backup files for the air quality assessment performed for the proposed project. (MOEC_001)

Response: FRA provided the requested Air Quality analysis back-up files to MOEC on April 21, 2021, and on August 4, 2021.

Comment 24: Page 7-3, Section 7.3.1.1: Please identify if emergency generators would be tested during the modeled 6 a.m. to 6 p.m. period. USEPA permits the appropriate reviewing authority to exercise its professional judgement in determining if emergency generators should be modeled. Please revise the statement "USEPA has determined that emission sources, such as emergency generators normally only operated intermittently for testing, as not having a significant effect on 1-hour average ambient concentrations of NO₂ and SO₂." and evaluate if the emergency generators should be included in the assessment. (MOEC_001)

Response: Emergency generators may be tested intermittently within the 6 a.m. to 6 p.m. period. However, 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. Text in Section 7.3.1.1 was revised accordingly.

Comment 25: Please discuss if the elevated receptors were modeled using the *CEQR Technical Manual* guidelines. (MOEC_001)

Response: As discussed in DEIS Chapter 7, "Air Quality, Greenhouse Gas Emissions, and Resilience," and DEIS Appendix D, the air quality analysis was performed using elevated receptors placed on building facades where sensitive uses would be located, consistent with the *CEQR Technical Manual* guidelines. Therefore, discrete receptors were modeled along existing and future building facades with a regular receptor spacing and at multiple elevations, where sensitive uses would be located (see DEIS Appendix D, "Air Quality, Greenhouse Gas Emissions, and Resilience," Section D.3.2.6). The analysis included examination of effects to sensitive receptors at existing buildings, and proposed future buildings that would be constructed and assumed in operation by the selected analysis year.

C.4.7 CHAPTER 8: NOISE AND VIBRATION

C.4.7.1 MOBILE SOURCES

Comment 26: Please discuss the incremental increase of vehicular noise during the operational phase with the proposed Platform. (MOEC_001)

Response: There would be no incremental increase in vehicular traffic as a result of completion of the proposed Platform in the Preferred Alternative. As described in Chapter 20, "Indirect, Cumulative, and Other Impacts," the analysis in the 2009 SEQRA/CEQR FEIS found that resulting noise level increases would be imperceptible to barely noticeable and would not be considered adverse according to *CEQR Technical Manual* noise impact criteria. This finding is still applicable as the expected increases in vehicular traffic volumes in the future with the Preferred Alternative would be comparable to or lower than those studied in the 2009 SEQRA/CEQR FEIS and would result in comparable or smaller noise level increases.

C.4.7.2 STATIONARY SOURCE

Comment 27: Please use the L_{eq} descriptor to assess the project noise sources at all receptors per *CEQR Technical Manual*. (MOEC_001)

Response: Table 8-4 has been added to the FEIS to show the operational stationary noise analysis results using the L_{eq} descriptor (see Attachment 1 of this FEIS).

C.4.7.3 CONSTRUCTION SOURCE

Comment 28: Page 8-7, Table 8-4: Since the opening hours for the Highline [*sic*] are currently 7am to 9pm on weekdays and 9am to 9pm on weekends, please revise the Notes under Table 8-4: Worst- Case Platform Construction Noise Levels in dB(A) which state that because the Highline [*sic*] is open from 7am to 7pm, nighttime construction noise levels are not considered. (MOEC_001)

Response: The operating hours for the High Line were correct in the footnote at the time the DEIS was published (June 11, 2021). However, FRA acknowledges that these hours have changed. The footnote in this table, (now Table 8-5) of the FEIS, has been edited to be consistent with the current operating hours for the High Line as of October 2021.

Comment 29: Please include a timeline of the five (5) year construction of the Platform and three (3) year construction of the Tunnel Encasement. Please include the phases, the duration, and the construction activity of each phase, as well as the noise impact. Furthermore, the proposed Platform allows the Overbuild development above it. The impacts from the construction of both the Platform and the Overbuild development should be disclosed. (MOEC_001)

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Response: The construction schedule for the Preferred Alternative, including the individual project elements and duration for construction of each, is described in Chapter 3, Section 3.6, "Construction Methods, Activities, and Sequencing." The maximum noise levels from each activity and the duration of each are described in Section 8.5.3.1.1, "Platform and Tunnel Encasement Construction." Noise levels associated with individual construction phases for the Preferred Alternative are shown in DEIS Appendix E, Section E.5.1.1 "Construction Noise". As described in Chapter 20, "Indirect, Cumulative, and Other Impacts," FRA considered the potential for noise level increases in the Study Area due to construction of the Overbuild to be an indirect effect of the Preferred Alternative. The analysis in the 2009 SEQRA/CEQR FEIS found that resulting noise level increases due to construction of the Overbuild would be less than 3 dB(A) and would not be considered adverse according to *CEQR Technical Manual* noise impact criteria.

Comment 30: Please disclose the nighttime construction impacts at residential receptors. The Noise Chapter does not mention nighttime construction impacts on the surrounding receptors. (MOEC_001)

Response: The FEIS text has been edited to explicitly disclose the construction noise impacts at residential receptors during nighttime hours, which are indicated numerically in Table 8-5 of the FEIS.

C.4.8 CHAPTER 9: CULTURAL RESOURCES

Comment 31: The Landmarks Preservation Commission is in receipt of the DEIS Historic Resources chapter dated 6/10/21. The text appears acceptable. (NYCLPC_005)

Response: Comment noted.

C.4.9 CHAPTER 11: AESTHETICS AND VISUAL QUALITY

Comment 32: Figure 11-1: Consider utilizing a color, or a heavier line to outline "Appropriate Terra Firma Area" (MOEC_001)

Response: Figure 11-1 has been revised, as requested.

Comment 33: Page 11-2, Section 11.5.1.2, paragraph 1, sentence 7: "...uses if for parking" should be changed to "uses it for parking". And "metal gates block" should be changed to "metal barricades block". (MOEC_001)

Response: Chapter text has been revised, as requested.

Comment 34: Page 11-3, Section 11.5.1.2, paragraph 2, sentence 4: The 175-foot tall building is clad in 'dark' glass, should be replaced with "tinted glass". (MOEC_001)

Response: Chapter text has been revised, as requested.

Comment 35: Page 11-3, Section 11.5.1.2, paragraph 2, sentence 5: "...presents a mostly blank masonry wall" should be replaced with "a mostly textured metal panel wall..." (MOEC_001)

Response: Chapter text has been revised, as requested.

Comment 36: Page 11-4, Section 11.5.1.2, paragraph 1, last sentence: Please confirm if the referenced metal sculpture is still located at the entrance of the park. The City understands that this art installation was for a temporary exhibition period and is no longer there. (MOEC_001)

Response: As the metal sculpture is no longer present, this sentence has been deleted from the text.

Comment 37: For Chapter 11 and Appendix H, please include an illustrative graphic or photograph representing a vantage point from the High Line with views toward the proposed WRY platform and indicate the height of the top of the platform. This would provide a helpful visual relationship between the heavily trafficked High Line and the WRY development which proposes to provide a new visual landscape. (MOEC_001)

Response: A new Figure H-19 in DEIS Appendix H is included to show the visual relationship between the High Line and the Platform (see Attachment 1 of this FEIS).

C.4.10 CHAPTER 12: CONTAMINATED MATERIALS

Comment 38: The Final EIS should include references to the restrictive declaration (RD) for the site from 2014 and the construction and environmental protection plan (CEPP) for the Preferred Alternative, or otherwise detail the mitigation requirements of those documents. (EPA_004)

Response: References to the RD and CEPP were added to Section 12.6.3. The RD is included in Appendix O of the DEIS.

C.4.11 CHAPTER 13: UTILITIES AND ENERGY

Comment 39: Section 13-5-2-5: Please clarify why the LIRR 39,422-square foot Service Facility (housing the medium voltage electrical substation and emergency generators & fire protection related materials) considered structures to be categorized under Commercial office space for the purpose of analysis and not under the Institutional. (MOEC_001)

Response: The Substation building would predominantly be used to house electrical equipment and is otherwise empty except for a small amount of office space used by minimal staff. Therefore, the Commercial office Space rate was more reflective of the uses of the facility and was used instead of the slightly more intensive Institutional use rate, which would reflect a more active building.

Comment 40: Please confirm that the construction of the medium-voltage electrical substation for the proposed ventilation system has been factored into the energy consumption budget. (MOEC_001)

Response: The construction of the electrical substation was included in the energy consumption budget. In addition, the annual energy consumption of the rail yard ventilation system, which would be supplied by the electrical substation, has been added to the energy consumption budget analysis. Revisions to the chapter are included in Section 13.5.2, and in updates to Table 13-4 (see Attachment 1 of this FEIS for a revised version of Table 13-4).

Comment 41: Section 13-5-3: Please confirm if there is a current dialogue with Con Edison where the proposed re-routing and reconstruction of the on-site utility services for the existing rail yard has been initiated, If so, please indicate that this coordination is ongoing. (MOEC_001)

Response: The Project Sponsor continues to coordinate with Con Edison on the Project, and any required utility re-routings or reconstructions needed. Section 13.5.3 has been revised to include mention of this coordination.

C.4.12 CHAPTER 15: WATER AND NATURAL RESOURCES

Comment 42: EPA suggests the analysis incorporate tools such as such as NEPAssist and EnviroAtlas for project planning to identify possible areas of concern and gather information on land use, wetland delineation, location of sensitive habitats, etc. (EPA_004)

Response: The NEPAssist and EnviroAtlas tools were reviewed for the project area. Applicable information from these sources was previously incorporated into Chapter 15. This additional methodology was added to Chapter 15, Section 15.2 of the FEIS.

Comment 43: It should be clarified in Figure 15-1 that the 500-year floodplain is Zone X as mentioned in the text. (EPA_004)

Response: Figure 15-1 was updated to include the 500-year floodplain as Zone X.

Comment 44: EPA recognizes the efforts taken to minimize impacts to water quality and reduce exposure to contaminants via implementation of a site-specific Construction Health and Safety Plan (CHASP) and Stormwater Pollution Prevention Plan (SWPPP). (EPA_004)

Response: Comment noted.

C.4.13 CHAPTER 17: SOCIOECONOMICS

Comment 45: Page 17-2, Section 17.3.3, second paragraph: The City believes that if the FTA followed the socioeconomic screening analysis per the *CEQR Technical Manual* that it would likely find that the proposed project would screen out for potential socioeconomic impacts. This is an infrastructure project not anticipated to directly or indirectly displace residents or businesses. (MOEC_001)

Response: The analysis of this resource area is required under NEPA. However, as the project would screen out for potential socioeconomic impacts under the CEQR methodology, additional text was added to Section 17.3.3. to explain that this analysis is not required under CEQR. The analysis used CEQR as guidance to identify areas of concern, and the DEIS provided summaries for each area of concern stating that there is no potential for socioeconomic impacts.

Comment 46: In July 2009, when Manhattan Community Board 4 (MCB4) commented on the Western Rail Yard Rezoning that would trigger this infrastructure project, it advocated for community benefits to mitigate the radical development contemplated over the Hudson Yards rail yards (comprising Eastern Rail Yard and Western Rail Yard). As one of the community benefits, MCB4 insisted that 27% of residential development be affordable and that housing be permanently affordable. The finances at the time ruled out the possibility of permanent affordability. Given that a federal loan may now be added to the finances of the development, consideration should be given to making the affordable housing permanent.

MCB4 thanks everyone associated with this project and with the draft EIS for their hard work and their consultation with the Board. (MCB4_007)

Response: The Proposed Action is the construction and operation of the Platform and Tunnel Encasement, and does not involve include the privately funded mixed-use development planned for the site.

C.4.14 CHAPTER 19: ENVIRONMENTAL JUSTICE

Comment 47: While the environmental justice (EJ) analysis conducted by FRA is adequate, EPA suggests using the EJSCREEN tool to evaluate other EJ indicators in addition to minority and low-income population census data. (EPA_004)

Response: The EIS provides a detailed analysis of reasonably foreseeable potential social, economic, and environmental effects of the Preferred Alternative and the potential effects on all populations within the Study Area, including environmental justice populations. The EIS concluded that the Preferred Alternative would not result in any adverse effects, other than temporary noise-related adverse effects to the High Line during construction. Extensive measures to avoid, minimize and mitigate potential impacts would occur to ensure that the Project does not result in adverse construction impacts with respect to the environmental indicators used in EJSCREEN (e.g., air quality, exposure to contaminated or hazardous materials, traffic, etc.). Additionally, any temporary sidewalk detours would be clearly marked and designed in compliance with the Americans with Disabilities Act (ADA) to properly accommodate individuals with disabilities and elderly populations. Because the Project would not result in adverse operational impacts or adverse construction impacts (other than the temporary adverse noise impact to the High Line), FRA determined that additional screening using EJSCREEN is not warranted.

Comment 48: Page 19-1, Section 19.2: Please confirm if the cited Executive Order (EO) 12898 is really the most up to date regulatory framework. (MOEC_001)

Response: EO 12898 is the federal directive that requires federal agencies to implement environmental justice principles in their programs, policies, and activities. USDOT issued Order 5610.2(c) in May 2021 to reaffirm its commitment to EO 12898 and update its procedures for complying with the EO, which guides FRA's environmental justice analyses. The FEIS reflects the USDOT Order 5610.2(c).

Comment 49: Page 19-4, Section 19.6.3: Please confirm or identify if the construction noise and construction dust was estimated to travel to the adjacent environmental justice populations. (MOEC_001)

Response: Noise and construction dust would not travel to areas of environmental justice populations. Clarification has been added to the chapter text.

Comment 50: Page 19-6, Section 19.7: Please confirm in the final environmental review documents that the construction site will have signage providing information on how to address noise and vibration complaints from the community. (MOEC_001)

Response: 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. Text in Section 8.5.3 has been modified accordingly.

Comment 51: Page 19-7, Section 19.10: Please identify how FRA determined that the public outreach efforts were designed specifically to reach EJ populations in the study area. Please identify if through the Public Involvement Process, comments are received from residents within EJ areas. Confirm which locally based organizations listed in the Chapters 19 and 23 are directly serving parts of the study area with EJ populations. Please indicate if NYCHA communities are within the Project area. If so, had outreach been conducted to any tenant associations within the Project area. (MOEC_001)

Response: FRA did not receive comments from individuals on the DEIS. The public outreach efforts were designed by FRA to provide opportunities for all residents in the study area to learn about and provide feedback on the project. This includes environmental justice populations residing in the study area. In addition to English, FRA published notices and key project materials in Spanish, the predominant language spoken in the study area other than English. As noted in the comment, FRA distributed notices to locally based organizations, two of which directly serve areas identified as environmental justice populations in the study area. The Hudson Yards Hell's Kitchen Alliance serves the area generally bounded by West 42nd Street to the north, Eleventh Avenue to the west, West 30th Street to the south and Ninth Avenue to the east. The Midtown South Community Council serves the area from 29th Street to 45th Street, and 9th Avenue to Lexington Avenue. While environmental justice populations south of 29th Street and west of Ninth Avenue, and west of Eleventh Avenue, are outside these service areas, they are in areas served by the bilingual news media in which notices were published.

A NYCHA complex, comprising the Chelsea, Chelsea Addition, and Elliott Houses are located in the southeastern portion of the study area between 25th and 27th Streets, and Ninth and Tenth Avenues. FRA published bilingual notices in news publications that serve this area.

C.4.15 CHAPTER 20: INDIRECT AND CUMULATIVE IMPACTS

Comment 52: The chapter states that the FRA re-evaluated the impact analyses and associated commitments from previous environmental review documents (including reviews of the methodologies for each resource category discussed), details related to previously analyzed program of the Overbuild, as well as the reported baseline conditions in the previous environmental reviews. For Transportation, FRA stated the previous environmental review documents and impact analyses to still be applicable. Please note that the baseline condition, such as the geometry and signal timing at intersections has changed since the issuance of the 2009 SEQRA/CEQR EIS, and therefore may not be appropriate. (MOEC_001)

Response: The findings and mitigation requirements in the 2009 SEQRA/CEQR FEIS, as well as the larger 2004 Hudson Yards Rezoning EIS, became the basis for many of the on-going changes in timing and geometries throughout the study area as noted in the comment. Throughout this EIS, the impact evaluation was based on updated information. The baseline Synchro network was updated to reflect detailed traffic studies, in terms of signal timing and geometries, that were completed since the previously completed project studies. However, the Proposed Action of this EIS (limited to construction of the Platform and Tunnel Encasement) has no operational effects once completed. The approvals for the Overbuild are not the subject of this environmental review. Commitments approved in the 2009 SEQRA/CEQR FEIS would not change as a result of the Proposed Action in this EIS.

C.4.16 CHAPTER 21: SECTION 4(F) EVALUATION

Comment 53: The Department concurs with the Federal Railroad Administration (FRA) determination that noise levels at portions of the High Line Park (High Line) during construction activities for the Preferred Alternative and the temporary underpinning of the High Line would be a de minimis impact under Section 4(f). Since New York City (NYC) Parks is the official with jurisdiction for the High Line as a park resource, they must concur that the project will not adversely affect the activities, features, or attributes that make the High Line eligible for Section 4(f) protection, before FRA may finalize the de minimis impact determination. We understand that FRA is consulting with NYC Parks and have informed them of their intent to find the impacts are de minimis under Section 4(f). In addition, we understand that FRA has proposed measures to avoid, minimize, and mitigate harm to the High Line.

The FRA has also determined there will be no adverse effect to any historic properties in the area under Section 106, provided they complete a construction protection plan for the historic properties in the area, which include the North River Tunnel and the High Line. In a letter dated February 11, 2021, the New York State Historic Preservation Office concurred with the

Section 106 finding, and FRA is using this concurrence to support their de minimis finding.

The Department encourages FRA to complete their coordination with NYC Parks and provide NYC Parks concurrence with the de minimis finding in the final Section 4(f) Evaluation. The Department has no objection to the Section 4(f) approval, provided that a letter from NYC Parks, with their concurrence, be included in the final Section 4(f) Evaluation. (USDOI_003)

Response: FRA received concurrence from NYC Parks regarding the Section 4(f) Evaluation *de minimis* finding on September 3, 2021. Please see Appendix O3 of the FEIS.

C.4.17 GENERAL

Comment 54: We are happy that the Western Rail Yard Infrastructure Project is moving forward, providing the platform for future mixed-use development at one of the last remaining sites of undeveloped land in Midtown Manhattan.

This project also includes a tunnel encasement to preserve the right-of-way for future construction of a new Hudson River rail tunnel, which will greatly increase rail capacity between New York and New Jersey. Preserving this right-of-way is critical to ensuring that the Gateway Program moves forward while ongoing funding negotiations continue. (Tri-State_006)

Response: Comment noted.

Comment 55: On June 17th NYS Empire State Development (ESD) issued a Lead Agency notification for the High Line Moynihan Connector Civic Project. Please include this project (Block 728, Lot 1) with an anticipated projected completion of 2022 into the DEIS section narratives relative to No-Build Projects (infrastructure related). (MOEC_001)

Response: This project was added to the Affected Environment in Chapter 4, including Table 4-1 and Figure 4-1 (see Attachment 1 of this FEIS for the revised table and Figure).

C.4.17.1 CONSTRUCTION

Comment 56: During construction of the platform and tunnel encasement, flagging and outages must be coordinated to preclude the disruption of train service in and out of the yard. Any required flagging must be reimbursed by WRY Developer LLC and Amtrak, as applicable. (MTA_002)

Appendix C3: Response to Comments on the DEIS

Response: Logistical and financial coordination would occur between the WRY Tenant LLC (an affiliate of The Related Companies, LP) and the National Railroad Passenger Corporation (Amtrak) as the Project Sponsor to avoid disruptions during the construction period. Agreements between the Project Sponsor and MTA-LIRR, based on ongoing coordination between these entities concerning the number and timing of allowable track outages that would allow the rail yard to remain operational during construction have been included in the analyses and development of the construction phasing and schedule in the FEIS.

Comment 57: Anyone involved in the maintenance, restoration, or state of good repair of the High Line must take the LIRR Roadway Worker Protection class at their cost, and safety procedures for lead abatement must be implemented. (MTA_002)

Response: Comment noted.

C.4.17.2 WATERFRONT REVITALIZATION PROGRAM

Comment 58: Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and provides its finding to the New York State Department of State (DOS). Please note that the proposed action(s) are subject to consistency review and approval by the New York State Department of State (DOS) in accordance with the New York State Coastal Management Program. (NYCDCP_008)

Response: Comment noted.

Comment 59: The Department of State has completed its review of the Corps' consistency determination regarding the proposed installation of a new 9.8 acre platform in the West Hudson Rail Yard and a tunnel encasement under the Western Rail Yard near the Hudson River, with the New York City Waterfront Revitalization Program. Based upon the information submitted, the Department of State concurs with the Corps' consistency determination regarding this matter. (NYSDOS_009)

Response: Comment noted.

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