

A. INTRODUCTION

The development of any mass transportation improvement using federal aid must comply with project development procedures and other policy guidance established by federal legislation and Federal Transit Administration (FTA) implementing regulations. This chapter presents a summary of the planning and decision-making that has been performed to date for the Second Avenue Subway. Specifically, the extensive public outreach program that was initiated during the Major Investment Study (MIS) and Draft Environmental Impact Statement (DEIS) phase of the project—which was known as the Manhattan East Side Transit Alternatives (MESA) Study—and expanded upon during the preparation of the Supplemental Draft Environmental Impact Statement (SDEIS) and this Final Environmental Impact Statement (FEIS), is described, as is the extensive coordination that has occurred with various involved local, state, regional, and federal agencies. This chapter also lists the various permits and approvals required from federal and state agencies to construct and operate the Second Avenue Subway, and identifies the process planned to address any changes to the project that may occur following the Record of Decision (ROD).

B. PROCESS AND DECISION-MAKING TO DATE

This FEIS has been prepared in accordance with the regulations of the National Environmental Policy Act of 1969 (NEPA). NEPA requires federal agencies to evaluate the environmental consequences of proposed actions and their alternatives, to identify measures to mitigate any significant adverse impacts, and to conduct the entire process in coordination with other agencies and the public. The FTA cannot approve or fund the construction of the Second Avenue Subway until the requirements of NEPA have been satisfied. Public outreach processes are also required by Section 106 of the National Historic Preservation Act of 1966, 49 USC §303(c) (Section 4(f) Evaluation), and Executive Order 12898 of 1994, which addresses environmental justice issues in federal decision-making. This FEIS complies with this Act, the Code, and the Executive Order. Public outreach being conducted as part of the EIS process also fulfills the outreach portion of these requirements.

The analysis of the project's environmental effects began in 1995, concurrent with the preparation of a combined MIS and DEIS. Together, these documents comprise the MTA and NYCT's aforementioned MESA Study. In July 1995, FTA published a Notice of Intent for the project, and FTA and MTA held a joint public scoping meeting to satisfy NEPA requirements for the EIS process. The MIS was conducted pursuant to the transportation planning procedures established under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That statute required the preparation of an MIS in connection with an application for federal funding of capital projects for mass transportation systems. The MIS was prepared to evaluate the effectiveness of a wide range of alternative investments or strategies to attain the transportation goals for the East Side of Manhattan that are presented in Chapter 1, "Project Purpose and

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Need.” The alternative development and evaluation process, which resulted in the selection of a full-length Second Avenue Subway as the preferred alternative, is summarized in Appendix B, “Development of Alternatives.”

NYCT and FTA completed the MESA MIS/DEIS and published a Notice of Availability in the *Federal Register* in August 1999. The MIS/DEIS and a notice of its availability were widely distributed. Notice of the public hearing and availability of the MIS/DEIS was published in local newspapers. A public hearing was conducted in September 1999 to receive comments on the project and the MIS/DEIS. At the hearing and through written comments submitted during the comment period, members of the public, community groups, and elected officials voiced their support for a full-length Second Avenue Subway from 125th Street to Lower Manhattan.

The project has included a public outreach program, initiated during the MIS/DEIS phase and continuing through the SDEIS and FEIS phases. As detailed below in section E, this has included dozens of meetings with Community Boards, the public, local and regional organizations, the project’s Technical Advisory Committee (TAC) and Public Advisory Committee (PAC), and interested governmental agencies.

A Notice of Availability of the SDEIS was published in the *Federal Register* on April 11, 2003. The SDEIS and notice of its availability were widely distributed to involved and interested agencies and other parties and posted on the MTA’s website, and the public hearings on the document were advertised in community newspapers, subway stations, and the MTA’s website, as described in Chapter 22, “List of Agencies and Organizations.” (Chapter 22 also provides information on locations where the SDEIS was available for review.) The MTA held two public hearings to receive comments on the document: on May 12, 2003, in the auditorium of the Alexander Hamilton U.S. Custom House at One Bowling Green; and on May 13, 2003, in the Hecksher Auditorium at El Museo del Barrio, 1230 Fifth Avenue (at 104th Street). The public comment period remained open until June 10, 2003.

This FEIS responds to the comments received on the MIS/DEIS published in 1999, and to comments received on the SDEIS during the public comment period (see Appendix O and Chapter 23, “Response to Comments on the SDEIS” for details). It identifies particular options that have been selected during the Preliminary Engineering process and mitigation measures that would be employed to minimize significant impacts. Consistent with the requirements of NEPA, a ROD will be prepared by FTA stating FTA’s basis for decision no earlier than 30 days after the publication of a Notice of Availability of the FEIS in the *Federal Register*.

C. COMMENTS RECEIVED ON 1999 MIS/DEIS

As noted earlier, the MIS/DEIS analyzed in detail several alternatives with subway components, but none with a full-length Second Avenue Subway from East Harlem to Lower Manhattan. During the public comment period for the MIS/DEIS, MTA received numerous written comments. Of these, the great majority were in support of a full-length Second Avenue Subway, including approximately 24,300 form letters or postcards from individuals and groups who support a full-length Second Avenue Subway. Many comments were related to the specific need for a full-length Second Avenue Subway, and others criticized the MIS/DEIS for omitting detailed analysis of a full-length subway. Some other comments received were specific to details of the alternatives evaluated in the MIS/DEIS, which included an express busway and a light rail transit option in addition to subway components. In addition, some comments were made on the construction issues associated with a new subway, as well as on issues related to air quality,

infrastructure and energy, environmental justice, indirect and cumulative effects, funding, and public participation. A full summary of all comments received on the 1999 MIS/DEIS, and responses to those comments, is provided in Appendix O to this document.

D. COMMENTS RECEIVED ON 2003 SDEIS

During the public comment period for the SDEIS, many members of the general public as well as public officials and agency representatives submitted comments to the MTA to express their support for the full-length Second Avenue Subway. Among those submitting comments, there was general agreement in support of the project's purpose and need to relieve overcrowding on East Side subways and buses, to support the land uses on the East Side with new transit service, and to support the coordinated efforts of city and state officials to rebuild Lower Manhattan.

Other comments received on the SDEIS related to requests to extend the Second Avenue Subway service to the Bronx, Brooklyn, Queens, and other parts of Manhattan, as well as issues related to the cost and financing for the project, potential construction impacts and the measures that would be implemented to minimize effects on the surrounding community, and other environmental issues. See Chapter 23, "Response to Comments on the SDEIS," for details. The full text of the comments received from federal resource agencies—the U.S. Department of the Interior (DOI) and the U.S. Environmental Protection Agency (EPA)—are included at the end of Chapter 23.

E. PROCESS FOR ASSESSING DESIGN CHANGES AFTER THE FEIS AND ROD

As design of the Second Avenue Subway advances through its preliminary and final engineering phases, refinements and changes to project plans likely will be proposed. MTA/NYCT will evaluate any significant proposed design changes to determine whether such changes may have significant environmental impacts beyond those already evaluated in the FEIS. MTA/NYCT will provide its evaluation of such proposed changes to the FTA. FTA will then determine whether any additional environmental review must be performed with respect to such changes under NEPA. FTA, in consultation with MTA/NYCT, also will determine the extent to which additional public outreach with interested parties should be conducted to discuss design changes, develop mitigation measures, and other project issues.

F. PUBLIC AND AGENCY PARTICIPATION PROGRAM

This public participation effort is being performed in compliance with the guidelines of ISTEA, the Transportation Equity Act for the 21st Century (TEA-21), NEPA, Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"), Section 106 of the National Historic Preservation Act of 1966, and other public outreach guidelines, including those of the New York Metropolitan Transportation Council (NYMTC). In accordance with federal guidelines, this public outreach program includes early, proactive, ongoing, and customized outreach and participation. This effort is ongoing and will continue through the project's design and construction.

The MIS/DEIS was conducted with an extensive public outreach process. NYCT accepted recommendations from other public agencies, a TAC and PAC convened for the study, members of civic groups, elected officials, and the general public. At each milestone of the project, meetings were held with the TAC and PAC, MTA's Long-Range Planning Framework working

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group, Community Boards, elected officials, community and civic groups, and other groups to present status reports and receive input and feedback. More than 100 meetings were held throughout the study to keep the agencies and community informed and to seek public input as the study progressed.

For the SDEIS and FEIS, the public outreach process begun for the MIS/DEIS has continued. The primary goal of the public outreach program is to create a public forum for the exchange and discussion of information among the MTA/NYCT, concerned citizens, and federal, state, and local agencies. The program has encouraged dialogue among all interested parties, beginning early in the planning process and continuing throughout the EIS process. In addition to meeting NEPA requirements, the public outreach program is intended to set the stage for continued and extensive public and agency involvement as the project moves into later phases of design and construction.

In addition, the project team has continued to coordinate its planning for the Second Avenue Subway construction with other subsidiary agencies of the MTA—including MTA Bridges and Tunnels, MTA Metro-North Railroad, MTA Long Island Rail Road, and NYCT's Bus Operations—to address any anticipated traffic-related issues and affects on scheduled mass transit services.

The public and agency outreach program includes many different components. Elements include: presentations and discussions with affected Community Boards; small-group meetings and presentations to elected officials, organizations, and business groups; meetings of a 50-member TAC; and meetings of a PAC (mailing list includes approximately 1,400 names). Where practicable, public meetings are being combined with those held to satisfy the requirements of Section 106 of the National Historic Preservation Act of 1966.

Each of these is described in more detail below. The numerous meetings held to date are summarized in Table 4-1. Chapter 23, “Public Participation,” of the MESA MIS/DEIS describes the meetings conducted during the preparation of that document.

COMMUNITY BOARD COORDINATION

New York City is divided into 59 Community Boards, established by the City's Charter. These Community Boards are intended to serve as advocates for the local community and serve as coordinators for the residents and employees within the board's boundaries. Community Boards are tasked with assessing the needs of their neighborhoods, meeting with City agencies, and making recommendations in the City's budget process to address them. Community Boards also have an advisory role in reviewing development projects, zoning changes, requests for special permits and variances under the City's Zoning Resolution, and other proposals and actions that require City approval, as part of the City's Uniform Land Use Review Procedure (“ULURP”).

Each board consists of up to 50 members, appointed by the Borough President, of whom half are nominated by the City Council members who represent the community district. Board members must reside, work, or have some other significant interest in the community. Each board meets once a month, and those meetings are open to the public. In addition, Community Boards have committees established to study special issues—such as transportation, land use, or historic resources—within the boards' boundaries, and those committees typically have monthly meetings as well.

**Table 4-1
Meetings and Presentations**

Date	Organization	Subject
April 19, 2001	Public meeting and Public Advisory Committee (PAC) meeting	Introduction to project; update and general overview
June 28, 2001	Manhattan Borough President's Office	116th Street Station
July 12, 2001	Technical Advisory Committee (TAC)	116th Street Station
July 31, 2001	Community Board (CB) 11 Full Board	116th Street Station
September 4, 2001	CB11 Transportation Committee	116th Street Station
September 10, 2001	CB8 Transportation Committee	Project overview
October 1, 2001	CB6 Transportation Committee	Project overview and Midtown area
November 5, 2001	CB6 Transportation Committee	Midtown stations with rock profiles
November 7, 2001	CB3 Transportation Committee	Alignment around Sara D. Roosevelt Park
November 15, 2001	CB3 Full Board	Alignment around Sara D. Roosevelt Park
November 19, 2001	Manhattan Borough President's Office	Project update, introduction to shaft site issues
November 29, 2001	CB1 Combined Seaport and Financial Committees	Project overview, southern alignment options
November 29, 2001	TAC	Alignment planning issues; 116th Street Station alignments, alignment options at Sara Roosevelt Park and at the South Terminal
December 3, 2001	CB8 Transportation Committee	Constructability and station locations
December 4, 2001	CB11 Transportation Committee	Constructability and 125th Street Station layout
December 5, 2001	Regional Plan Association Public Forum	Project overview
December 11, 2001	Manhattan Borough President's Office Second Avenue Subway Task Force	Project overview (including shaft sites)
December 11, 2001	CB2 Traffic and Transportation Committee	Project overview and southern alignment options
December 12, 2001	CB6 Full Board	53rd Street Station options
January 7, 2002	CB6 Transportation Committee	Stations at 42nd, 34th, and 23rd Streets
January 8, 2002	CB1 Combined Seaport and Financial Committees	South terminal alignment options
January 15, 2002	Downtown Alliance	Project overview, schedule, alignment options
January 15, 2002	Congresswoman Carolyn Maloney's Town Hall Meeting	Project overview
January 15, 2002	CB8 Transportation Committee	Station locations
January 15, 2002	CB1 Full Board	South terminal alignment options
January 16, 2002	TAC	Overview of construction methods, shaft sites, and station access issues
January 16, 2002	CB8 Full Board	Station locations
January 17, 2002	CB10 Transportation and Economic Development Committees	125th Street terminal options and train storage
January 24, 2002	Permanent Citizens' Advisory Committee (PCAC) to the MTA	Project overview and review of presentations to Community Boards
February 1, 2002	Senior Citizens' Advisory Committee	Project overview
February 6, 2002	CB3 Second Avenue Subway Task Force	Constructability issues
February 7, 2002	Grand Central Partnership	Project overview, discussion of area around 42nd Street
February 12, 2002	Manhattan Chamber of Commerce	Project overview

**Table 4-1 (cont'd)
Meetings and Presentations**

Date	Organization	Subject
March 4, 2002	PAC	Project update—station locations, shaft sites, construction methods
March 10, 2002	East Sixties Neighborhood Association	Information available at table
March 13, 2002	Lenox Hill Hospital Community Advisory Committee	Project overview, station locations in vicinity of hospital, construction impacts
March 21, 2002	South Street Seaport Museum and South Street Seaport retail (Rouse Company)	General overview and discussion of southern alignment options and construction methods
March 26, 2002	MTA/NYCT Compliance Coordination Committee (Disabled Community)	Project overview
April 16, 2002	14th Street Station Access Meeting (CB3/CB6 border)	14th Street Station location and station access points
April 23, 2002	Union Square BID	Project overview, construction impacts, 14th Street area
May 14, 2002	CB10 Transportation Committee	North terminal, construction impacts
May 29, 2002	Brooklyn Borough President's Transportation Advisory Committee	Project overview; south terminal alignment options
<u>June 1, 2002</u>	<u>US Coast Guard</u>	<u>Marine operations, bridge clearance</u>
June 3, 2002	CB6 Transportation Committee	Construction impacts
June 4, 2002	Lexington-Third East 61st Street Block Association	Project overview
<u>June 10, 2002</u>	<u>US Army Corps of Engineers</u>	<u>Project briefing</u>
June 10, 2002	CB8 Transportation Committee	Construction impacts
June 11, 2002	CB1 Combined Seaport and Financial Committees	Construction impacts
June 19, 2002	CB3 Second Avenue Subway Task Force	Alignment options between Houston and Canal Streets; construction impacts (including impacts to Sara D. Roosevelt Park)
June 20, 2002	Meeting with groups representing disabled community	Project overview; issues related to accessibility
<u>July 11, 2002</u>	<u>US Coast Guard</u>	<u>Marine operations, bridge clearance</u>
July 22, 2002	Manhattan Borough President's Office	Construction impacts; update on alignment options near Sara D. Roosevelt Park
<u>August 12, 2002</u>	<u>NYS Dept. of Transportation</u>	<u>EIS briefing and construction coordination</u>
<u>September 1, 2002</u>	<u>NYC Fire Department</u>	<u>Fire life safety strategy and systems</u>
September 3, 2002	CB 11 Transportation Committee	Construction impacts; 116th Street Station
<u>September 9, 2002</u>	<u>NYS Dept. of State – Building Codes</u>	<u>Project briefing</u>
<u>October 2, 2002</u>	<u>NYC Dept. of Parks</u>	<u>EIS briefing</u>
<u>October 8, 2002</u>	<u>NYC Dept. of Transportation</u>	<u>Project briefing</u>
October 8, 2002	Municipal Arts Society	Project overview; construction impacts; project architecture
<u>October 15, 2002</u>	<u>NYC Dept. of Parks</u>	<u>Site access, St. Vartan Park and Playground 96</u>
<u>October 22, 2002</u>	<u>NYC Dept. of Transportation</u>	<u>MPT requirements</u>
<u>November 19, 2002</u>	<u>NYC Dept. of Transportation</u>	<u>129th Street barge site and MPT Requirements</u>
November 21, 2002	Shearith Israel Synagogue	Project overview; review of alignment options south of Houston Street; potential effects to sites of former and existing synagogue cemeteries
December 4, 2002	African Burial Ground Office of Public Education and Interpretation	Review of issues associated with construction of federal office building at African Burial Ground; Lower Manhattan research issues

Table 4-1 (cont'd)
Meetings and Presentations

Date	Organization	Subject
<u>December 12, 2002</u>	<u>NYC Dept. of Parks</u>	<u>Parkland alienation</u>
<u>January 22, 2003</u>	<u>NYC Dept. of Transportation</u>	<u>Boring permits in Lower Manhattan</u>
<u>January 22, 2003</u>	<u>Professional Archaeologists of New York City (PANYC)</u>	<u>General overview of construction techniques; discussion of archaeological staff and research</u>
<u>February 13, 2003</u>	<u>NYC Dept. Environmental Protection</u>	<u>Project overview</u>
<u>March 17, 2003</u>	<u>NYS Dept. of Transportation</u>	<u>EIS briefing; Construction coordination</u>
<u>March 18, 2003</u>	<u>Con Edison</u>	<u>Utility relocations and new service</u>
<u>March 19, 2003</u>	<u>Christ and St. Stephen's Church</u>	<u>General overview; review of Houston to Canal alignment options and potential impacts to site of former cemetery; discussion of burial records</u>
<u>April 3, 2003</u>	<u>Amtrak</u>	<u>Project briefing</u>
<u>April 3, 2003</u>	<u>NYC Dept. of Environmental Protection</u>	<u>Water main improvements</u>
<u>April 10, 2003</u>	<u>Newman Institute/Baruch College panel on Second Avenue Subway</u>	<u>General overview and preview of SDEIS issues</u>
<u>April 30, 2003</u>	<u>Manhattan Borough President's Office</u>	<u>Second Avenue Subway SDEIS briefing</u>
<u>May 1, 2003</u>	<u>St. Philip's Church</u>	<u>General overview; review of Houston to Canal alignment options and potential impacts to site of former cemetery; discussion of records church may have of burials</u>
<u>May 6, 2003</u>	<u>NYC Dept. of Design and Construction</u>	<u>Technical guidelines and Water Street issues</u>
<u>May 12, 2003</u>	<u>SDEIS public hearing at U.S. Custom House</u>	<u>Public comment on the SDEIS</u>
<u>May 13, 2003</u>	<u>SDEIS public hearing at El Museo del Barrio</u>	<u>Public comment on the SDEIS</u>
<u>May 15, 2003</u>	<u>MTA Bridges and Tunnels</u>	<u>Project Briefing</u>
<u>May 20, 2003</u>	<u>CB 3 Transportation Committee</u>	<u>Proposed station entrances, including property impacts</u>
<u>June 2, 2003</u>	<u>CB 6 Transportation Committee</u>	<u>Proposed station entrances, including property impacts</u>
<u>June 3, 2003</u>	<u>CB 11 Transportation Committee</u>	<u>Proposed station entrances, including property impacts</u>
<u>June 9, 2003</u>	<u>CB 8 Parks and Transportation Committees</u>	<u>Proposed station entrances, including property impacts</u>
<u>June 10, 2003</u>	<u>NYC Dept. of Transportation</u>	<u>Maintenance and Protection of Traffic requirements</u>
<u>June 17, 2003</u>	<u>Church of All Nations</u>	<u>Potential former cemetery site, discussion of records church may have of burials (Note: telephone conversation)</u>
<u>June 17, 2003</u>	<u>CB 3 Transportation Committee</u>	<u>Proposed ancillary facilities and noise mitigation</u>
<u>June 18, 2003</u>	<u>Franklin Plaza Apartments</u>	<u>106th Street Station entrances</u>
<u>June 19, 2003</u>	<u>CB 1 Combined Seaport and Financial Committee</u>	<u>Proposed station entrances and ancillary facilities, including property impacts; noise mitigation</u>
<u>June 26, 2003</u>	<u>Regional Plan Association's East Harlem Community Link Initiative/East Harlem Second Avenue Corridor Working Group</u>	<u>Interagency meeting with RPA and CB 11 on development near Second Avenue Subway stations</u>
<u>June 30, 2003</u>	<u>NYC Dept. of Transportation</u>	<u>MPT requirements</u>
<u>July 7, 2003</u>	<u>CB 6 Transportation and Land Use Committee</u>	<u>Proposed ancillary facilities and noise mitigation</u>
<u>July 9, 2003</u>	<u>NYC Dept. Environmental Protection</u>	<u>Water tunnel shaft sites</u>
<u>July 14, 2003</u>	<u>CB8 Parks and Transportation Committees</u>	<u>Proposed ancillary facilities, noise mitigation</u>
<u>July 15, 2003</u>	<u>NYC Economic Development Corporation</u>	<u>Water Street reconstruction</u>

**Table 4-1 (cont'd)
Meetings and Presentations**

Date	Organization	Subject
<u>July 23, 2003</u>	<u>NYC Dept. Environmental Protection</u>	<u>Water tunnel shaft sites</u>
<u>July 23, 2003</u>	<u>NYC Dept. of Transportation</u>	<u>MPT requirements</u>
<u>August 1, 2003</u>	<u>Lower Manhattan Development Corporation</u>	<u>Project overview, Chatham Square</u>
<u>August 4, 2003</u>	<u>CB6 Transportation and Land Use Committee</u>	<u>Proposed station entrances and ancillary facilities</u>
<u>August 12, 2003</u>	<u>Meeting organized by Congresswoman Carolyn Maloney with elected officials and Community Board representatives</u>	<u>Proposed station entrances and ancillary facilities, real estate issues</u>
<u>August 14, 2003</u>	<u>US Environmental Protection Agency</u>	<u>Cumulative impacts, air quality</u>
<u>August 27, 2003</u>	<u>NYC Dept. of Transportation</u>	<u>Surface restoration</u>
<u>September 2, 2003</u>	<u>CB 11 Transportation Committee</u>	<u>Proposed ancillary facilities, noise mitigation</u>
<u>September 5, 2003</u>	<u>New York Eye and Ear Infirmary</u>	<u>14th Street Station construction, noise and vibration</u>
<u>September 10, 2003</u>	<u>US Department of Transportation</u>	<u>Coordination of construction activities</u>
<u>September 22, 2003</u>	<u>CB 8 Public Forum</u>	<u>Proposed station entrances and ancillary facilities, including property impacts; construction impacts</u>
<u>October 14, 2003</u>	<u>New York Eye and Ear Infirmary</u>	<u>14th Street Station construction, noise and vibrations</u>
<u>November 10, 2003</u>	<u>CB6 Public Safety Committee</u>	<u>Coordination with New York City Department of Environmental Protection, water tunnel project near 36th Street</u>
<u>December 5, 2003</u>	<u>Pfizer</u>	<u>Proposed 42nd Street Station entrances and property impacts</u>
<u>February 24, 2004</u>	<u>Permanent Citizens Advisory Committee</u>	<u>Engineering fieldwork and design challenges</u>
<u>March 18, 2004</u>	<u>CB 8 Second Avenue Subway Task Force</u>	<u>Proposed station entrances and ancillary facilities; real estate issues</u>
<u>Various</u>	<u>FDNY</u>	<u>Fire life safety strategy and systems</u>
<u>Various</u>	<u>NYC Landmarks Preservation Commission</u>	<u>Cultural resources protection, Programmatic Agreement</u>
<u>Various</u>	<u>NYS Historic Preservation Office</u>	<u>Cultural resources protection, Programmatic Agreement</u>

Manhattan is divided into 12 Community Boards. The Second Avenue Subway project is located primarily within the boundaries of five of those boards (see Figure 4-1):

- Manhattan Community Board 11 (East Harlem), which extends from 96th Street to the Harlem River east of Fifth Avenue (including Randalls and Wards Islands);
- Manhattan Community Board 8 (Upper East Side), covering the area from 59th to 96th Street east of Fifth Avenue (including Roosevelt Island);
- Manhattan Community Board 6 (East Midtown), extending from 14th to 59th Street generally east of Lexington Avenue, but also including some areas west of Lexington Avenue, such as the area between 34th and 40th Streets to Madison Avenue;
- Manhattan Community Board 3 (East Village and Lower East Side), covering the area between the Brooklyn Bridge and 14th Street east of Fourth Avenue and the Bowery, and extending to Baxter and Pearl Streets south of Canal Street; and

- Manhattan Community Board 1 (Lower Manhattan), covering the southern tip of the island, extending as far north as Canal Street and Baxter Street (abutting Community Board 3).

The project would also be close to or slightly inside the boundaries of two other districts: Manhattan Community Board 10, which covers Central Harlem as far east as Fifth Avenue; and Manhattan Community Board 2, which covers Greenwich Village, SoHo, and Little Italy, extending as far east as the Bowery just north of Canal Street. In addition to the boards described above, the portion of the Second Avenue Subway service that would run on the existing Broadway Line would be located through Manhattan Community Boards 8, 5, and 2. The proposed expanded storage yard at Coney Island is located in Community Board 13 in Brooklyn, and the existing 36th-38th Street Yard spans portions of Brooklyn Community Boards 12 and 7. The Concourse Yard is located in Bronx Community Board 7 and the 207th Street Yard in Manhattan Board 12.

NYCT has met with the five Community Boards along the primary Second Avenue alignment (including the boards' transportation and other relevant committees) throughout the SDEIS and FEIS process, as project designs were being developed. Presentations have been made to the subcommittees and full boards to review the conceptual design for the project and issues specific to the affected board. Table 4-1 lists the Community Board presentations made since initiation of the SDEIS process in 2001. Presentations will continue through the duration of the project. The team has also met with Community Boards 2 and 10 to discuss impacts in areas immediately adjacent to these Community Boards.

The New York City Community Boards in the project area have provided the MTA/NYCT with valuable input on key environmental concerns, such as alignments, station locations, and station access points. Other discussions have covered various construction issues in each neighborhood. For example, the construction impacts and service benefits of different options for the southern terminal were discussed with Community Board 1. As part of this process, several Community Boards have issued resolutions relevant to the project. Examples of those resolutions are listed below, and a full list is provided in Appendix P.

- Community Board 11 (October 2001): resolution supporting the 116th Street Station alignment for the project, and supporting a 125th Street Station on 125th Street between Park and Lexington Avenues.

These design elements have been incorporated into the project.

- Community Board 8 (January 2002): resolution recommending station stops at 96th Street with access at that street; at 86th Street, with access at 86th and 83rd Streets; and at 72nd Street, with access at 72nd and 68th Streets. The resolution also requested an additional station between 86th and 72nd Streets.

As noted in Chapter 2 ("Project Alternatives"), stations are proposed at 96th Street; 86th Street, with additional access in the vicinity of 83rd Street; and 72nd Street, with additional access in the vicinity of 69th Street (a 68th Street entrance is too far from the end of the station). A station between 86th and 72nd Streets is not feasible, because the resulting stations would be too close together to allow adequate travel speed.

- Community Board 8 (January 2002): resolution opposing condemnation of private property by the MTA for purpose of providing subway access.

As noted in Chapter 2 and Chapter 8, some private properties must be acquired to accommodate the station facilities required for the new subway.

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- Community Board 6 (December 2001): resolution recommending an alignment option near 63rd Street that would allow eventual service to and from Queens from the Second Avenue trunk line and recommending the location of the 57th Street Station and its entrances (at 57th, 55th, and 53rd Streets).

The project alignment has been designed so as not to preclude a connection to Queens for future passenger service. The Second Avenue Subway would have a station at 55th Street to enable a connection to the current Lexington Avenue-53rd Street Station. The number and exact location of entrances for the 55th Street Station are still being evaluated; however, preliminary locations have been identified at 55th and 53rd Streets (see Chapter 2 and Chapter 8). While the location of the station has not changed, it was called the 57th Street Station in the SDEIS. It is referred to as the 55th Street Station in the FEIS. An entrance at 57th Street was evaluated, but its benefits were limited, given that a long passageway would be required, and were outweighed by the construction impacts it would create.

- Community Board 6 (January 2002): resolutions recommending locations for the 42nd Street Station (with access as close to 45th Street as possible as well as at 42nd and 41st Streets) and for evaluation of direct access to Grand Central Terminal; for the 34th Street Station (requesting a center-loaded station with entrances at 34th Street); and for the 23rd Street Station (at 23rd Street with an additional entrance as close to 27th Street at the north as possible).

The preliminary locations of stations and entrances were placed as close to the requested locations as possible. Entrances to the 42nd Street Station are proposed at 44th, 42nd, and 41st Streets. Access to Grand Central Terminal is being evaluated as part of Preliminary Engineering. At the 34th Street Station, entrances would be located at 34th Street, and at the 23rd Street Station, entrances would be established at 26th and 23rd Streets.

- Community Board 6 (May 2002): resolution recommended that entrances to the 14th Street Station be built on the north side of 14th Street to serve the residential population in that area and on the south side of 15th Street to avoid impacts to Stuyvesant Square.

As at all locations, exact entrance locations for the 14th Street Station have still not been finalized. Although an entrance on the north side of 14th Street is proposed, an entrance at 15th Street is not under consideration due to potential impacts to Stuyvesant Square and several historic resources south of the park.

- Community Board 3's Second Avenue Task Force (April 2002): resolution supporting Second Avenue Subway using the Water Street alignment, with preliminary support (pending further engineering information) for the Forsyth Street Option rather than the Chrystie Options near Sara D. Roosevelt Park.

*As described elsewhere, the Water Street alignment has been selected. The Deep Chrystie Option near Sara D. Roosevelt Park is evaluated in the FEIS because it would provide for better transfers to the **B****D** trains with fewer impacts than either of the other alternatives. The Shallow Chrystie Option and the Forsyth Street Option have been eliminated from consideration.*

- Community Board 1 (January 15, 2002): resolution supporting Second Avenue Subway line using Water Street alignment with stations at Fulton Street and at Wall Street.

The Water Street alignment has been selected and stations are proposed at the Seaport (Fulton Street) and Hanover Square (Wall Street).

- Community Board 2 (March 25, 2003): resolution supporting the construction of the Second Avenue Subway and petitioning the U.S. Senate and House of Representatives to reauthorize TEA-21 legislation and give the project top priority and necessary funding.
- Community Board 3 (June 27, 2003): resolution supporting the location of shaft sites at 126th Street and Pier 6; full compensation and relocation assistance to residents and business whose building are acquired for ancillary structures; the combination of ancillary structures where possible to minimize impacts on residents and businesses; and provision of ADA entrances and elevators at the north and south ends of stations, with elevators for the **L** and Second Avenue Subway situated in the same area of the 14th Street Station.

*A construction staging area for the potential storage yard on Second Avenue north of 125th Street is still under consideration at 128th Street, and the Pier 6 barge site is also assessed throughout the FEIS. Compensation and relocation assistance would be provided as described in Chapter 8. NYCT is endeavoring to minimize impacts on residents and businesses where possible by designing integrated entrances and ancillary facilities in many cases. The Second Avenue Subway will comply fully with ADA requirements. A transfer to the **L** near 14th Street and Second Avenue via elevators is under consideration.*

The project's design reflects these recommendations wherever practicable, taking into consideration relevant environmental, engineering, constructability, and cost factors. Prior to the FEIS, NYCT will use its ongoing public outreach process to update the public on a variety of issues related to project design and construction. NYCT will attend periodic meetings with the affected community boards to discuss such issues as station entrance locations and construction methodologies and to seek public input regarding construction-related issues, such as noise. During and subsequent to such meetings, NYCT will make a good faith effort to answer questions and refine mitigation measures with the public's comments in mind. NYCT will also be continuing its outreach efforts to sensitive uses—such as hospitals—that could be particularly affected by various project disturbances. In addition, once the FEIS is published and FTA issues its ROD, NYCT will continue to meet with the public to discuss any refinements to the mitigation measures identified in the FEIS and ROD. Prior to and throughout construction of the project, NYCT and its contractors will also present information concerning construction activities specifically relevant for each community board.

SMALL GROUP MEETINGS AND PRESENTATIONS

As part of the public outreach effort, representatives of NYCT actively seek meetings with local community organizations and other parties who may be interested in or affected by the Second Avenue Subway. As shown in Table 4-1, such meetings have been held regularly with the Manhattan Borough President's Office. Other groups have included local business and community organizations (e.g., the Lenox Hill Hospital Community Advisory Committee; the East Sixties Neighborhood Association; the Grand Central Partnership; the Union Square Business Improvement District; the South Street Seaport Museum; the Rouse Company, which operates the retail center at the South Street Seaport; and the Downtown Alliance). These presentations will continue throughout the EIS process and into final design and construction. The project team has offered to meet with numerous other groups.

In addition, NYCT is in the process of conducting outreach to institutions and/or businesses likely to have equipment sensitive to vibrations near the alignment. Coordination with such businesses will continue prior to and during construction.

TECHNICAL ADVISORY COMMITTEE (TAC)

The TAC includes some 50 members, consisting of representatives of federal, state, and local transportation, environmental, and planning agencies; elected officials; and the local metropolitan planning organization (NYMTC). TAC members serve as the technical review group for the environmental studies as well as liaisons to their respective organizations, sharing updates and pertinent information. Meetings were held, beginning at the start of the project's MIS/DEIS phase, with regular involvement by most TAC members. TAC meetings continued for the SDEIS, and meetings were held on July 12, 2001, November 29, 2001, and January 15, 2002. These meetings covered project issues as the design evolved, including alignment decisions, station access options, and construction methods. Once the project entered Preliminary Engineering in early 2002, the larger TAC meetings were replaced by coordination meetings with individual agencies, utilities, elected officials, and other interested parties. It is anticipated that these meetings will continue for the duration of the project.

PUBLIC ADVISORY COMMITTEE (PAC)

A PAC was established at the beginning of the MIS/DEIS phase to obtain a broad base of community input, formalized via periodic meetings, which coincide with project milestones. PAC meetings continued for the SDEIS. The PAC mailing list includes approximately 1,400 names, and includes affected Community Boards; representatives of environmental, civic, public interest, and transportation advocacy groups; elected officials; members of business, labor, real estate, economic development organizations; representatives from organizations serving persons with specialized transportation needs; and other interested parties. The PAC serves as both a sounding board for the review of project issues and as the primary liaison between organizations interested in the project and the MTA/NYCT. As listed in Table 4-1, PAC meetings were held during the SDEIS process to review project progress; however, at this point these meetings have been replaced by smaller meetings with those who would be directly affected by construction, including Community Boards, buildings, and local organizations.

PUBLIC OUTREACH FOR ENVIRONMENTAL JUSTICE

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") requires federal agencies to involve the public on project issues related to human health and the environment, and the US Department of Transportation's "Final Order on Environmental Justice" indicates that project sponsors should elicit public involvement opportunities, including soliciting input from affected minority and low-income populations in considering alternatives. Environmental justice is described in detail in Chapter 18 of this FEIS. As described above, the Second Avenue Subway project has included a public outreach program in all Community Boards along the alignment, including those with predominantly low-income and minority populations. For the minority and low-income communities in East Harlem (Community Board 11) and the East Village/Lower East Side/Chinatown (Community Board 3) that were identified in the project's environmental justice study areas (see Chapter 18), these have included numerous meetings to discuss station options, alignment options, and construction impacts, as indicated in Table 4-1.

PUBLIC OUTREACH FOR SECTION 106 REVIEW

Section 106 of the National Historic Preservation Act of 1966, as implemented by federal regulations appearing at 36 Code of Federal Regulations Part 800, requires federal agencies to involve the public in the review of the project's effects on historic and archaeological resources. The Second Avenue Subway project's public outreach program was developed to comply with Section 106 in coordination with NEPA. This FEIS provides an opportunity for public review of the project's effects on the environment under NEPA and of the project's effects on historic and archaeological resources under Section 106. A Draft Programmatic Agreement describing future steps to be taken with respect to historic and archaeological resources is provided at the end of this FEIS for public review and comment.

As part of the Section 106 review process, ongoing coordination and outreach is being conducted with interested parties along the alignment. NYCT has also identified and been meeting with descendent groups associated with areas along the alignment where cemeteries were once located. Table 4-1 lists the meetings held to date. In addition, the FTA has also initiated contact with Federally- and State-recognized Native American tribes and groups that may have an interest in archaeological resources along the alignment.

Also pursuant to Section 106, ongoing consultation is being conducted with the State Historic Preservation Office at the New York State Office of Parks, Recreation and Historic Preservation and with the New York City Landmarks Preservation Commission regarding potential effects to historic and archaeological resources and the draft Programmatic Agreement.

PUBLIC OUTREACH FOR SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966 prohibits the Secretary of Transportation from approving any program or project that requires the "use" of (i) any publicly owned land in a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or (ii) any land from a historic site of national, state, or local significance, (collectively, "Section 4(f) resources") unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the park, recreation area, wildlife refuge, or historic resource. The Section 4(f) Evaluation provided at the end of this FEIS describes the Section 4(f) resources that would be used by the Second Avenue Subway project. As described there, coordination has been conducted and will continue with federal, state, and local agencies with jurisdiction over the parks and historic and archaeological resources that may be affected by the project. In addition, the public outreach efforts for the Second Avenue Subway project have included outreach to Federally- and State-recognized Native American tribes and groups who may attach religious and cultural significance to sites that may be affected by the project, and descendent groups associated with locations along the project alignment where cemeteries were once located.

ADDITIONAL PUBLIC OUTREACH

In addition to the meetings and outreach described above, MTA/NYCT has prepared and circulated a variety of written materials describing planning for the Second Avenue Subway. MTA/NYCT also maintains a website describing the project at www.mta.info/capconstr/sas. This site provides information on project planning history, the proposed alignment, station locations, the project schedule, documents and presentations, and contact information for relevant staff. The 1999 MESA DEIS and SDEIS are available on this site, and this FEIS,

including appendices, is also available on this site. The public is also able to write, call, and email the project team with comments and questions.

G. ENVIRONMENTAL AND REGULATORY AGENCIES

During development of the conceptual engineering, SDEIS and FEIS studies, and ongoing engineering, the MTA/NYCT has regularly coordinated with the relevant environmental and regulatory agencies with jurisdiction over issues of concern for the project. Further, as mentioned earlier, representatives of these and other federal, state, and local agencies are members of the project's TAC. Agencies with which consultation has occurred include:

- U.S. Environmental Protection Agency—Coordination related to EIS analyses.
- U.S. Army Corps of Engineers (ACOE)—Issues related to potential barge operations, work in the water, and spoils management at Pier 6 during construction of Phase 4.
- U.S. Coast Guard—Issues related to potential barge operations and work in the water at Pier 6 during construction of Phase 4.
- U.S. Department of the Interior (National Park Service)—Coordination and approvals related to Section 6(f) of the Land and Water Conservation Fund Act.
- U.S. Fish and Wildlife Service—Analysis of natural resources.
- National Marine Fisheries Service (NMFS)—Analysis of essential fish habitats.
- Advisory Council on Historic Preservation—Review of effects on historic and archaeological resources and Programmatic Agreement under Section 106 of the National Historic Preservation Act.
- State Historic Preservation Office (SHPO) at the New York State Office of Parks, Recreation and Historic Preservation—Review of effects on historic and archaeological resources and Programmatic Agreement under Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act.
- New York State Department of State (NYSDOS)—Consistency with New York State's Coastal Management Program.
- New York State Department of Environmental Conservation (NYSDEC)—Issues related to hazardous materials, air quality, and natural resources, including potential use of barges.
- New York State Office of Parks, Recreation, and Historic Preservation—Coordination and approvals related to the Land and Water Conservation Fund Act, 16 USC §§460/-4 to 460/-11 (commonly referred to as Section 6(f)).
- New York City and New York State Departments of Transportation (NYCDOT, NYSDOT)—Coordination related to potential construction activities. This includes detailed MPT plans that would be developed and provided to NYCDOT for its review and approval to ensure safe, efficient, and timely construction (see Chapter 5D, “Transportation—Vehicular Traffic,” for details).
- New York City Department of Environmental Protection—Development and approval of testing protocol for sewage use limitations for groundwater and water discharges.
- New York City Department of Parks and Recreation—Coordination related to potential construction impacts on parks, possible mitigation measures, and avoidance alternatives under Section 4(f) of the Department of Transportation Act.

- New York City Landmarks Preservation Commission (LPC)—Review of effects on historic and archaeological resources and Programmatic Agreement under Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act.
- New York City Department of City Planning (NYCDCP, including in its role as administrator of the Coastal Management Program with the NYSDOS)—Review of zoning issues and consistency with New York State’s Coastal Management Program and New York City’s Local Waterfront Revitalization Program.

Descriptions of the relevant outreach and coordination are provided in the technical chapters of this FEIS (for example, a discussion of coordination with the SHPO is provided in both Chapters 9, “Historic Resources,” and 10, “Archaeological Resources”). Copies of correspondence are included in the respective technical appendices that accompany those chapters.

H. PERMITS AND REGULATORY APPROVALS

Numerous environmental and regulatory approvals will be required to construct the Second Avenue Subway. A preliminary list of these permits and requirements is provided below. This list focuses on federal and state requirements, since New York State’s Public Authorities Law Section 1266(8) exempts MTA from local permit requirements. In addition to these items, the project must also comply with numerous laws and policies regulating worker and public safety, relocation procedures, use of parkland and historic resources, endangered and protected species, etc., and may require city franchises and certain ministerial permits as well.

FEDERAL

- National Environmental Policy Act (NEPA) (42 USC §§4321 et seq.; 40 CFR Part 1500; 23 CFR Part 771). NEPA requires federal agencies to assess the environmental impacts of major federal actions that may significantly affect the environment before taking such an action through an environmental assessment or EIS unless the action is excluded or exempt from NEPA. FTA is the lead federal agency for the NEPA review for the Second Avenue Subway.
- Coastal Zone Management Act (16 USC §1451 et seq.; 15 CFR Part 930; NY Executive Law Art. 42; 19 NYCRR Part 600). Projects affecting New York’s coastal zone must be consistent with the Coastal Zone Management Act, through the New York State Department of State’s Coastal Management Program and New York City’s approved Local Waterfront Revitalization Plan. The New York State Department of State, in consultation with the New York City Department of City Planning, makes a determination of the project’s consistency with the Coastal Zone Management Act.
- National Historic Preservation Act (16 USC §470A; 36 CFR Part 800). Projects potentially affecting historic and archaeological resources must comply with the National Historic Preservation Act Section 106 review process. FTA is responsible for carrying out the Section 106 review for the Second Avenue Subway.
- Department of Transportation Act Section 4(f) (49 USC §303(c); 23 CFR §771.135). Section 4(f) prohibits the Secretary of Transportation from approving any program or project that uses any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge, or historic site of national, state, or local significance unless there is no feasible and prudent alternative to the use of such land, and unless the program includes all possible planning to minimize harm to the site or resource. FTA will make the determination of consistency with Section 4(f).

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- Land & Water Conservation Fund Act (LWCFA) (16 USC §§460/-4 to 460/-11). Known as Section 6(f), this law authorizes the provision of federal funding for the acquisition and improvement of parkland and open spaces. Because certain prior St. Vartan Park improvements were funded under the LWCFA, MTA is required to assess alternatives for using portions of the open spaces during construction and take steps to identify, evaluate, and supply replacement parkland. Obtaining U.S. Department of Interior (DOI) approval for the conversion or replacement of parkland is also required.
- Urban Park and Recreation Recovery Act (UPARRA) (16 USC §§2501 to 2514). Authorizes the provision of federal funding to eligible cities and counties to improve and develop recreational property. Like the LWCFA, UPARRA prohibits the conversion of a project that has been funded under the program to a non-recreational use without the prior approval of the DOI. At this time, no parks proposed for use by the project have been identified as having received UPARRA funding. In the future, if any parks proposed for use by the Second Avenue Subway project were to be identified as having received UPARRA funds by the U.S. National Park Service (NPS), NYCT would prepare the appropriate analyses for submission to and approval by the DOI.
- Rivers and Harbor Act Section 10 (33 USC §403; 33 CFR §322). Under Section 10, work can only be undertaken in navigable waters of the United States with approval from the ACOE.
- Clean Water Act (CWA) (33 USC §§1241, 1344; 33 CFR §§320-330; ECL Articles 15, 17; 6 NYCRR §608). The CWA and ECL prohibit the discharge of dredge or fill materials into navigable waters without a permit from the ACOE or NYSDEC, where applicable. As a condition of federal permit approval, a water quality certificate issued by NYSDEC that acknowledges the proposed activities will not contravene state water quality standards is required.
- Magnuson-Stevens Fishery Conservation and Management Act (16 USC §§1801-1883). This Act establishes a procedure for the identification of Essential Fish Habitat (EFH) for species under federal Fishery Management Plans, and prescribes a consultation process for projects that may affect EFH. FTA is responsible for this procedure, which is carried out in coordination with the National Marine Fisheries Service. This would only apply if in-water construction activities occur at Pier 6 or if barges operate from the site as part of Phase 4's construction.
- Environmental Justice (Executive Order 12898 of 1994, 59 CFR 7629 (Feb. 16, 1994); 1997 USDOT "Order to Address Environmental Justice in Minority Populations and Low-Income Populations," 62 CFR 18377 (April 15, 1997)). These Orders require that impacts and benefits from a federal transportation project are equitably distributed among all population groups and that minority or low-income areas are not overburdened with the adverse aspects of proposed project alternatives. FTA is responsible for complying with this Executive Order.
- Endangered Species Act (16 USC §§1531-1544; 50 CFR Part 402). The act requires consultation with the U.S. Fish and Wildlife Service for projects that may jeopardize threatened or endangered species, or destroy or adversely modify their critical habitat.
- Federal Aviation Administration Height Restrictions (49 USC §40103; 14 CFR Part 77). Notice must be given to the FAA under certain circumstances if navigable airspace will be

obstructed by a project. This may apply to the Second Avenue project during construction of Phase 4 if a barge crane is used at Pier 6, which is located close to an active heliport.

- Coast Guard Permits (33 USC §471; 33 CFR §110). Coast Guard permits may be required for mooring in certain areas and/or where anchorage is necessary for more than 30 days. This may be necessary for construction-related activities at Pier 6 during construction of Phase 4.
- Floodplains (ECL Article 36; 6 NYCRR §502; Department of Transportation Executive Order 11988 of 1977). State and federal programs regulate and limit the location of a project in a floodplain.
- Tidal Wetlands (ECL Article 25; 6 NYCRR Part 661; Department of Transportation Executive Orders 11990). State and federal programs regulate and limit the location of a project in a tidal wetland.
- Clean Air Act and state air permits (42 USC §7506(c); 40 CFR Part 93; ECL Article 19; 6 NYCRR Parts 201). New transportation projects must conform to the applicable state implementation plan. State permits may be required for certain new sources of air pollution.
- Resource Conservation and Recovery Act (40 CFR Parts 260-281). Compliance is required with this Act, which regulates hazardous and solid waste activities and underground storage tanks, which may be required during project construction and operation.

STATE

- State Pollutant Discharge Elimination System (SPDES) (ECL §17-0801 et seq.; 6 NYCRR Part 751). A SPDES permit is necessary for all industrial activity related stormwater discharges, construction activity related water and stormwater discharges, and other discharges into the waters of New York State.
- Mooring anchoring and floating object permits (NY Public Lands Law §75; NY Navigation Law §35-a; ECL §§15-0503, 17-0303; 9 NYCRR Parts 270, 448; 6 NYCRR §608.4). Permits issued by NYSDEC, New York State Office of General Services, and/or New York State Office of Parks, Recreation and Historic Preservation, may be necessary for the mooring, anchoring or floating of objects above state or privately owned land.
- Alienation of Parkland (New York General City Law §20(2)). Approval from the New York State Legislature may be necessary for the use of City-owned parkland.
- Eminent Domain (NY Eminent Domain Procedure Law; N.Y. Public Authorities Law §§1266, 1267). Property acquisition procedures apply to the acquisition of property by eminent domain.
- Beneficial Determination (6 NYCRR Part 360) NYCT will apply to NYSDEC for a Beneficial Use Determination (BUD) for spoils material. Materials that will be beneficially reused and that receive a BUD designation are not under the jurisdiction of Part 360 Solid Waste Management facilities regulations. *