

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

FINDING OF NO SIGNIFICANT IMPACT

Project: Penn Station Access Project

Project Sponsor: Metropolitan Transportation Authority

Project Location: New York City and New Rochelle, New York

INTRODUCTION

The Metropolitan Transportation Authority (MTA) is proposing the Penn Station Access (PSA) Project, which will provide one-seat passenger rail service to Penn Station New York (PSNY) on Manhattan’s west side for MTA Metro-North Railroad’s (Metro-North) New Haven Line (NHL) customers (the Project). MTA Construction and Development (MTACD) will plan, design, and construct the Project and related public outreach, and Metro-North will operate and maintain the service. The Project will provide new rail service from New Haven, Connecticut to PSNY in Manhattan by utilizing Amtrak’s Hell Gate Line (HGL) on the Northeast Corridor (NEC), through the eastern Bronx and western Queens. The Project will make infrastructure improvements on the HGL beginning in southeastern Westchester County—where NHL trains will divert onto the HGL at Shell Interlocking—and extending to Harold Interlocking in Queens, joining the MTA Long Island Rail Road (LIRR) Main Line. As part of the Project, four new Metro-North stations will be constructed in the eastern Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City.

The Federal Transit Administration (FTA) and MTA prepared the Environmental Assessment and Section 4(f) Evaluation (EA), dated May 2021, for the PSA project, pursuant to FTA and Federal Highway Administration (FHWA) Environmental Impact and Related Procedures (23 CFR Part 771) and the Council on Environmental Quality (CEQ) regulations implementing National Environmental Policy Act (NEPA) (40 CFR 1500) environmental review requirements. The EA was prepared to meet 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) requirements. Because the Notice of Intent for the Project was released in 1999, FTA and MTA are applying the CEQ NEPA regulations that were in effect prior to the September 14, 2020, regulatory update. The Federal Railroad Administration (FRA) was consulted by FTA as a cooperating agency in the NEPA process and steward of the NEC and may rely on this EA for NEPA compliance for provision of the Federal-State Partnership State of Good Repair Grant Program and other grant funding opportunities toward the Project. This EA has also been prepared in accordance with other applicable federal laws including, but not limited to the following:

- Section 7 of the Endangered Species Act of 1973
- Clean Water Act
- Section 106 of the National Historic Preservation Act of 1966 (NHPA)
- Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966
- Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”
- Executive Order 11990, “Protection of Wetlands”
- Executive Order 11988, “Floodplain Management”

The EA presents two alternatives: the No Action Alternative and the Project.

Based on the May 2021 EA, review of public and agency comments (Attachment A), and modifications and clarifications to the EA (Attachment C), FTA finds, in accordance with 23 C.F.R. § 771.121(a) that the Project, compared to the No Action Alternative, will result in no significant impact on the human and natural environment. This Finding of No Significant Impact (FONSI) provides FTA's analysis under NEPA pursuant to 23 CFR § 771.119(g).

PROJECT PURPOSE AND NEED

The Project's purpose is to provide improved rail access to PSNY and Manhattan's west side from southern Connecticut, Westchester County, and the eastern Bronx. The Project is needed to:

- Substantially reduce travel times to and from Manhattan's west side by providing direct service to NHL customers.
- Introduce convenient, direct rail service to communities in the eastern Bronx currently underserved by mass transit.

PROJECT BACKGROUND

In 1996, a precursor to the Project was conceived as an element of then-New York State Governor George E. Pataki's comprehensive regional transportation initiative, referred to as "Master Links." In 1999, Metro-North initiated the PSA Major Investment Study/Draft Environmental Impact Statement (EIS) to evaluate options for improving access between PSNY and the Harlem Line, Hudson Line, and NHL. At that time, FTA published a Notice of Intent in the *Federal Register* to prepare a Major Investment Study/Draft EIS for the Metro-North Penn Station Access Study. The Major Investment Study effort, similar to an alternatives analysis, included development and evaluation of a long list of multimodal alternatives, including rail, bus, and ferry. As part of the study, over 20 potential new station locations were also considered and screened. In 2002, MTA recommended an alternative for further consideration; this decision was published in the PSA Comparative Screening Results Report (2002)¹ and included the following:

- NHL service via Amtrak's HGL with three new Metro-North stations in the eastern Bronx
- Hudson Line service via Amtrak's Empire Connection with two new Metro-North stations in Manhattan, one each in midtown and upper Manhattan

However, physical and operational constraints identified through subsequent planning and regional coordination efforts eliminated the Hudson Line service via Amtrak's Empire Connection from further consideration as an element of the Project in 2013. Hudson Line service to PSNY via Amtrak's Empire Connection along Manhattan's west side is not possible for the foreseeable future; however, the Project will not preclude adding the service at a later date.

Between 2002 and 2009, Metro-North continued PSA project planning and environmental review. In 2007, Metro-North held meetings with FTA and various project stakeholders. At that time, Metro-North and FTA agreed to further pursue the PSA project as an EA rather than an EIS because MTA anticipated no significant impacts based on the environmental analyses that had been conducted to date. The PSA project planning efforts

¹ Metro-North Penn Station Access Major Investment Study/Draft Environmental Impact Statement, Comparative Screening Results Report http://web.mta.info/mta/planning/psas/pdf/comp_results.pdf

included coordination with the current rail operators in PSNY—Amtrak, LIRR, and NJ TRANSIT—to understand the operational opportunities for and issues related to bringing Metro-North service into PSNY.

As part of the continued EA effort, Metro-North conducted outreach in 2012 to the local communities that would potentially be affected by the PSA project, with special attention paid to those communities in the Bronx where new stations were proposed along the HGL (Hunts Point, Parkchester, and Co-op City). Metro-North conducted some of the meetings jointly with the New York City Department of City Planning (NYCDCP), which identified potential opportunities for transit-oriented development near the proposed stations. Based on input received from the local communities, Metro-North proposed a new station at Morris Park in 2012 (bringing the total number of stations to four). In 2015, Amtrak, MTA, Metro-North, and LIRR executed a Planning Phase Agreement that committed them to working cooperatively in order to progress the conceptual planning of the PSA project. To that end, between 2015 and 2020, MTA conducted conceptual engineering and further operations analyses to identify and refine improvements along the HGL that would be necessary to implement NHL service to PSNY. On February 11, 2019, Amtrak, MTA/MTA Capital Construction, and Metro-North executed a Memorandum of Understanding for the parties to fully design and construct the PSA project.

In February 2019, MTA also engaged a General Engineering Consultant to prepare advanced conceptual designs and initial 30 percent design drawings for the Project. Final design for the Project, based on the 30 percent design drawings, is to be completed by a design-builder. MTA issued a request for qualifications in 2019 and identified three design-builder teams for further negotiations. The selected design-builder will be responsible for final design and construction of the Project that meets the specifications established by MTA, including any mitigation defined in this EA, ensures compliance with all applicable regulations, and minimizes impacts to the local community. MTA will oversee the design-build process and have ultimate responsibility for project implementation subject to FTA consultation and approval for changes corresponding to unforeseen environmental impacts due to the limitations inherent in the design-build process used for this project.

The subsequent Preliminary Design Phase Agreement between MTA Capital Construction (which became MTACD in December 2019) and Amtrak, executed on August 14, 2019, describes MTACD's responsibilities for preparing detailed Preliminary Design Phase plans, drawings, and specifications and Amtrak's responsibilities regarding various design review and engineering services in support of the Project's preliminary design package.

NO ACTION

To determine any potential adverse impacts, MTA compared future conditions with the Project to a No Action Alternative. The No Action Alternative defines the future baseline condition in 2025 in the study area for comparison to conditions with the Project. For this comparison, MTA delineated the study area for the station areas by the ½-mile radius around the new station location and identified the study area for the corridor as 500 feet from the rail right-of-way. The No Action Alternative includes any transportation projects within the Project study area that are programmed and committed for implementation by 2025.

THE PROJECT

The Project assumes that the East Side Access (ESA) project is in operation, freeing up train slots through the East River Tunnels and ultimately at platforms within PSNY. The Project will include infrastructure along the

HGL that will support Metro-North trains operating along the HGL and stopping at the four new stations. The HGL was originally designed to hold six railroad tracks with Amtrak occupying two passenger tracks and CSX occupying one freight track; therefore, the right-of-way has sufficient space to add the Project elements. MTA will acquire property and easements on Amtrak and City and State of New York-owned and limited private property to implement the Project. In almost all cases, MTA will acquire only portions of the private lots, which will allow the existing uses to continue. Besides permanent acquisitions, MTA could require temporary use of public and private commercial/industrial use property during construction.

MTA developed several track alignment options that would fit within the existing railroad right-of-way and meet the functional requirements of the various railroads. Other important design considerations for the track layout included minimizing cost and impacts on other existing infrastructure (e.g., catenary and bridges), and maximizing efficient constructability to have the fewest impacts on existing operations.

The options vary by the number of passenger tracks through the new stations, the platform configuration(s) at the stations, and the length of the dedicated CSX freight track east of the Bronx River Bridge. The 3+4 option, which will have three passenger tracks moving eastbound from the Hell Gate Bridge and four tracks east of Hunts Point Station, was the Project analyzed in the EA. As engineering design and operations analyses advance, MTA may refine the Project alignment. However, the additional refinements are unlikely to result in different environmental impacts from the 3+4 option because in any configuration the trackwork and station construction will occur within the existing right-of-way. Further, as the planned service levels for all options would be the same, ridership and the operating power requirements will remain consistent. Lastly, the impacts associated with power system construction would be identical for any refinement. The following list represents the key Project elements (primarily within the railroad right-of-way):

- Construct four new Americans with Disabilities Act compliant Metro-North passenger stations.
- Realign existing passenger tracks and catenary and construct new passenger tracks and catenary.
- Realign or remove existing freight tracks and construct new freight tracks.
- Construct new associated interlockings, power supply and distribution.
- Replace ballast and install underdrains as needed along the HGL Corridor.
- Upgrade the signal system.
- Rehabilitate or replace railroad bridges at Bronxdale Avenue, Eastchester Road, and Pelham Lane.
- Rehabilitate the existing railroad bridge at Bronx River.
- Construct a new single-track railroad bridge immediately north of the Bronx River Bridge.
- Expand Metro-North's New Rochelle Yard in Westchester County.

MTA will coordinate future design processes for these HGL improvements with FRA and Amtrak, including: 1) preliminary engineering for the New Rochelle Yard expansion; 2) the consistency of that design with analysis assumptions; and 3) the design concurrence of all rail carriers authorized to operate through the affected territory. If future design deviates significantly from the assumptions made in support of the preparation of the EA, MTA will work with FTA to determine whether there is a need for additional environmental and operations analyses.

AGENCY COORDINATION AND PUBLIC OUTREACH

AGENCY COORDINATION

MTA consulted federal, state, and local agencies and other pertinent entities as part of the environmental review process for the EA. Under the 2013 environmental review process, MTA held meetings with the Manhattan and Bronx offices of the NYCDPC, New York State Department of Transportation, and the Hudson Yards Development Corporation. In addition, MTA consulted other agencies—including the United States Fish and Wildlife Service, the New York State Historic Preservation Office, New York State Department of Environmental Conservation (NYSDEC), New York Natural Heritage Program, New York City Landmarks Preservation Commission, New York City Department of Transportation, New York City Police Department, and New York City Fire Department— via written correspondence. MTA consulted these agencies again in 2018 and 2019 as part of this EA to update data and confirm any previous determinations. In 2020, MTA consulted the New York City Department of Parks and Recreation (NYCDPR). In addition, the FRA was consulted as a cooperating agency and steward of the NEC.

A summary of the additional agency coordination subsequent to the publication of the EA and Draft Section 4(f) Evaluation is provided below. Attachment B of this FONSI includes copies of the agency correspondence referenced below.

- US DOI FTA coordinated with the U.S. Department of Interior (DOI) regarding the Section 4(f) Evaluation. In a letter dated July 9, 2021, DOI concurred that there is no prudent and feasible alternative to the proposed use of 4(f) lands. The PSA Project will have an adverse effect on the Pelham Lane Pathway Bridge and the Programmatic Agreement will include minimization and mitigation measures for the bridge. DOI concurs with the FTA de minimis finding for the permanent and temporary easements within Starlight Park and the permanent easements within the Pelham Bay and Split Rock Golf Courses. DOI also noted that permanent easements in Pelham Bay Park could trigger Land and Water Conservation Funds (LWCF) parkland conversions (Section 6(f)) and that additional coordination with the New York Office of Parks, Recreation and Historic Preservation (OPRHP) and NYCDPR is needed to make a determination about the easements and any other potential LWCF compliance concerns. If it is determined that the project triggers a conversion, a LWCF conversion request package must be submitted to the National Park Service by OPRHP on behalf of NYCDPR.
- US EPA In a letter dated July 1, 2021, U.S. Environmental Protection Agency, Region 2 (EPA) concurred that the EA supports the finding of no significant impact. EPA agreed with the conclusion that the Project will likely decrease greenhouse gas emissions compared with the No Action Alternative but requested clarifying references and inputs to the models. In addition, EPA requested a list of references for the sources that are not detailed in footnotes.
- USFWS On a voicemail left with Metro-North on July 13, 2021, U.S. Fish and Wildlife Service (USFWS) stated that the agency would not provide comments at this time and there are no listed species located within the PSA Project study area.
- NYCDPR In a letter dated September 1, 2021, NYCDPR concurred that a Section 4(f) de minimis finding impact is appropriate.

PUBLIC OUTREACH

The public and agency comment period for the EA and Draft Section 4(f) Evaluation extended from May 18, 2021 through July 3, 2021. In addition to oral testimony at the June 15, 2021 public meeting, comments were also submitted by mail, email (PSAOutreach@mtacd.org), phone, and through the project website (<https://pennstationaccess.info/>). See Attachment A for a summary of the comments on the May 2021 Metro-North PSA project EA and Draft Section 4(f) Evaluation. A summary of the public outreach is provided below.

Public Outreach Prior to May 2021 EA and Draft Section 4(f) Evaluation

Public outreach for the Project was initiated in November 2011, when Metro-North met with the Bronx Borough President's office to discuss the Project and local interest in the proposed commuter-rail service and four new Metro-North stations in the eastern Bronx. In fall 2012, open-house-style public information meetings were held in the four proposed station area communities (Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City).

In 2018, MTA participated in multiple NYCDPC community open houses aimed at informing NYCDPC's Bronx/Metro-North study. On September 26, 2019, the Bronx & Westchester Community Council was launched, which is chaired by the Bronx Borough President, Ruben Diaz, Jr., and Westchester County Executive, George Latimer. The Bronx & Westchester Community Council includes elected officials, Community Boards, Community Based Organizations, and other key stakeholders.

In 2020, the Outreach Team provided project updates to the offices of the Bronx Borough President (February 4, 2020), Westchester County Executive (February 4, 2020), the Bronx Borough Board (April 23, 2020), and all four Community Boards with jurisdiction over the new station areas (January 15, 2020; February 6, 2020; February 10, 2020; February 12, 2020; October 5, 2020). The Outreach Team also participated in the initial regional economic development planning meeting convened by the NYCDPC, which was attended by: the NYC Economic Development Corporation, the Bronx Borough President's Office, Westchester County, and the Connecticut Department of Transportation. MTA also participated in community open houses hosted by NYCDPC. The Outreach Team continued efforts into 2021, providing updates to the Regional Planning Association (May 20, 2021), the Bronx & Westchester Community Council (June 10, 2021), and the Bronx Borough Board (June 24, 2021).

MTA's website on PSA (<http://web.mta.info/mta/planning/psas/>), which was created during the early PSA planning stages, and the dedicated Project website (<https://pennstationaccess.info/>) have been updated throughout the environmental review process.

Public Outreach for the May 2021 EA and Draft Section 4(f) Evaluation

On May 18, 2021, MTA posted the EA and Draft Section 4(f) Evaluation on the Project website at <https://pennstationaccess.info/>. The Notice of Availability of the EA and Draft Section 4(f) Evaluation, including notice of the public comment period and notice of the June 15, 2021 public meeting, was also posted on the Project website, including multi-lingual translations (English, Spanish, Mandarin, Bengali, Haitian Creole, Korean, Russian).

MTA placed full paper copies of the EA and Draft Section 4(f) Evaluation in the following local repositories:

- Bronx Jewish Community Council, 2157 Holland Ave, Bronx, NY 10467
- Morris Park Community Association, 1824 Bronxdale Ave, Bronx, NY 10462

MTA emailed the multi-lingual notices to elected officials, Community Boards, interested organizations, stakeholders, and members of the public on the Project notification list. MTA also emailed letters to Agency partners, informing of the EA and Draft Section 4(f) Evaluation availability, virtual public meeting, and public comment process. In addition, hard copies of the multi-lingual notices were also distributed to 15 locations within the surrounding neighborhoods of the new stations, including community centers, cultural centers, colleges, libraries, supermarkets, housing complexes, and Community Boards.

The notice was advertised in the following newspapers:

- amNY Metro (daily English language paper), May 24, 2021
- El Diario (daily Spanish language paper), May 25, 2021
- Bronx Times (weekly English language paper), May 28, 2021

A display advertisement was also run in amNY (daily English language paper) on June 10, 2021.

MTA released a press release, which announced the availability of the EA and Draft Section 4(f) Evaluation and the virtual public meeting, on May 19, 2021. The notices and announcement of the virtual public meeting were also posted to the MTA Public Hearings Website (new.mta.info/transparency) on May 26, 2021. MTA also posted weekly on MTA and/or Metro-North Facebook and Twitter accounts announcing the Project and encouraging public comment.

MTA held a virtual public meeting to provide information on the Project and hear oral comments on the Metro-North PSA project EA and Section 4(f) Evaluation at 6 P.M. on June 15, 2021. Due to the COVID-19 pandemic and restrictions on public gatherings, the public meeting was conducted as a virtual meeting utilizing Zoom Webinar.

The public and agency comment period for the EA extended from May 18, 2021 to July 3, 2021. Approximately 160 comments were received during the agency and public comment period. These comments were received through a variety of methods, including written comment letters submitted by mail; public oral testimony submitted at the public meeting; comments submitted by email; comments submitted by phone; and comments submitted through the project website. FTA and MTA reviewed, considered, and responded to all relevant public comments. See Attachment A for a summary of the agency and public comments on the May 2021 EA and Draft Section 4(f) Evaluation and responses to the comments.

Attachment C summarizes clarifications and corrections made to information presented in the EA as well as additional refinements made to the Project. The summary environmental analysis presented below reflects the modifications, refinements, and clarifications as described in Attachment C.

SUMMARY ANALYSIS

The Project will take place along the existing railroad right-of-way and will result in predominantly minor or no impacts to environmental technical areas. The Project will result in adverse impacts to only a select number of environmental technical areas, none of which will be significant and all of which will be temporary or which MTA will mitigate. A full list of mitigation, minimization and monitoring requirements for the Project is included as Attachment E of this FONSI.

1. LAND USE, ZONING, AND PUBLIC POLICY

This chapter evaluates the anticipated environmental consequences to land use, zoning, and public policy that will result from the Project and addresses how the Project could influence community and neighborhood character along the HGL Corridor and in the four station areas.

No Action

Under the No Action Alternative, there would be no new construction or changes to the HGL Corridor. Therefore, this alternative would not result in adverse impacts. The five programmed and committed development projects within the Hunts Point Station Area and along the Segment 2 Corridor portion, the five programmed and committed smaller development projects within the Parkchester-Van Nest Station area, and the two programmed and committed smaller development projects within the Morris Park Station area would continue to be implemented without the Project.

The Project

The Project will be within the existing railroad right-of-way and will be compatible with surrounding land uses, given existing and future continuation of rail service. While the Project will require the use of property for station access and infrastructure construction, no existing land uses will be fully displaced, nor will the mix of uses governed by the underlying zoning be expected to change under the Project. Most of the acquisition that may be required (up to 50 acres) will be right-of-way agreements with Amtrak within the railroad right-of-way or acquisitions/easements from the City or State of New York for property immediately adjacent to the right-of-way. In order to provide access to the stations or to the railroad (for maintenance purposes), permanent easements may be required. Permanent acquisitions of private property are expected to be approximately 7.6 acres and easements on private property are expected to be less than 0.2 acres. The Project will be consistent with the intent of the underlying zoning and will not adversely impact community or neighborhood character. The Project will also enhance public transit options and improve mobility, the streetscape, and the public realm, thus positively affecting the character of the surrounding neighborhoods in the station areas. In addition, the Project will be consistent with the different public policy initiatives that apply to this area, such as One New York: The Plan for a Strong and Just City (known as OneNYC) and *Sustainable Communities in the Bronx: Leveraging Regional Rail for Access Growth and Opportunity* (2014). Therefore, the Project will not result in adverse impacts to the surrounding land use, zoning, and public policy.

2. SOCIOECONOMIC CONDITIONS

This chapter evaluates the potential effects of the Project on socioeconomic conditions, including demographics, employment, and income.

No Action

Under the No Action Alternative, the HGL Corridor would continue to operate as it does today. The No Action Alternative would not provide new passenger rail service, enhance network resiliency, or support faster recovery from rail service disruptions. The No Action Alternative would not bring increased regional accessibility to the eastern Bronx community by offering rail service to and from Manhattan or the New York Metropolitan Area and Connecticut suburbs served by Metro-North's NHL.

The Project

The Project is anticipated to have substantial positive benefits to the neighborhoods within the study area. The Project will greatly improve transit access for communities in the eastern Bronx, including low-income and minority communities, saving riders traveling to PSNY up to approximately 50 minutes. East Bronx passengers traveling to Connecticut could save up to approximately 75 minutes. The new Metro-North stations will provide better access to employment opportunities, shopping, and entertainment and the enhancement of transportation options for residents, workers, and visitors is anticipated to support future business and employment growth near the new Metro-North stations. Underutilized sites near the new Metro-North stations will be more attractive for residential and commercial development, benefiting the area's character and the economy. Therefore, the Project will not result in adverse impacts to socioeconomic conditions.

3. COMMUNITY FACILITIES AND SERVICES

This chapter examines the Project's potential effect on the community facilities and services that the City of New York is obligated to provide to any member of the community (i.e., public schools, libraries, child care centers, health care facilities, and fire and police protection).

No Action

Under the No Action Alternative, there would be no new police or fire resources or changes to existing facilities and services near the HGL Corridor or the new station areas. Existing physical and staff resources, refined by any community service planning undertaken in the future, would be sufficient to meet future demands. Continued Amtrak operations in 2025 would not affect access to or the delivery of police and fire services. Therefore, this alternative would not result in adverse impacts to community facilities and services.

The Project

The Project will cause no impact to community facilities or services in the study areas of the new station locations. Construction of the new Bronx stations and introduction of Metro-North service through the eastern Bronx will not require any changes to New York Police Department (NYPD) or New York City Fire Department (FDNY) facilities, equipment, or staffing. NYPD has stated that department executives will evaluate personnel needs prior to the start of the new Metro-North service and will allocate resources accordingly. FDNY does not typically allocate personnel based on potential development. When the project is complete, FDNY will evaluate the need for personnel and equipment and make necessary adjustments to adequately serve the area. MTA will consult with FDNY during the later design phases of the Project, just prior to construction, to ensure appropriate accommodation of potential future FDNY operations at the new stations. Therefore, the Project will not result in adverse impacts to community facilities and services.

4. VISUAL RESOURCES

This chapter evaluates the potential effects of the Project on the visual character of the surrounding area.

No Action

The No Action Alternative would require no new construction or changes to the HGL Corridor. Planned development projects and programmed and committed transportation capacity and enhancement projects

would not result in substantive changes to visually sensitive resources or change the visual character of the area. Future construction of the new Pelham Bay Bridge could alter views from the Co-op City Station area over the Hutchinson River. This alternative would not result in adverse impacts to visual resources.

The Project

All Project elements will be within or immediately adjacent to the right-of-way and thus will not create any visual resource impacts beyond the HGL Corridor. Project elements, including new stations, pedestrian overpasses, platforms, substations, bridges, and new catenary, will be consistent with railroad infrastructure already present throughout the corridor and will be designed to be aesthetically compatible with the existing context. Overall, the Project will not be visually prominent and will not constitute a significant adverse visual effect. Therefore, the Project will not result in adverse impacts to visual resources in the surrounding area.

Measures to Minimize Harm

Due to the proximity to the Parkchester Apartment Complex, the design-builder, with oversight by MTA, will design the Parkchester-Van Nest station to celebrate the local community character by incorporating contextually sensitive design elements into the station architecture, as appropriate and consistent with Metro-North standards, and incorporate contextually sensitive design elements into the Van Nest AC Substation façade.

5. PUBLIC OPEN SPACE AND RECREATION

This chapter assesses the potential adverse impacts of the Project on public open space, parkland, and other recreational resources within the study areas for the four new stations and HGL Corridor.

No Action

Under the No Action Alternative, Phase II of Starlight Park would be constructed. The expansion of the park to the west side of the Bronx River, on both sides of the HGL, is currently under construction and would include three pedestrian bridges across the river. No other new open space resources or changes to existing resources are expected. Except for a small increase in Amtrak service, the HGL would continue to operate as it does today. Therefore, MTA has identified no impacts to open space resources within any of the segments under the No Action Alternative.

The Project

The Project will not result in any adverse direct effects, including any encroachment, access, or safety problems, at open space and recreation resources along the existing HGL Corridor right-of-way. Permanent easements located immediately adjacent to the rail right-of-way in Concrete Plant Park, Starlight Park and Pelham Bay Park are small in size (multiple locations for a total of approximately 450 square feet in Concrete Plant Park, 4,400 square feet in Starlight Park, and 4,000 square feet in Pelham Bay Park) will not encroach on the planned park amenities or disrupt any of the park's functions. Non-exclusive easements in Starlight Park and Pelham Bay Park for access to equipment for maintenance purposes will be used occasionally (approximately once per month) on existing or planned pathways and will not encroach on use of the park or disrupt any park functions. Changes in noise, vibration, and air quality due to the Project will not adversely affect the use and enjoyment of the public open space and recreational resources along the corridor. The stations will not impact visual

resources both to and from adjacent public open space resources. Therefore, the Project will not result in adverse impacts to open space resources.

Measures to Minimize Harm

The design-builder, with oversight by MTA, will ensure that measures are in place to prevent refuse from migrating from the Co-op City Station into Pelham Bay Park, such as the installation of fencing between the park and the railroad right-of-way in order to prevent access to the park from the station and to minimize the occurrence of wind-blown refuse to the park. Access to the parks will be maintained during construction and access agreements following construction will permit use of existing or planned paths/roads within the parks for maintenance purposes.

6. NATURAL RESOURCES

This chapter assesses the potential for the Project to affect natural resources, defined as plant and animal species and any areas capable of either providing habitat for plant and animal species or functioning to support ecological systems and to maintain an environmental balance, including surface waters, wetlands, floodplains, terrestrial and aquatic resources, and ecologically sensitive areas.

No Action

Natural resources within the study area are not expected to change under the No Action Alternative. Because no changes would occur within the rail right-of-way or near the new train stations, the No Action Alternative would not result in any adverse effects to natural resources.

The Project

While between 300 and 500 trees may be removed along the right-of-way, limited in-water work at the Bronx River for construction of one new deep foundation pier and one new abutment is needed, and less than ¼ acre of wetland will be permanently impacted, the analysis found that the Project will not result in a significant adverse effect on surface waters, floodplains, wetlands, ecological communities, wildlife, species of special concern, or significant habitats. With the exception of the Gate Substation and Co-op City Substation, no more than 20 trees will be removed in a given area. The substations will require between 50 to 100 and 200 to 300 trees to be removed, respectively. A preliminary wetland delineation of the corridor was conducted in March and April 2020 and permits for in-water bridge work and construction of other project elements, including permit(s) from U.S. Army Corps of Engineers, a U.S. Coast Guard Bridge permit and a water quality certificate from NYSDEC will be obtained by MTACD, if necessary, prior to construction. The work will be subject to agency permitting and conditions. MTA anticipates that any adverse effects to essential fish habitat will be no more than minimal, and MTA will plan minimization measures, with mitigation to be implemented if necessary. Shortnose sturgeon, Atlantic sturgeon, and four species of sea turtles are found seasonally within one mile of the Project Area; however, the Project Area is not within the range of breeding or overwintering habitat for these species. If individuals of these species were present, it will be a transient presence with a limited temporal duration. Overall, all potential effects of the Project will be insignificant; therefore, the Project may affect, but is not likely to adversely affect any listed species or critical habitat under National Marine Fisheries Service jurisdiction. Therefore, the Project will not result in significant adverse impacts to natural resources.

Measures to Minimize Harm

As per NYCDPR requirements, where the Project will involve work on or within 50 feet of a tree under City jurisdiction, the design-builder, with oversight by MTA, will obtain a Tree Work Permit from NYCDPR prior to the start of construction, and perform all work in compliance with NYCDPR's Tree Valuation Protocol and Tree Protection Protocol. A Memorandum of Agreement between MTA and NYCDPR will establish the procedures for surveying the trees by a certified arborist, submitting project design plans for NYCDPR review, and determining restitution requirements.

As design advances, MTA and the design-builder will revise the impacts to wetlands, if necessary, and address compensatory mitigation in the permitting process. MTA will evaluate measures to minimize harm in accordance with state and federal regulations and guidance. Permits for in-water bridge work adjacent to the existing Bronx River Bridge and construction of other project elements—including permit(s) from U.S. Army Corps of Engineers, a U.S. Coast Guard permit, and a water quality certificate from NYSDEC—could be required and will be pursued during the final design phase. MTA is consulting with U.S. Army Corps of Engineers, U.S. Coast Guard, and NYSDEC and will continue to coordinate closely with these natural resources agencies during the permitting process.

Based on consultation with the National Oceanic and Atmospheric Administration, the design-builder, with oversight by MTA, will be required to implement the following measures for in-water work at the Bronx River Bridge: minimize in-water disturbance including the installation of cofferdams around the work area, avoid in-water work between January 1 and June 30 to minimize impacts to winter flounder early life stage essential fish habitat and anadromous fish, and ensure waterborne equipment floats at all stages of the tide.

7. HISTORIC RESOURCES

This chapter identifies the potential effects of the Project on the historic architectural resources that were identified in the areas of potential effect (APEs).

No Action

Under the No Action Alternative historic architectural resources within the Project APEs would continue to function as they do currently with no physical changes. Therefore, this alternative would not result in adverse impacts to historic architectural resources.

The Project

Seven historic bridges, within the Project APEs, have New York State Historic Preservation (SHPO) Opinions of Eligibility for listing on the National Register of Historic Places (NRHP). While the Amtrak Hell Gate Line (Northeast Corridor) bascule bridge over the Bronx River will be rehabilitated for the Project, and a new two-span bridge will be constructed adjacent to it, the work will not alter the significant character-defining features of the bascule bridge, but will preserve and protect this historic resource by conducting the necessary upgrades that will allow it to continue to function, albeit in a modified form. Therefore, the Project will have No Adverse Effect on the bascule bridge. The Project could have visual effects on the Parkchester Apartment Complex due to the Parkchester-Van Nest Station with its platforms, canopies, pedestrian overpass, stairs, and elevator. However, the station design will reflect the local community character by incorporating contextually sensitive design elements into the station architecture. In addition, the façade for the Van Nest AC Substation will incorporate contextually sensitive design elements, as appropriate based on community and SHPO input.

Furthermore, a construction monitoring plan will be implemented to ensure there will be no adverse effect to the complex during construction. The Project will expand the New Rochelle Yard in the vicinity of the Kaufman Building but will have No Adverse Effect on the building, with a monitoring plan to ensure the protection of the resource.

The Pelham Lane Pathway Bridge in Pelham Bay Park was recently determined to be eligible for listing on the NRHP. The bridge is proposed to be rehabilitated or replaced, depending on additional analysis by the design-builder. The replacement of the recently designated Pelham Lane Pathway Bridge in Pelham Bay Park will have an Adverse Effect; however, following the process described in the Programmatic Agreement, MTA will explore alternatives to demolition and consult with SHPO regarding minimization and mitigation measures to avoid an adverse effect.

A Programmatic Agreement for the Project has been prepared in accordance with 36 CFR 800.14(b) to guide the continuance of the Section 106 process through the design and construction phases (Attachment D). Following public review, the Programmatic Agreement has been signed by the following agencies, which have an interest in the Project:

- FTA, the funding agency responsible for Section 106 compliance for the undertaking
- MTA, the agency implementing the Project
- SHPO

Measures to Minimize Harm

MTA will undertake the following measures to minimize harm:

- Amtrak Hell Gate Line (Northeast Corridor) Bascule Bridge over the Bronx River
 - The rehabilitation of the Bascule Bridge over the Bronx River will be undertaken in accordance with the Secretary of the Interior's Standards for Rehabilitation.
 - Design of the New Railroad Bridge over the Bronx River at MP 11.40 will maximize compatibility with and minimize the obstruction of the historic bridge.
 - 30%, 60%, 90% and 100% design drawings and specifications of the historic bridge rehabilitation and the new bridge construction activities will be reviewed and approved by SHPO.
 - A construction monitoring plan, to be reviewed and approved by SHPO, will be implemented.
 - Consideration will be taken during the drilling and installation of the piers and the abutment of the new bridge so as not to damage the piers or abutment of the historic bridge.
 - During construction of the new bridge, there will be protective screens or temporary barricades used to prevent any spoils or new concrete from fouling the tracks or from hitting the truss. Safety precautions will be put in place to prevent any construction equipment (cranes, back hoes) from contacting the historic bridge.
- Parkchester Apartment Complex
 - All new construction at the Parkchester-Van Nest Station will be conducted in accordance with the Secretary of the Interior's Standards.
 - The new construction will be compatible in design and materials to the complex, as appropriate, to minimize the effects of the new station.

- MTA's Arts & Design program will commission site-specific permanent artwork that responds to the community's character defining features and history.
- 30%, 60%, 90%, and 100% design drawings of the new station facility will be submitted to SHPO for review and approval.
- The Van Nest AC Substation façade will incorporate contextually sensitive design elements.
- Kaufman Building
 - A construction monitoring plan will be implemented for the New Rochelle Yard expansion to protect the Kaufman Building during construction.
- Pelham Lane Pathway Bridge
 - If adverse effects to the Pelham Lane Pathway Bridge cannot be avoided, documentation of the bridge will be prepared in accordance with Historic American Engineering Record Standards and SHPO Documentation Guidelines (dated January 2019) prior to demolition. Other examples of potential mitigation measures include salvaging important features of the bridge or creating a public display about the historic elements of the bridge.

The stipulations of the Programmatic Agreement for the Project will be followed to guide the continuance of the Section 106 process through the design and construction phases and outline the conditions for resolution of adverse effects on historic architectural resources.

8. ARCHAEOLOGICAL RESOURCES

This chapter presents information on the known potential for archaeological resources and assesses whether the Project has any potential to affect archaeological resources that may be present in areas of new ground disturbance, as based on conceptual engineering for the Project.

No Action

The No Action Alternative would require no new construction in the HGL Corridor or station sites. Therefore, there would be no impacts to potential archaeological deposits.

The Project

The Project could have an impact on potential archaeological resources in the Corridor beneath 22 inches of ballast in areas where tracks are at grade elevation. As the design progresses, for locations where new subsurface disturbance are expected to occur, coordinated archaeological review will take place.

Phase IA studies completed in 2002 and 2013 found that the Co-op City and the Morris Park Station sites were potentially sensitive for precontact resources beneath approximately 22 inches of ballast that was laid beneath the tracks for bedding, and possibly beneath deeper levels of added fill. Further geotechnical studies of these two sites clarified subsurface conditions and determined that there is an unknown level of potential for archaeological resources. Should design indicate that the identified archaeologically sensitive deposits may be disturbed by the Project, Phase IB testing work plans will be developed and submitted to SHPO for review and comment.

A Phase IA study of the new two-span bridge over the Bronx River found the site was extensively disturbed and construction of the bridge will have no impact to archaeological resources. Similarly, a Phase IA study of the New Rochelle Yard expansion found the site was extensively disturbed and no additional archaeological consideration is recommended.

Measures to Minimize Harm

As outlined in the Programmatic Agreement (Attachment D), at all locations where archaeologically sensitive areas were identified through the Phase IA studies prepared as part of this EA, the design builder, with oversight by MTA, will, once a design is finalized, compare the potential depth of disturbance with the depth of potential sensitivity. The results of the analysis will be submitted to SHPO for review. If excavation will occur to a depth that may impact archaeologically sensitive locations, Phase IB field testing will be completed to identify the presence or absence of archaeological resources.

Prior to commencing any field investigations, a Field Testing Protocol outlining the proposed methodology will be submitted to SHPO for review. For all field-tested locations, a Phase IB report will be submitted to SHPO for review. If archaeological resources are identified through Phase IB investigations, further investigations will be undertaken in the form of Phase II excavations to evaluate identified resources for NRHP-eligibility. An assessment of the effects of planned ground disturbing construction activities on any National Register of Historic Places-eligible resources will be undertaken. If adverse effects cannot be avoided, a data recovery plan will be prepared for review and approval by SHPO. MTA, in consultation with FTA and SHPO, will develop an Unanticipated Discovery Plan that will be followed in the event that any unanticipated archaeological and/or human remains are encountered during construction of the Project.

9. DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f)

The PSA EA identifies the Section 4(f) properties within the study area, including 33 publicly owned parkland and recreational areas, one wildlife refuge, and 10 historic architectural resources in the study area, and describes the effect of the Project on those properties.

No Action

The No Action Alternative would require no new construction or changes to the HGL Corridor. Therefore, this alternative would not result in adverse impacts.

The Project

Concrete Plant Park and Starlight Park are New York City-owned waterfront parks located along Sheridan Boulevard and the Bronx River. Concrete Plant Park is located between Bruckner Boulevard and Westchester Avenue and Starlight Park continues from Westchester Avenue to East 174th Street. Within Concrete Plant Park, four small permanent easements (approximately 450 square feet total) will be required immediately adjacent to the railroad right-of-way (ROW) for catenary poles. Within Starlight Park, a permanent easement (approximately 4,400 square feet) will be required immediately adjacent to railroad ROW for signal equipment and a retaining wall. This easement area is related to drainage and is not a part of planned amenities for Starlight Park; rather, it is part of NYCDPR's drainage system capturing runoff before it reaches the Bronx River. The Project will also require a non-exclusive easement to use a shared bicycle-pedestrian path that is planned as part of Starlight Park Phase 2 for limited vehicular access for maintenance of the signal equipment.

Pelham Bay and Split Rock Golf Courses are located within Pelham Bay Park. These are public golf facilities that each comprise two 18-hole courses. The two golf courses are located north and south of the railroad ROW and the Pelham Lane Pathway Bridge. The Pelham Lane Pathway Bridge carries two railroad tracks over a golf cart path and a bridle path. The Pelham Lane Pathway Bridge is to be rehabilitated or replaced as part of the Project in order to accommodate the increased operations from the new Metro-North service. This construction will require permanent easements for two small areas (approximately 200 square feet and 1,750 square feet) immediately to the east and west of the Amtrak ROW for the Pelham Lane Pathway Bridge to accommodate parts of the wing walls for the bridge. These areas are part of the golf cart path and bridle path, which will both be realigned underneath the bridge as part of the project. Access under the bridge will be maintained for golfers, pedestrians and horseback riders within the park during construction. In addition, four small permanent easements (approximately 2,200 square feet total) adjacent to the railroad ROW will be required within Pelham Bay Park for catenary poles.

Because the permanent easement and non-exclusive easement within Starlight Park and permanent easements in Concrete Plant Park and Pelham Bay Park will not adversely change the activities, features or properties of the resource, FTA has made a *de minimis* finding for the use of those portions of Concrete Plant Park, Starlight Park and Pelham Bay Park. NYCDPR concurred in a letter dated September 1, 2021.

However, the rehabilitation or replacement of the N/SR-eligible Pelham Lane Pathway Bridge will result in a permanent use of a Section 4(f) resource. According to SHPO, the bridge appears to meet “Criterion C” as an example of a steel thru-plate girder bridge in the Bronx. The three-span, through girder structure, with transverse troughs supported on stone masonry abutments and steel piers, carries two tracks on the HGL, through Pelham Bay Park. Although drawings indicate the bridge was constructed in 1907, portions of the bridge may have been constructed earlier as part of a freight line when the Harlem River Branch opened in 1868. The bridge retains the original decorative steel piers and ornamental steel girders; however, alterations include the removal of the two southern girders and troughs spanning between the girders. The individual evaluation determined that rehabilitation or replacement are the only feasible and prudent alternatives and based on existing level of design, both alternatives cause the least overall harm. Minimization and mitigation measures should be determined through consultation with the official(s) with jurisdiction, which includes SHPO for the Pelham Lane Pathway Bridge. As outlined in the Programmatic Agreement (Attachment D), MTA will follow the process for resolution of adverse effects. MTA will consult with SHPO regarding minimization or mitigation measures with regard to the rehabilitation or replacement of the Pelham Lane Pathway Bridge.

While the bridge construction will temporarily (no more than 12 months) affect the pathways under the bridge within the existing Amtrak right-of-way, one path under the Pelham Lane Pathway Bridge will be maintained throughout construction for use by the public. Therefore, golfers will continue to be able to access Split Rock Golf Course throughout the duration of construction. Since construction of the bridge will be temporary, there will be no change in ownership—and the work will be minor and will not result in adverse changes to the activities, features, or attributes of the property—FTA determined this is not a use of a Section 4(f) resource. DOI concurred in a letter dated July 9, 2021 and NYCDPR concurred in a letter dated September 1, 2021.

In addition, Pelham Bay Park received LWCF funding in 1976 for the Orchard Beach Rehabilitation project. Based on the current level of design, permanent easements are planned for Pelham Bay Park which could trigger LWCF parkland conversions under Department of Transportation Act, Section 6(f). Additional coordination is needed to make a determination about the easements and any other potential LWCF compliance concerns.

The Draft Section 4(f) Evaluation was circulated with the EA for public review and comment and submitted to the DOI for review. Comments on the Draft Section 4(f) Evaluation were addressed and incorporated as part of this FONSI.

Measures to Minimize Harm

Vehicular access for maintenance of signal equipment using a shared path that is planned as part of Starlight Park Phase 2 will be limited and of short duration. While the construction of Pelham Lane Pathway Bridge (within Pelham Bay Park) will temporarily affect (no more than 12 months) a small portion of the pathways located immediately adjacent to and below the bridge, one path under the Pelham Lane Pathway Bridge for the public will be maintained throughout construction. Therefore, golfers will continue to be able to access Split Rock Golf Course throughout the duration of construction.

Adherence to the stipulations in the Programmatic Agreement will incorporate all possible planning to minimize harm to the Pelham Lane Pathway Bridge resulting from the permanent use of the Section 4(f) resource.

Should MTA find that the Project triggers a conversion(s) under Section 6(f), an acceptable LWCF conversion request package will be submitted to the National Park Service by the New York State Office of Parks, Recreation and Historic Preservation on behalf of NYCDPR.

10. TRANSPORTATION

This chapter identifies the transportation benefits and potential adverse impacts of the Project on traffic, parking, transit, intercity passenger rail, and pedestrian travel modes.

No Action

With the No Action Alternative, programmed and committed development projects and major transit improvement projects that will be completed by 2025—including Moynihan Phase 2, 33rd Street Connector/New East End Entrance, and ESA—would change pedestrian access patterns at PSNY and subway travel patterns in Manhattan, particularly at Grand Central Terminal (GCT) and PSNY. A slight change in traffic and parking under the No Action Alternative would not result in adverse impacts.

The Project

Traffic

Of the 78 traffic analyses conducted (39 intersections in two time periods) new vehicle trips associated with the Project will result in an adverse impact in only two instances. At Morris Park Avenue and Eastchester Road in the AM peak period and at Eighth Avenue and West 33rd Street in the PM peak period, the Project will result in an increase of greater than 10 seconds of delay as compared to the No Action Alternative. However, the increase in delay at this location will be more than offset by the reduction in delay as a result of the loss in vehicle trips associated with the ESA project. At all other locations analyzed, the small increase in traffic due to the Project will not result in any adverse traffic impacts in either the station areas or intersections in the vicinity of PSNY.

Parking

Consistent with Metro-North policy for urban stations, the Project will not include new parking spaces. In the PSNY area, no parking impacts are expected. Vehicle trips will continue to be principally by taxi and for-hire

vehicles. The existing parking supply will be sufficient to accommodate the small increase in parking demand in the vicinity of the new Bronx stations and the small decrease in parking spaces from constructing the Van Nest AC Substation within an existing surface parking lot. At stations north of the Bronx, where parking is primarily owned and operated by the towns or counties, increased ridership is not expected to result in significant parking shortfalls and any increased parking demand will be addressed by local municipalities through additional parking structures or by encouraging alternative modes of transportation to the stations.

Transit

NHL service to Manhattan will increase by up to 12 trains in the peak periods in the peak direction. Ridership is forecast to increase on the Seventh and Eighth Avenue subway lines as well as the bus routes serving PSNY. However, the increase in Metro-North transit ridership due to transferring will about 13 percent of the reduction of transit rider transfers associated with the ESA project. The net effect will have no adverse impacts to transit services. At the new Bronx stations, increases in bus and subway trips in the vicinity of the stations will be adequately accommodated by existing services, as neither bus nor subway in the vicinity are at capacity. The Project could reduce crowding at GCT by providing an additional access point into Manhattan, benefiting Metro-North's Harlem and Hudson Line services. Metro-North ridership is forecast to decrease on the Lexington Avenue (Nos. 4, 5, and 6 trains) and Flushing (No. 7 train) subway lines and buses serving GCT as some Metro-North passengers divert to PSNY and no longer transfer to the subway.

Rail Operations

Based on results of the operations simulations, the Project will not result in any adverse impacts to operations of intercity passenger rail along the HGL or at PSNY. Overall commuter and intercity passenger rail operations for the area will largely be improved by the additional track flexibility.

Pedestrians

PSNY pedestrian circulation spaces will largely be unaffected due to the passenger volume reduction of ESA. Separate project improvements being made for a new 33rd Street Entrance under a separate MTA project will improve existing conditions. Further, the pedestrian conditions surrounding the new stations will not be affected, since the additional pedestrian trips to/from the stations will be dispersed over multiple blocks at each location. This will not result in any deterioration of pedestrian conditions that could constitute an adverse impact.

Measures to Minimize Harm

Any potential capacity or service deficiencies that may result with the Project will be addressed by New York City Transit (NYCT) in its systemwide planning and programming of service improvements and modifications.

Consistent with existing operations planning practices on the NEC, MTA, in coordination with Amtrak, will perform operations analyses near construction completion to optimize Metro-North's service plan and to demonstrate no impact to intercity service. Should analyses find that planned operations of the Project would result in degradation to operational performance or resiliency of rail carriers operating in the affected territory, the service plan will be revised to eliminate any such effects.

11. AIR QUALITY

This chapter assesses the Project's potential beneficial and adverse impacts on ambient air quality.

No Action

The No Action Alternative would require no new construction or changes to the HGL Corridor. Therefore, this alternative would not result in adverse impacts. In addition, future air pollutant concentrations would be similar to current levels and traffic increases caused by anticipated new development near the new stations would be offset due to increasingly stringent federally mandated vehicle-emission controls, including Final Rule for Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (amended 2016), and the replacement of older, more polluting vehicles with newer, less polluting ones.

The Project

The Project will decrease regional emissions from the region-wide vehicle miles traveled (VMT; net decrease of 81,117 vehicle-miles), since trips will be diverted from personal vehicles to transit. The Project will not result in any adverse air quality impacts in station areas from new vehicular activity at these locations. There will be a small increase in emissions from facilities that will provide Metro-North electricity for the additional traction power associated with the new service. However, the Project will result in a net reduction in pollutant emissions and will, therefore, not result in adverse impacts to air quality.

12. ENERGY

MTA quantifies the direct and indirect energy expenditures associated with implementing the Project in comparison with the No Action Alternative. Direct energy expenditures are associated with the fuel consumption of vehicles as they operate on the roadways within the study area and the vicinities surrounding the new stations, as well as the propulsion requirements for the new train service. Indirect energy expenditures are associated with the energy used during the construction of the new stations.

No Action

Although new Metro-North service to PSNY would not be initiated under the No Action Alternative, annual traffic growth is expected to result in an increase in energy consumption compared to existing conditions.

The Project

While energy will be consumed to provide the additional train service under the Project, it will be offset by the reduction in energy use from the reduced auto VMT as motorists divert to transit. The Project's operational energy consumption will not adversely affect the electric utility's power availability. Therefore, the Project will not result in adverse impacts to energy consumption.

13. GREENHOUSE GASES

This chapter addresses the Project's potential effects related to greenhouse gas (GHG) emissions. Most GHG emissions from transportation come from combustion of fossil fuels either directly or through electrical power generation.

No Action

Although new Metro-North service to PSNY would not be initiated under the No Action Alternative, traffic growth is expected; therefore, GHG emissions would likely increase in the No Action Alternative compared to existing conditions.

The Project

Considering the emissions from vehicles and trains, the GHG emissions analysis indicates that the Project will decrease GHG emissions compared to the No Action Alternative. Therefore, the Project will not result in adverse impacts to GHGs. The GHG emissions from maintenance and operations of vehicles, the new stations, and the new employee welfare facility will increase net emissions from the Project by 739 metric tons of carbon dioxide equivalents per year.

14. NOISE AND VIBRATION

This chapter documents the Project's potential effect on noise and vibration levels within the study area, along with any potential noise mitigation measures that will be recommended as part of the Project.

No Action

Existing average daily day-night noise levels range from 62 to 81 decibels for the HGL Corridor. The No Action Alternative would increase Amtrak HGL train traffic by 44 percent, which would raise ambient noise levels by approximately one decibel.

The Project

The Project will increase ambient noise levels by one to four decibels over existing levels and create severe (i.e., significant) noise impacts at 17 buildings (34 dwelling units) and moderate impacts at 270 buildings (765 dwelling units) along the existing HGL Corridor. Severe impacts will be abated by a noise barrier (noise wall) at 7 buildings where space is available for installation. At the remaining 10 buildings with severe impacts, all existing windows on building facades that have visual exposure to the tracks will be replaced with new soundproof windows. The Project will create vibration impacts at 40 buildings (84 dwelling units) along the HGL Corridor. Vibration impacts will be abated by using under-rail pads and resilient fasteners in track construction.

Measures to Minimize Harm

MTA is considering noise-abatement measures only for the properties projected to experience severe impacts. Due to space constraints, construction of noise barriers is not possible at all locations that experience severe impacts. However, pending final design, one noise barrier will be feasible and will provide abatement to 7 buildings (17 dwelling units). The remaining 10 buildings with severe impacts where there is insufficient space to construct a noise wall generally do not have exterior areas of frequent human use that will benefit from a noise wall. Therefore, the best practical and acoustically effective measure to minimize impacts will be to replace all existing windows on building facades that have visual exposure to the tracks with new soundproof windows with a Sound Transmission Classification rating of 40 or more. This abatement measure will be subject to the property owners' approval. The measures will provide a reasonable amount of noise control relief from daily Project operations. The details of these measures to minimize impacts will be fully developed as part of the final design for the Project.

The projected vibration levels will be eliminated by installing under-rail pads and resilient fasteners throughout the corridor as part of the track construction.

15. CONTAMINATED MATERIALS

This chapter evaluates potential contaminated materials that could be encountered in the study area and disturbed during construction of the Project.

No Action

Under the No Action Alternative, railroad operations and associated activities would continue. Railroad operations and its associated activities provide a potential for spills and environmental contamination as a part of daily operation. MTA anticipates that these activities would not affect or remove the existing contaminants within the station areas or along the HGL Corridor. There is also no evidence that these conditions would significantly affect human health or the environment beyond the site, nor would they in the future.

The Project

During construction of the Project, some contaminated materials may be encountered in the station areas and HGL Corridor, caused by historic rail operations, spills, and historical site uses. Discovery of existing groundwater contamination caused by petroleum products and chlorinated solvents is possible based on the historical use of the subject sites and neighboring properties. Lead-based paint, asbestos-containing material, and mold may be present on existing structures (including bridges undergoing rehabilitation).

Appropriate measures will be taken to protect human health during construction activities. The results of the subsurface investigation, and any additional investigations performed by the design-builder during final design, will be used to prepare a site-specific Health and Safety Plan and Hazardous Materials Management Plan. Overall, MTA anticipates environmental contamination to be low to moderate, but some remediation may be necessary.

Measures to Minimize Harm

To minimize the potential impacts from contaminated materials to workers and the public under the Project, the results of the subsurface investigation will be used to prepare a site-specific Health and Safety Plan and Hazardous Materials Management Plan. These plans will be developed by the design-builder, with oversight by MTA and participation from FTA. If hazardous materials are encountered during construction, MTA will notify FTA immediately. MTA and the design-builder will provide FTA with anticipated next steps based on the approved plans. Work will not resume at the site until FTA responds. These measures will ensure no adverse impacts from contaminated materials under the Project.

16. SAFETY AND SECURITY

This chapter addresses the safety and security issues associated with increased train movement along the HGL Corridor, infrastructure upgrades, construction of platforms and stations, and passenger safety.

No Action

In the No Action Alternative, the HGL Corridor would remain largely as it is today, with the exception of normal replacement projects necessary to maintain the system in a state of good repair. Amtrak would continue its existing System Safety Program, which guides prevention efforts by identifying the policies, programs, and strategies that promote a safe work environment for workers and travelers. Under the No Action Alternative, Amtrak has installed its Advanced Civil Speed Enforcement System Positive Train Control (PTC) technology along the required routes as a part of a nationwide systemwide upgrade.

The Project

The Project will provide an opportunity to enhance public safety and security measures in the following ways:

- Upgrading the train signal system
- Including typical security measures (closed-circuit television, fencing, lighting, and passenger refuge area(s)) at stations
- Providing MTA Police Department on-the-ground surveillance

Therefore, the Project will not result in any adverse impacts to safety and security.

17. CONSTRUCTION AND CONSTRUCTION IMPACTS

This chapter summarizes the conceptual construction approach for the Project and assesses the potential for adverse environmental effects during construction.

The selected design-builder will be responsible for final design and construction of the Project that meets the specifications established by MTA, including any mitigation defined in this FONSI. MTA will oversee the design-build process and have ultimate responsibility for project implementation. In addition to contract documents, the design-builder must comply with all other applicable engineering codes and standards, including those of various federal, state and local jurisdictions. MTA will provide thirty percent design documents, with 100 percent design documents for the track alignment, to the design-builder. Throughout the final design process, MTA and Amtrak will participate in design reviews with the design-builder. The exact construction sequencing will be developed in conjunction with Amtrak and the selected design-builder as the design-build process proceeds.

No Action

The No Action Alternative would require no new construction on the HGL Corridor. Therefore, the No Action Alternative would not result in adverse construction-related impacts.

The Project

Construction of the Project will result in temporary effects (less than 24 months) along the railroad right-of-way and in areas adjacent to sections of the right-of-way where passenger stations, bridge construction and modification, and other project elements are planned. Effects may include disruption of access to roads and staging areas, loss of parking, sidewalk closures, construction noise, dust, and vibration, and increased traffic. The HGL was originally designed to hold six railroad tracks and is now occupied by two Amtrak passenger tracks and one CSX freight track. Therefore, the right-of-way has sufficient space for the majority of the Project

elements, except where property acquisitions and easements are required. The Project will require permanent property acquisitions and localized easements may be required during construction. Based on conceptual plans and schedule, construction will last approximately four to five years. There will be approximately 9 to 18 months of consistent station work at each station and up to 24 months of work at each new substation, with shorter durations of work along the HGL Corridor which could occur simultaneously. Access points and staging areas could be active for the duration of the project.

Measures to Minimize Harm

To minimize any potential adverse effects during construction, specific measures will be implemented. MTA will require in its contract that the design-builder implement the following measures during construction to minimize potential effects to nearby communities from ongoing construction:

- Communication with Community
 - Give advance notification of any disruptive work or work-related closures to community boards, residents, schools, hospitals, and first-responders.
 - Provide regular updates to the public in the form of email blasts and online postings.
 - Maintain a 24/7 hotline assigned to a community outreach representative, to include direct communication with on-site contractor/supervisor for a real-time response.
 - Create and implement a protocol for addressing community complaints.
 - Coordinate with emergency service providers to ensure continuity of access to the community.
 - Establish regular meetings with MTA, community representatives, and the contractor to discuss construction activities and community concerns.
- Community Safety and Quality of Life
 - Create an active program of construction security to ensure community safety.
 - Ensure the following are performed by the contractor at construction sites:
 - Keep construction site clean and orderly.
 - Safely store construction materials in piles/not haphazardly.
 - Ensure that construction fences are uniform and neat in material and appearance.
 - Perform street cleaning as appropriate to ensure construction debris and dirt will not affect the local community.
 - Install onsite/portable bathroom facilities that are unobtrusive to local communities.
 - Protect access to existing businesses.
 - Use existing rail to transport materials to and from the work site to the extent practical.
- Environmental Performance
 - Provide environmental monitoring consistent with a Health and Safety Plan.
 - Best management practices, including silt fences, netting and other sediment containment techniques.
 - Meet USACE wetlands permit requirements and implement a Stormwater Pollution Protection Plan.
 - Establish a Quality Control program to confirm compliance with environmental requirements.
 - Use directional lighting at night to protect residences from light pollution.
 - Implement Work Zone Traffic Control plans.

- Implement an air quality control plan to include dust control measures, ultra-low sulfur diesel fuel, the use of best available tailpipe technologies and the utilization of newer equipment.
- Conduct preconstruction home inspections for adjacent residences.
- Create and implement a community noise and vibration monitoring program.
- Implement a Construction Protection Plan to protect historic structures.
 - o In consultation with the community, employ rodent control measures.
 - o Implement a Dust Control Plan.
 - o Implement a Community Air Monitoring Plan.
 - o Implement a Noise and Vibration Control Plan.
 - o Minimize noise work during nighttime hours where practicable and feasible.

The project will maximize the usage of single tracking to the extent that would not affect Amtrak operations. In addition, there may be elements of the construction work on the right-of-way that will require infrequent temporary service suspension, which will be carefully coordinated with Amtrak to minimize the potential effects to Amtrak's customers. Construction phasing and maintenance of operations will be addressed in the Design-Build Phase Agreement between MTA and Amtrak, which will be shared with FTA and FRA for review and comment prior to award of the design-build contract. MTA will continue to participate in weekly meetings with Amtrak and other operators on the NEC to closely coordinate regional projects that require track outages.

18. ENVIRONMENTAL JUSTICE

This chapter evaluated whether minority and/or low-income populations will experience potential environmental or health impacts from the Project and whether any such impacts will disproportionately affect those populations. Based on both minority and low-income thresholds, environmental justice communities are located along the HGL Corridor and within the station areas.

No Action

The No Action Alternative will not provide new passenger rail service, enhance network resiliency, or support faster recovery from rail service disruptions. The No Action Alternative will not bring increased regional accessibility to the existing environmental justice communities in the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North's NHL. MTA anticipates some future programmed or committed development projects in the study area by 2025. However, MTA anticipates that none of these projects will change racial and ethnic characteristics or income characteristics of the surrounding area.

The Project

The Project will benefit residents in the study area, including the surrounding minority and low-income populations, by providing new passenger rail service and increasing regional accessibility to the eastern Bronx community by offering rail service to and from Manhattan or the New York and Connecticut suburbs served by Metro-North's NHL. While construction of the Project will result in some short-term adverse environmental effects, these will be minimized by the incorporation of an environmental compliance plan to be employed during construction. While the Project will require property taking for station access and infrastructure

construction, no business relocations or residential acquisitions will be required. Therefore, the Project will not result in a disproportionately high and adverse impact on environmental justice populations.

19. INDIRECT AND CUMULATIVE IMPACTS

This chapter evaluates the indirect effects of the Project and considers its cumulative effects in combination with other projects and initiatives that will occur within the Project's study area, as well as those large-scale or otherwise notable programmed and committed projects located beyond the study area.

No Action

The No Action Alternative would not provide new passenger rail service. Therefore, there would be no cumulative or indirect impacts as the result of the Project.

The Project

Construction of the Project will result in temporary adverse direct effects and beneficial indirect effects during the construction period. The Project will result in temporary direct effects along the railroad right-of-way and in areas adjacent to sections of the right-of-way where passenger stations, bridge construction/modification/rehabilitation, and other project elements are planned. While construction could be disruptive, it will be temporary and will be phased so as to not last more than 24 months at any one location, based on a conceptual construction schedule. Construction of the Project will result in both direct economic effects from construction-related expenditures as well as indirect economic benefits, including expenditures made by industries purchasing from other industries, and construction workers and other employees purchasing other goods and services within the region.

The Project will result in beneficial indirect and cumulative effects to the region. The Project is anticipated to have an overall positive effect on the regional economy from construction and improved access for rail passengers. The Project will result in a beneficial effect in terms of transportation as more rail options will be available for commuters into and out of Manhattan. The Project, combined with the other projects described previously, will result in a cumulative benefit to the regional rail system by improved access, capacity, resiliency, and reliability. Overall, the Project will not contribute to any adverse indirect or cumulative effects.

CONCLUSION

The Project is designed to provide improved access to underserved eastern Bronx and the growing westside of Manhattan in order to reduce travel times. Based on the environmental analysis presented in the EA, the Project will result in new Metro-North service along the HGL Corridor to PSNY and four new Bronx stations. The following 11 environmental technical areas will have no adverse impacts, and five of those (*) could have potential beneficial effects:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions*
- Community Facilities and Services
- Visual Resources
- Public Open Space and Recreation

- Natural Resources
- Air Quality*
- Energy*
- Greenhouse Gases*
- Safety and Security*
- Environmental Justice

The following six environmental technical areas could have potential adverse impacts:

- Historic Resources
- Archaeological Resources
- Department of Transportation Act, Section 4(f)
- Transportation
- Noise and Vibration
- Contaminated Materials

The Project includes design elements to minimize the adverse impacts (Attachment E) in these environmental technical areas. In addition, although construction will result in temporary impacts, they will not be significant.

Therefore, the Project will not result in significant adverse environmental impacts. Changes to the Project will be evaluated in accordance with 23 CFR Sections 771.129 and 771.130, and if required therein, they must be approved in writing by the FTA before the Project Sponsor may proceed with the change.

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

FINDING OF NO SIGNIFICANT IMPACT

PENN STATION ACCESS PROJECT
METROPOLITAN TRANSPORTATION AUTHORITY**

NATIONAL ENVIRONMENTAL POLICY ACT FINDING

Based on the Federal Transit Administration's (FTA) review of the analysis presented in this Finding of No Significant Impact (FONSI), the accompanying Environmental Assessment (EA) and Section 4(f) Evaluation for the Penn Station Access Project, dated May 2021, agency and public comments received on the EA and responses to comments (Attachments A and B), revised mitigation, minimization and monitoring requirements (Attachment E), and clarifications and modifications made to the information presented in the EA (Attachment C), FTA finds that the EA is consistent with the requirements of 23 CFR § 771.121. Therefore, FTA is issuing this FONSI for the Penn Station Access Project. This finding is conditioned upon the MTA complying with the minimization and mitigation measures described in this FONSI, the EA, and relevant attachments. This FONSI does not exempt the MTA from further mitigation and minimization of not yet uncovered environmental impacts due to the design-build process contemplated herein.

Stephen Goodman, P.E.
Regional Administrator, Region 2
Federal Transit Administration

Date: _____

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

SECTION 4(f) DE MINIMIS USE IMPACT DETERMINATION

**PENN STATION ACCESS PROJECT
METROPOLITAN TRANSPORTATION AUTHORITY**

The Federal Transit Administration (FTA) has determined that, pursuant to 23 CFR § 774.3(b), the Project, as described in the Environmental Assessment and Section 4(f) Evaluation prepared for the Penn Station Access Project, dated May 2021, will have a Section 4(f) de minimis use impact, as defined in 23 CFR § 774.17, on the following Section 4(f) properties:

- 1. Concrete Plant Park - Bronx, New York**
- 2. Starlight Park - Bronx, New York**
- 3. Pelham Bay and Split Rock Golf Courses - Bronx, New York**
- 4. Pelham Bay Park - Bronx, New York**

The impact will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The coordination requirements set forth in 23 CFR § 774.5(b)(2) have been met. Public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property were provided concurrent with the 45-day public viewing period of the EA. FTA informed the New York City Department of Parks and Recreation (NYCDPR), the official with jurisdiction over the Section 4(f) property, of its intent to make a de minimis use impact finding. Following the public viewing period of the EA, NYCDPR provided concurrence by letter dated September 1, 2021, that a Section 4(f) de minimis impact finding for the use of these properties is appropriate.

Stephen Goodman, P.E.
Regional Administrator, Region 2
Federal Transit Administration

Date: _____