

Federal Railroad Administration

Penn Station Access Project

FINDING OF NO SIGNIFICANT IMPACT

November 2021



Prepared by the U.S. Department of Transportation
Federal Railroad Administration
and
Metropolitan Transportation Authority



INTRODUCTION

The United States Department of Transportation's (USDOT) Federal Transit Administration (FTA), in cooperation with the New York State Metropolitan Transportation Authority (MTA), prepared an Environmental Assessment (EA) and Section 4(f) Evaluation for the Penn Station Access (PSA) Project ("PSA Project") to evaluate the potential impacts to the human and natural environment from construction and operation of a variety of infrastructure improvements and new rail service along the Amtrak-owned Hell Gate Line (HGL) on the Northeast Corridor (NEC). The Federal Railroad Administration (FRA) participated in the EA as a cooperating agency because of its role leading long term intercity passenger rail service planning efforts and being a potential Federal funding source for projects on the NEC including elements of the PSA Project. FTA and MTA released an EA in May 2021 for the PSA Project, pursuant to the joint FTA, FRA, and Federal Highway Administration (FHWA) Environmental Impact and Related Procedures (23 CFR Part 771) and the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1500). The EA was also prepared in accordance with New York state environmental law to meet 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) requirements. FTA and MTA made the EA available to the public for review and comment from May 18 through July 3, 2021.

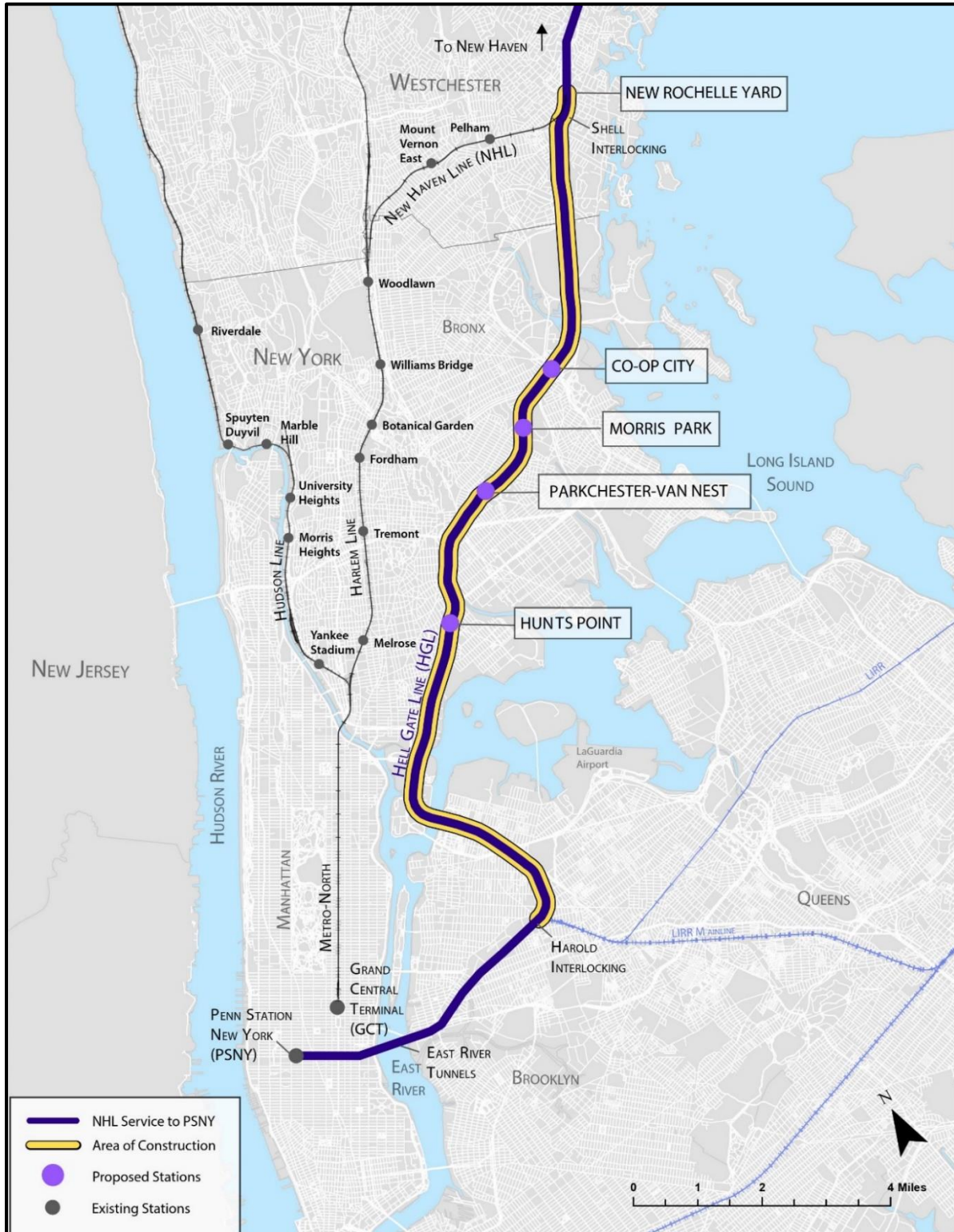
The PSA Project is proposed by MTA and consists of new passenger service along the HGL Corridor, four new stations, track construction/realignment/removal, bridge rehabilitation/replacement, and associated rail infrastructure improvements. The PSA Project would provide one-seat passenger rail service to Penn Station New York (PSNY) on Manhattan's west side for MTA Metro-North Railroad's (Metro-North) New Haven Line (NHL) customers. MTA Construction and Development (MTACD) would plan, design, and construct the PSA Project and conduct related public outreach, and Metro-North would operate and maintain the service. The PSA Project would provide new rail service from New Haven, Connecticut to PSNY in Manhattan by utilizing the HGL Corridor through the eastern Bronx and western Queens. The PSA Project would make infrastructure improvements on the HGL Corridor beginning in southeastern Westchester County, New York – where NHL trains would divert onto the HGL Corridor at Shell Interlocking – and extending to Harold Interlocking in Queens, joining the MTA Long Island Rail Road (LIRR) Main line. As part of the PSA Project, four new Metro-North stations would be constructed in the eastern Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City. **Figure 1** shows the Study Area defined in the EA for the PSA Project. The PSA Project is comprised of several elements that would meet the purpose and need defined in the EA through the replacement, rehabilitation, and/or upgrade of aging rail infrastructure that is prone to failure during rail operations, resulting in train delays.

Funding from a variety of sources would be needed to implement the various elements that comprise the PSA Project. Amtrak, as owner of NEC infrastructure in the PSA Project area, maintains track infrastructure, with MTA making financial contributions to Amtrak in accordance with Section 212 of the Passenger Rail Investment and Improvement Act. PSNY is owned by Amtrak and maintained through a joint facility agreement between Amtrak and MTA LIRR. MTA anticipates applying FTA formula or Congestion Mitigation and Air Quality funds to the PSA Project. FRA is administering \$30 million in Fiscal Year (FY) 2019 grant funding under its Federal State Partnership State of Good Repair Program (Partnership Program) awarded to MTA to replace 210 catenary structures along 7.6 miles of the HGL Corridor between PSNY and New Rochelle, NY. In addition, Amtrak receives annual funding from Congress through a directed grant administered by FRA, and FRA anticipates Amtrak would use some of those funds from one or more years to contribute to the PSA Project.

To satisfy its compliance responsibilities for current and potential future FRA-funded elements of the PSA Project under NEPA and its implementing regulations at 40 CFR Parts 1500-1508; 23 CFR Part 771; Section 4(f) of the United States Department of Transportation Act (49 USC §303) and the FHWA/FTA/FRA joint implementing regulations (23 CFR Part 774); and related laws, and to document its own decision-making under NEPA, FRA adopted FTA's EA (May 2021) and is adopting and incorporating by reference FTA's September 24, 2021 FONSI for the PSA Project. FTA's FONSI is included as **Attachment A** to this document.

Information about the PSA Project, including the FTA-led EA and subsequent FONSI, is available at <https://pennstationaccess.info/>.

Figure Error! No text of specified style in document. PSA Project Study Area from the EA



Source: WSP, 2021

SELECTED ALTERNATIVE

As described in Section 2.2 of the EA, MTA developed several track alignment options that would fit within the existing railroad ROW. Important design considerations for the track layout included minimizing cost and impacts on other existing infrastructure (e.g., catenary and bridges), minimizing future operational impacts to both Amtrak intercity passenger service and Metro-North commuter service, maintaining consistency with NEC FUTURE¹, and maximizing efficient constructability to have fewest impacts on existing operations during construction.

To determine any potential adverse impacts on the human and natural environment, MTA compared future conditions with the PSA Project to a No Action Alternative. The No Action Alternative defined the future baseline condition in 2025 in the Study Area for comparison to conditions with the PSA Project. Under the No Build Alternative, Metro-North service would not be provided to PSNY and infrastructure improvements to the HGL Corridor would not be constructed.

MTA's Selected Alternative for the PSA Project is the Build Alternative described in further detail in Section 4.2 of the EA. The PSA Project is the 3+4 alignment option, which would consist of three passenger tracks past the Hunts Point station and four passenger tracks past the Parkchester-Van Nest, Morris Park and Co-op City stations. As engineering design and operations analyses advance, MTA may refine the PSA Project alignment. However, the additional refinements are unlikely to result in different environmental impacts from the 3+4 option analyzed in the EA because in any configuration the trackwork and station construction would occur within the existing ROW. Further, because the proposed service levels for all options would be the same, the forecast ridership and the train operating power requirements would remain consistent. Lastly, the impacts associated with power system construction would be identical for any refinement of the Build Alternative.

The following is a list of the key PSA Project elements, which would be primarily located within the existing HGL Corridor:

- 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.
- Replacement of 210 catenary structures (subject of the FY19 FRA-administered Partnership grant to MTA)

The potential of the PSA Project to result in impacts to the human and natural environment is discussed in Sections 3.0 to 20.0 of the EA and in FTA's FONSI. The PSA Project would result in a small number of

¹ NEC FUTURE was an FRA-led program to work with stakeholders in the Northeast Corridor to determine the appropriate role for rail in the transportation system of the region. In 2017, the FRA released a Record of Decision selecting a program of rail investments, service, and performance objectives to grow the Northeast Corridor. The FRA's NEC FUTURE program is a long-term vision meant to guide rail project implementation over the upcoming decades. For more information, see <https://www.fra.dot.gov/necfuture/>

adverse environmental impacts, none of which would be significant and all of which would be temporary or which MTA would mitigate. The full list of mitigation, minimization, and monitoring requirements for the PSA Project is included in Attachment E to FTA's September 24, 2021 FONSI. For any elements of the PSA Project funded by FRA, MTA (or another Project Sponsor/grantee that is the recipient of a grant(s) administered by FRA) will be required to implement all relevant commitments in FTA's FONSI and incorporated by reference into FRA's FONSI. This includes the requirement for MTA, in coordination with Amtrak, to perform operations analyses near completion of construction of the PSA Project to optimize Metro-North's service plan and to demonstrate there would be no impacts to intercity passenger rail service. Should these analyses find that planned operations of the Proposed 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. Additionally, should FRA-funded PSA Project elements undergo scope changes that meaningfully differ from the PSA Project evaluated in FTA's EA, FRA would need to perform a re-evaluation or prepare a supplemental EA/FONSI, as appropriate.

DETERMINATIONS AND FINDINGS UNDER OTHER LAWS

Section 106 of the National Historic Preservation Act of 1966

FTA and FRA reviewed the PSA Project in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations (36 CFR Part 800), which requires federal agencies to consider the impacts of their undertakings on historic properties. Section 106 requires the Lead Federal Agency (LFA) to identify historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) within a project's Area of Potential Effects (APE); assess effects to historic properties; avoid, minimize, or mitigate any adverse effects; and consult with the relevant State Historic Preservation Officer (SHPO) and other consulting parties throughout the Section 106 process.

Pursuant to the Section 106 regulations at 36 CFR 800.14(b), a Programmatic Agreement (PA) was executed among FTA, MTA, and the New York SHPO on September 24, 2021 to guide the continuance of the Section 106 process through the design and construction phases of the PSA Project and outline the conditions for resolution of adverse effects on historic architectural and archaeological resources. A copy of the executed PA is included as **Attachment B** to this document. On October 13, 2021, FRA requested that FTA Region 2 serve as the LFA for purposes of Section 106 compliance for the HGL Catenary Replacement Project because of its lead role for the related PSA Project, of which the catenary replacement is one of several key elements. Designation of a LFA is allowed under the Section 106 regulations at 36 CFR 800.2(a)(2). FTA agreed to FRA's request on October 28, 2021. FRA will continue to coordinate with FTA regarding future elements of the PSA Project to determine if it is appropriate for FTA to serve as the LFA for Section 106, if the PA should be amended to include FRA as a signatory, and/or if FRA is directly responsible as the LFA for Section 106 compliance for certain PSA Project elements.

Section 4(f) of the U.S. Department of Transportation Act of 1966

Section 4(f) of the USDOT Act of 1966 and the USDOT implementing regulations at 23 CFR Part 774 protect publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic sites, whether publicly or privately owned, from impacts from transportation uses. Section 4(f) prohibits a USDOT agency, including FTA and FRA, from approving a project that would use a Section 4(f) resource unless it determines there is no feasible and prudent alternative and the project incorporates all possible planning to minimize harm, or the impact to the resource is considered *de minimis* by the USDOT agency. Use of a Section 4(f) property

occurs: (1) when land is permanently incorporated into a transportation project; (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose; or (3) when there is a constructive use (i.e., a project's proximity impacts are so severe that the protected activities, features, or attributes of a Section 4(f)-protected property are substantially impaired).

Chapter 11 of the EA contains FTA's Draft Section 4(f) Evaluation, including an identification of all Section 4(f) properties in the PSA Project Study Area. As described in detail in its draft Section 4(f) Evaluation, FTA determined the PSA Project would have no use of the majority of Section 4(f) properties in the Study Area, and proposed to make a *de minimis* finding for the PSA Project's uses of Starlight Park and Pelham Bay and Split Rock Golf Courses/Pelham Bay Park. A description of the *de minimis* uses is provided below.

Starlight Park

Location: Sheridan Expressway, between East 174th Street, East 172nd Street, and Jennings Street

PSA Project Impacts: An existing fence separates the publicly accessible portion of Starlight Park from the railroad ROW. Permanent easements for two small areas (a total of 2,800 square feet) for signal equipment and retaining walls would not affect the activities, features, or attributes of the existing or planned publicly accessible portions of Starlight Park. A non-exclusive easement for access to and maintenance of signal equipment along the railroad ROW would not adversely change the activities, features or properties of the park.

Pelham Bay and Split Rock Golf Courses/Pelham Bay Park

Location: New England Thruway and Shore Road

PSA Project Impacts: Replacement or rehabilitation of the Pelham Lane Pathway Bridge within the railroad ROW and realignment of golf and bridle paths under the bridge would require permanent easements for two small areas adjacent to the Amtrak ROW to accommodate parts of the proposed wing walls for the bridge. The permanent easements would not affect the activities, features, or attributes of the existing publicly accessible portions of Pelham Bay Park and the two golf courses.

The NYC Department of Parks and Recreation concurred with FTA's proposed *de minimis* findings in a letter dated September 1, 2021. Agencies and the public were afforded an opportunity to review and comment on the effects of the PSA Project on Section 4(f)-protected properties as part of the public comment period for the EA and draft Section 4(f) Evaluation between May 18 – July 3, 2021.

CONCLUSION

FRA has carefully considered the PSA Project record, including the EA and associated technical reports and analysis and FTA's FONSI; FTA's draft Section 4(f) evaluation prepared and circulated as part of the EA; the required mitigation specified in **Attachment A** of this FONSI and the stipulations in the Section 106 PA (**Attachment B**); and the written and oral comments offered by agencies, stakeholders, and the public on this record.

Based on this consideration, FRA has determined the PSA Project, inclusive of individual elements that are or may be funded by grants administered by FRA, as presented and assessed in the EA satisfies the requirements of NEPA (42 U.S.C. §§ 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500-1508), and the FHWA/FTA/FRA joint regulations implementing NEPA (23 CFR Part 771), and would have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in FTA's FONSI and adopted by FRA in this FONSI. FRA, relying on FTA's evaluation, has also satisfied requirements under Section 4(f) of the USDOT Act. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the PSA Project as presented.

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