

## **22. Public Participation and Agency Coordination**

This chapter summarizes the public participation and agency coordination process and activities the Metropolitan Transportation Authority (MTA) conducted during environmental review of the Proposed Project. Section 22.8, provides methods for accessing this environmental assessment (EA) for review.

### **22.1 METHODOLOGY AND PROCESS**

An EA is prepared pursuant to the National Environmental Policy Act (NEPA) to evaluate and document whether a proposed project that would receive federal funds and/or require federal approval(s) would result in significant social, economic, and/or environmental impacts. If the EA analyses determine that a proposed project would not result in any significant adverse impact, the lead federal agency—FTA for this EA—issues a Finding of No Significant Impact. If the EA analyses conclude that a proposed project would result in a significant adverse impact, an environmental impact statement (EIS) must be prepared to further evaluate and document the anticipated impacts and potential mitigation measures.

Because the EA is an environmental disclosure document, it is provided for public and agency review and comment. Concurrent with the publication of this EA, MTA has posted a notice on its website, published ads in local newspapers (Metro US, Bronx Times, El Diario), issued an email to Project stakeholders, and posted printed flyers. The notices advised the public that the EA is available, how to view the EA, and how comments may be submitted. Due to the COVID-19 pandemic and restrictions on public gatherings (Executive Order 202.94), the Federal Transit Administration (FTA) and MTA will hold a virtual public meeting to allow for public comment. Meeting materials have been translated into Spanish, which is the predominant language other than English that residents of the Proposed Project study area speak at home. In addition, Spanish translations, communication access real-time translation (CART) captioning, and American Sign Language services will be made available at the public meeting.

MTA will post meeting materials on the MTA website for those unable to attend the virtual public meeting. Public and agency comments must be provided within 45 days of the date that the EA is made available to the public. Following the close of the comment period, FTA, in consultation with MTA, will respond to any comments received before proceeding with a NEPA determination.

### **22.2 PUBLIC PARTICIPATION**

As stated in Chapter 1 “Background and Purpose and Need,” Metro-North held outreach meetings throughout the Metro-North service area beginning in 1999 regarding the previous Penn Station Access (PSA) project from which the current Proposed Project is derived. In 1999, Metro-North initiated the PSA Major Investment Study/Draft EIS to evaluate options for improving access between Penn Station New York (PSNY) and the Harlem Line, Hudson Line, and New Haven Line (NHL). FTA published a Notice of Intent in September 1999 and the Final Scoping Document was issued in November 2000. Between 2002 and 2009, Metro-North continued PSA project planning and environmental review. In 2007, based on meetings with FTA and various project stakeholders, Metro-North and FTA agreed that a preparation of an EA to comply with NEPA was



appropriate. The PSA project planning effort included coordination and operational planning with the current rail operators in PSNY—Amtrak, Long Island Rail Road (LIRR), and NJ TRANSIT—to understand the operational opportunities and issues for bringing Metro-North service into PSNY.

Public outreach for the Proposed Project was initiated in November 2011, when Metro-North met with the Bronx Borough President's office to discuss the Proposed Project and local interest in the proposed commuter-rail service and four new Metro-North stations in the eastern Bronx. Metro-North also met with other key elected officials and stakeholders representing community and business constituencies 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). Co-hosted by the Bronx Borough President, the meetings provided information about the Proposed Project, including the new stations proposed to be constructed in each of the communities. At the Parkchester-Van Nest and Morris Park meetings, Metro-North was joined by the NYC Department of City Planning (NYCDCP), which presented information about its *Bronx Sustainable Communities Study*. Among other initiatives, the study identified potential opportunities for transit-oriented development near the proposed Parkchester-Van Nest and Morris Park Stations. Following the meetings, Metro-North provided written responses to comments received from meeting attendees. Metro-North also provided written responses to comments received via other means during the current EA process.

The MTA's website on Penn Station Access (<http://web.mta.info/mta/planning/psas/>), which was created during the early PSA planning stages, has been updated throughout the environmental review process. MTA distributed a PSA Environmental Review fact sheet at the fall 2012 public information meetings and mailed to the mailing list of elected officials, agencies, interest groups, and members of the public. Updated PSA Environmental Review fact sheets were prepared in February 2014 and March 2018 for the Proposed Project. As the Proposed Project advanced, MTA developed a separate dedicated project website to keep the public and key stakeholders apprised of project developments (<https://pennstationaccess.info/>). MTA landing page also includes a link to the separate dedicated project website.

Since 2012, public participation efforts have continued. With MTA officially taking over delivery of the project in 2018, a more proactive community engagement effort has been initiated. To that end MTA has, over the course of 2018 and 2019 participated in multiple NYCDCP community open houses aimed at informing NYCDCP's Bronx/Metro-North study. Based on community input solicited at these open houses, NYCDCP is preparing a final report with recommendations on how to integrate the four new Americans with Disabilities Act-accessible Metro-North stations into the Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City neighborhoods.

Additionally, MTA Outreach Team launched a joint Bronx & Westchester Community Council, which the Bronx Borough President Ruben Diaz, Jr., and Westchester County Executive George Latimer co-chair. Key stakeholders who have a greater than one-to-one reach in each municipality make up the Bronx & Westchester Community Council, which allows the Proposed Project to reach a wider audience.

In fall 2019, MTA released a formal Request for Qualifications for design and construction services, hosted an informational session for contractors, and launched a new project website (<https://pennstationaccess.info/>). In February 2020, MTA identified a shortlist of contractors qualified to bid to design and build the Penn Station Access Project.



In 2020, the Outreach Team provided project updates to the offices of Bronx Borough President Ruben Diaz, Jr., Westchester County Executive George Latimer, the Bronx Borough Board, and all four Community Boards with jurisdiction over the proposed new station areas. 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. Presentations have been made to MTA Capital Program Oversight Committee. Table E-1 in Appendix E, “Agency Correspondence and Public Involvement,” lists the public participation meetings conducted to date.

MTA is committed to maintaining an open dialogue with all elected officials, community based organizations, stakeholders and the communities as the Proposed project advances.

As described above, once the EA is made available, MTA will hold a virtual public meeting to allow for public comment.

MTA is committed to implementing a robust community outreach program during the construction period. MTA and its contractors will use a blend of outreach techniques appropriate for the affected communities and the phase of construction. These measures may include items such as construction updates, newsletters, flyers and signage, Community Board briefings, and content for MTA’s website and social media platforms.

### **22.3 AGENCY COORDINATION**

As discussed in this EA and in the technical reports comprising its appendices, MTA consulted federal, state, and local agencies and other pertinent entities as part of the environmental review process. 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, 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 addition, the Federal Railroad Administration was consulted as a cooperating agency and steward of the Northeast Corridor. Appendix E provides a summary table of the agency correspondence that was performed in 2013 as well as updated correspondence that was conducted as part of this EA.

A wetland delineation was conducted in March and April 2020. On May 6, 2020, MTA held a permit pre-application meeting with U.S. Army Corps of Engineers regarding a Wetland Permit Application, which has since been submitted. MTA responded to initial comments from U.S. Army Corps of Engineers and continued consultation during the permit review process. Any required permits, along with a wetland mitigation plan, must be approved prior to construction that would affect wetlands. MTA will continue to coordinate closely with the U.S. Army Corps of Engineers, U.S. Coast Guard, and New York State Department of Environmental Conservation during the permitting process.



Since 2013, Metro-North in coordination with MTA has held working group meetings with agencies under three overall topic areas:

- Operations and Power Simulation
- Travel Demand Forecasting
- Conceptual Engineering

In all cases, Amtrak, Connecticut Department of Transportation, LIRR, and MTA Planning were involved in these meetings.

## **22.4 STAKEHOLDER COORDINATION**

MTA conducted numerous stakeholder meetings with various agencies and organizations to discuss the overall Proposed Project and progress as well as specific designs, issues, and technical studies. Table E-2 in Appendix E, “Agency Correspondence and Public Involvement” presents a summary of the meetings that took place between March and November 2019.

Throughout the Proposed Project planning phase, MTA conducted various working groups to review technical analyses that cover the following:

- Operations Simulations
- Power Simulations
- Travel Demand Forecasting
- Station Area Planning, Transit Oriented Development, and Value Creation

The first three groups comprised Metro-North, MTA, Amtrak, the LIRR, and the Connecticut Department of Transportation while the last group included Metro-North, MTA, MTA Headquarters Real Estate, MTA Headquarters Planning, and Amtrak. Table E-3 in Appendix E provides a summary of the meeting dates and details.

MTA continues to coordinate with Amtrak and CSX regarding the proposed track alignment, including freight operation requirements along the Hell Gate Line (HGL) Corridor.

## **22.5 STAKEHOLDER AGREEMENTS**

Several agreements have been executed between MTA, Metro-North, and other involved parties. To date, a Planning Process and Expense Agreement, a Memorandum of Understanding, and a Preliminary Design Phase Agreement have been executed. These agreements are summarized below and copies are included in Appendix E, “Agency Correspondence and Public Involvement.” MTA anticipates that additional agreements will also be executed for subsequent phases of the Proposed Project; these include a Design-Build Phase Agreement (prior to notice to proceed), an Operational Agreement (prior to start of operations), and others as required.

### 22.5.1 Planning Process and Expense Agreement

A Planning Process and Expense Agreement between Amtrak, MTA, Metro-North, and the LIRR was executed on September 1, 2015, and extended by letter agreement dated December 19, 2017 (copy is included in Appendix E). This agreement outlines the terms related to the Penn Station Access project development and NEPA phase. This agreement ensures that MTA will determine the feasibility of the Proposed Project and develop appropriate information for the parties to use in advancing the Proposed Project. This agreement establishes that Amtrak, MTA, Metro-North, and the LIRR work cooperatively on the conceptual planning of Penn Station Access. In addition, the agreement sets forth parameters related to NEPA analysis, design requirements, service plans, and reimbursement.

### 22.5.2 Memorandum of Understanding

A Memorandum of Understanding (MOU) between Amtrak, MTA, and Metro-North was executed on February 11, 2019 (copy is included in Appendix E). The MOU lays out the terms related to the Metro-North service design, construction, and operation of on the existing HGL Corridor between New Rochelle, NY, and Penn Station New York (PSNY). In addition, the MOU lays out the following (specific to Metro-North commuter service on the HGL):

- Required environmental review of project actions
- Terms of usage of Amtrak infrastructure
- Services and/or real estate needed for the operation of service
- Other improvements of the HGL Corridor to permit operation

### 22.5.3 Preliminary Design Phase Agreement

A Preliminary Design Phase Agreement between MTA and Amtrak was executed on August 14, 2019 (copy is included in Appendix E). This agreement outlines the terms related to the Penn Station Access preliminary design phase and establishes that the Proposed Project will be implemented as a design-build project provided that the process:

- Delivers track, signal, electric traction, and communications systems that achieve current or improved levels of reliability
- Is fully compatible with Amtrak's existing systems
- Is in compliance with Amtrak and federal regulatory requirements
- Does not burden Amtrak with special maintenance or operating costs or obligations

All parties agree that a separate Design-Build Phase Agreement will be necessary at the appropriate time. The Preliminary Design Phase Agreement lays out the following:

- Obligations for each responsible party to provide design drawings to Amtrak at appropriate intervals
- Amtrak's right of review and approval of design drawings and timing for such review and approval
- Reimbursement to Amtrak for costs and services provided during the design phase
- Insurance, indemnity and liability requirements for the Proposed Project, general engineering consultant and any other persons requiring access to Amtrak property during the design phase



## 22.6 ENVIRONMENTAL JUSTICE

Pursuant to Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), federal agencies are required to identify and address disproportionately high and adverse effects of their actions on minority or low-income populations who lie within the study area for a proposed project. In addition, Executive Order 12898 requires federal agencies to provide minority and low-income communities with access to public information and public participation. The Proposed Project study area includes environmental justice communities, so MTA has targeted outreach efforts to reach these communities. As described above, once the EA is made available, MTA will hold a virtual public meeting to allow for public comment. MTA will translate project meeting materials into Spanish, which is the predominant language other than English that residents of the study area speak at home, and will provide translation services at public meetings, as appropriate. Efforts have been made to post flyers in multiple environmental justice communities, in both English and Spanish, announcing the public meeting and the availability of the EA. In addition, Spanish translations, CART captioning, and American Sign Language services are being made available at the public meeting.

Due to the COVID-19 pandemic, local repositories have declined to host hard copies of the EA. Therefore, flash drives of the entire EA and/or a paper copy of the Executive Summary of the EA are available upon request. Spanish translations of the Executive Summary are also available upon request. Hard copies of the EA (with appendices on flash drive) are available for purchase by emailing [PSAOutreach@mtacd.org](mailto:PSAOutreach@mtacd.org). For those who do not want to purchase a copy of the EA or who do not have computer access, a hard copy of the EA may be viewed in-person at designated locations in the Bronx by appointment only during the public comment period. The location and instructions for calling to make an appointment are provided in the meeting notices.

As described in Section 22.2, “Public Participation,” MTA will conduct a robust community outreach effort during the construction period.

## 22.7 CONTACT INFORMATION

The public can submit written comments by mail, email ([PSAOutreach@mtacd.org](mailto:PSAOutreach@mtacd.org)), or via the Proposed Project’s website (<https://pennstationaccess.info/>). The comment period begins with publication of the EA and continues until July 3, 2021. For further information, please contact:

### **MTA Government & Community Relations**

Re: Penn Station Access EA

2 Broadway, D17.140

New York, NY 10004



## **22.8 METHODS FOR VIEWING ENVIRONMENTAL ASSESSMENT**

The EA may be downloaded from or reviewed on the Proposed Project website (<https://pennstationaccess.info/>). Due to the COVID-19 pandemic, local repositories have declined to host hard copies of the EA. Therefore, flash drives of the entire EA and/or a paper copy of the Executive Summary of the EA are available at no charge upon request. Spanish translations of the Executive Summary are also available upon request. Hard copies of the EA (with appendices on flash drive) are available for purchase by emailing [PSAOutreach@mtacd.org](mailto:PSAOutreach@mtacd.org). For those who do not want to purchase a copy of the EA or who do not have computer access, a hard copy of the EA may be viewed in-person at designated locations in the Bronx by appointment only during the public comment period. The location and instructions for calling to make an appointment are provided in the meeting notices.

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