

A. INTRODUCTION

The development of any mass transportation improvement using federal aid must comply with project development procedures and other policy guidance established by federal legislation and Federal Transit Administration (FTA) implementing regulations. This chapter presents a summary of the planning and decision-making that has been performed to date on the East Side Access Project. In addition, the extensive public outreach program that was initiated during the Major Investment Study (MIS) for the Long Island Transportation Corridor, and expanded on during the preparation of the Environmental Impact Statement (EIS), is described, as is the extensive coordination that has occurred with various involved local, state, regional, and federal agencies. Finally, the chapter lists the various permits and approvals required from federal and state agencies to construct and operate the East Side Access Project.

B. PROCESS AND DECISION-MAKING TO DATE

This *Final Environmental Impact Statement (FEIS)* is prepared in accordance with the regulations of the National Environmental Policy Act of 1969 (NEPA). NEPA requires federal agencies to evaluate the environmental consequences of proposed actions and their alternatives, to identify measures to mitigate any significant adverse impacts, and to conduct the entire process in coordination with other agencies and the public. In compliance with the requirements of NEPA, the FTA cannot approve or fund the East Side Access Project's construction until the environmental review process is complete.

The analysis of the East Side Access Project's environmental effects began in 1995, concurrent with the preparation of the MIS. The Notice of Intent was published and the public scoping process was performed. Three public scoping meetings were held in July 1995 to satisfy NEPA requirements for the MIS/Draft Environmental Impact Statement (DEIS) process. The MIS was conducted pursuant to the transportation planning procedures established under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That statute required the preparation of an MIS in connection with an application for federal funding of capital projects for mass transportation systems. The MIS was prepared to evaluate the effectiveness of a wide range of alternative investments or strategies to attain the transportation goals for the Long Island Transportation Corridor that are presented in Chapter 1, "Project Purpose and Need." The alternative development and evaluation process and results are summarized in Chapter 2, "Project Alternatives."

As a result of the MIS process, the New York Metropolitan Transportation Council (NYMTC) selected a locally preferred alternative on June 25, 1998 (Resolution No. 94A). Conceptual engineering was then undertaken for the locally preferred alternative, i.e., the Preferred Alternative evaluated in this EIS that would provide LIRR service through Sunnyside to GCT via the lower level of the 63rd Street Tunnel. As part of the engineering effort, engineering options were developed for the Preferred Alternative and are evaluated in this document. In accordance with

NEPA, this EIS also evaluates the environmental consequences of the No Action Alternative and a Transportation Systems Management (TSM) Alternative.

The project has included an extensive public outreach program, initiated during the MIS phase and continuing throughout the DEIS and FEIS phases. As detailed below in section C, this has included dozens of meetings with community boards, the public, local and regional organizations, a project Technical Advisory Committee (TAC) and Citizens' Advisory Committee (CAC), and interested governmental agencies.

Public review of the DEIS began on May 17, 2000, when it was published and distributed. Notice of the availability of the DEIS and the date of the public hearing was published in the Federal Register on May 26, 2000. The DEIS was circulated to involved and interested agencies and other interested parties, including elected officials and community groups in areas affected by the project. Copies were made available at a wide range of viewing locations throughout the project area. In addition, postcards indicating that the DEIS was available and that the public hearing would be held were circulated to some 5,000 businesses and households along or within the vicinity of the proposed tunnels in Manhattan. The Metropolitan Transportation Authority (MTA) held a public hearing on June 15, 2000 at 347 Madison Avenue, fifth floor boardroom. The public comment period was held open until July 12, 2000, and comments were also accepted after the close of the comment period through December 1, 2000. To advertise the public hearing, MTA published notices in newspapers of general circulation as well as community and minority newspapers throughout the area. These included Newsday, The Journal News, Connecticut Post, Yankee Trader, The Queens Chronicle, The Amsterdam News, and El Diario-La Prensa. MTA also posted advertisements for the hearing in MTA commuter railroad stations and performed seat drops with notice of the hearing on both LIRR and Metro-North commuter trains.

This FEIS for the proposed action was prepared after receipt and evaluation of comments on the DEIS. The FEIS identifies the comments received and provides responses in a new chapter, Chapter 28, "Comments and Responses." A Record of Decision (ROD) will be prepared by FTA after its review of the FEIS, stating their determination on project funding and implementation. Consistent with NEPA requirements, the ROD will be prepared no earlier than 30 days after publication of a Notice of Availability of the FEIS in the Federal Register.

C. PUBLIC AND AGENCY PARTICIPATION PROGRAM

The East Side Access Project has the potential to affect a diverse set of stakeholders, including LIRR commuters who live on Long Island and work in Manhattan, residents and employees who live and work near the project route in Manhattan and Queens, commuters in Connecticut and the northern suburbs of New York who take Metro-North Railroad to Grand Central Terminal (GCT), and Amtrak and New Jersey Transit (NJ Transit) passengers who travel into and out of Penn Station. As such, the public participation initiative for this project includes a variety of outreach tools, combining formal elements such as public meetings, community board presentations, and advisory committee meetings with informal components like fact sheets, seat drops, and one-on-one meetings. Meetings continue to be held throughout the study area in New York City (Manhattan, Brooklyn, and Queens), Nassau and Suffolk Counties, and the Metro-North service area in the northern suburbs of New York and Connecticut.

This public participation effort is being performed in compliance with the guidelines of ISTEA, the Transportation Equity Act for the 21st Century (TEA-21), the National Environmental Policy Act of 1969 (NEPA), Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”), and other public outreach guidelines, including those of the NYMTC. In accordance with federal guidelines, this public outreach program included early, proactive, ongoing, and customized outreach and participation.

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

A Comprehensive Communications and Coordination Plan (CCCP) was developed to guide the project’s public participation program (see *Appendix H*). The components of the plan include presentations and meetings for interested parties, presentations and question and answer sessions at community board meetings in New York City, general information meetings for the public, presentations and meetings with transit organizations, technical and citizens advisory committee meetings, meetings with relevant regulatory and environmental agencies, public hearings on the DEIS, and printed materials (fact sheets, brochures, etc.).

The public and agency outreach program includes many different components. Elements include:

- Coordination with affected community boards;
- Public information meetings advertised via local newspapers, seat drops on MNR and LIRR, and a 300-person project mailing;
- Small group meetings and presentations to interested organizations;
- Regular meetings of a 55-member TAC;
- Regular meetings of a 200-person CAC;
- Targeted outreach to those who live in the immediate project area in Manhattan and Queens, which includes a 5,000-person mailing list; and
- Hundreds of ongoing working meetings with affected operating agencies such as Amtrak, MNR, and NYCT.

The program has *been aimed at* major planning boards, government organizations (federal, state, and local), elected officials, and transportation and environmental groups throughout New York City; Long Island; Westchester, Putnam, and Dutchess Counties; and New Jersey. A listing of the public meetings held to date is provided below, along with a description of the different components of the outreach program.

During the public comment period on the DEIS, more than 300 comments were received from residents and elected officials of municipalities in Nassau and Suffolk Counties, particularly Greenlawn, Babylon, and Riverhead, with respect to the analyses of new nighttime storage yards on Long Island that would be required to accommodate the Long

Island Rail Road's expanded fleet. These comments were in opposition to selection of yard sites in Greenlawn (Hazeltine), Babylon, and Riverhead. Many commenters also requested greater public review and involvement in the site selection process for new storage yards. Some commenters requested additional time for public comment on the DEIS. In response to this request, all comments received through December 1, 2000 were included in the FEIS (see Chapter 28). The text in the FEIS has been clarified with respect to the yard sites. This is discussed in detail in Chapter 2, "Project Alternatives."

Other comments received were generally supportive of the East Side Access Project, particularly with Option 2 of the Manhattan alignment.

COMMUNITY BOARD COORDINATION

The New York City community boards in the project area have provided the project team with valuable input on key environmental concerns. Presentations have been held with the transportation committees and full boards to review both the environmental studies conducted and the conceptual design for the project, and to generate support for the project. Table 23-1 lists the community board presentations made from completion of the MIS through publication of the *FEIS*. Presentations will continue through the duration of the project.

PUBLIC INFORMATION MEETINGS

General public information meetings are held at project milestones, to update the public on project progress. In advance of meetings, notices are sent to all persons and agencies on the project mailing lists, advertisements are placed in local and regional newspapers, posters are placed in Metro-North Railroad and LIRR stations, and seat drops are made in trains.

During the past year, two sets of these general meetings have been held in Manhattan, Queens, and Nassau and Suffolk Counties. One set of meetings was held in Westchester County and Connecticut. Table 23-2 lists the public information meetings. These meetings will continue throughout the EIS process.

SMALL GROUP MEETINGS AND PRESENTATIONS

The public outreach effort has built in opportunities to provide information and respond to concerns or comments expressed by local and regional organizations, through individually tailored, small group presentations. These presentations will continue throughout the EIS process and into final design and construction. Table 23-3 lists the presentations made through the publication of the *FEIS*.

TECHNICAL ADVISORY COMMITTEE (TAC)

The TAC includes 55 members, consisting of representatives of federal, state, and local transportation, environmental, and planning agencies; municipal officials; and the local metropolitan planning organization. TAC members serve as the technical review group for the environmental studies as well as liaisons to their respective organizations, sharing updates and pertinent information. Meetings have been held on a continuing basis throughout the project, beginning at the start of the project's MIS phase, with regular involvement by most TAC members. Many TAC members have also participated in other meetings, such as the regulatory agency group (discussed below), or met individually with the project team to discuss specific technical issues. Table 23-4 lists the TAC meetings held prior to the *FEIS* publication. Additional meetings will be held through the duration of the project.

**Table 23-1
Community Board Presentations**

Date	Organization	Discussion Topic
4/7/99	Queens Community Board 2, Full Board	Project overview and status; upcoming activities
4/12/99	Queens Community Board 7, Public Hearing	Project overview and status; upcoming activities
4/27/99	Brooklyn Community Board 8, Transportation Committee	Project overview and status; upcoming activities
5/3/99	Queens Community Board 11, Full Board	Project overview and status; upcoming activities
5/4/99	Queens Community Board 4, Full Board	Project overview and status; upcoming activities
5/13/99	Manhattan Community Board 5, Full Board	Project overview and status; upcoming activities
6/2/99	Manhattan Community Board 5, Transportation Committee	Project overview and status; upcoming activities
7/21/99	Manhattan Community Board 8, Full Board	Project overview and status; upcoming activities
9/13/99	Manhattan Community Board 6, Transportation Committee	Project overview and status; upcoming activities
9/14/99	Manhattan Community Board 4, Transportation Committee	Project overview and status; upcoming activities
10/13/99	Manhattan Community Board 6, Full Board	Project status; service to be provided
11/1/99	Manhattan Community Board 6, Transportation Committee	Project status; upcoming activities, ridership forecasts
2/2/00	Manhattan Community Board 5, Transportation Committee	Options 1 and 2; LIRR passenger areas in GCT
2/7/00	Manhattan Community Board 6, Transportation Committee	Options 1 and 2; LIRR passenger areas in GCT
2/8/00	Queens Community Board 2, Transportation Committee	Project update; activity in Sunnyside Yard and surrounding area; proposed Sunnyside station
2/15/00	Manhattan Community Board 8, Transportation Committee	Options 1 and 2
2/16/00	Manhattan Community Board 4, Transportation Committee	Project update; Options 1 and 2
2/28/00	Queens Community Board 1, Transportation Committee	Project update; activity in Sunnyside Yard and surrounding area; proposed Sunnyside station
2/29/00	Queens Community Board 5, Transportation Committee	Project update; activity in Sunnyside Yard and surrounding area; activity at New York & Atlantic freight yards; proposed Sunnyside station
6/13/00	Queens Community Board 2	DEIS briefing

Note: Does not include 10 community board presentations held during the MIS phase.

**Table 23-2
Public Information Meetings**

Date	Location	Discussion Topic
5/18/99	Manhattan	Project status, environmental studies
5/19/99	Queens	Project status, environmental studies
5/25/99	Nassau County	Project status, environmental studies
6/7/99	Connecticut	Project status, environmental studies
6/8/99	Suffolk County	Project status, environmental studies
6/14/99	Westchester County	Project status, environmental studies
11/3/99	Manhattan	Tunnel alignments, GCT entrances
11/9/99	Nassau County	Tunnel alignments, GCT entrances
11/10/99	Suffolk County	Tunnel alignments, GCT entrances
11/17/99	Queens	Tunnel alignments, GCT entrances
3/7/00	Manhattan	Project update, Manhattan and Queens activities

Note: Does not include seven public information meetings held during the MIS phase.

Table 23-3

Small Group Meetings and Presentations

Date	Organization	Discussion Topic
2/4/99	Metropolitan Railroad Club	Project overview and status
2/9/99	American Society of Civil Engineers	Project overview and status
3/2/99	Permanent Citizens Advisory Committee to the MTA	Project overview and status
4/22/99	Society of Professional Engineers	Project overview and status
5/13/99	Women's Transportation Seminar, Greater NY Chapter	Project overview and status
5/26/99	ASCE Panel Discussion on Tunneling	Tunneling
10/5/99	New York University, Wagner Graduate School of Public Policy	Project overview and status
2/15/00	Connecticut Metro-North New Haven Commuter Council	Project update and Grand Central Terminal activity
2/15/00	Connecticut Metro-North New Haven Commuter Council	Project update and Grand Central Terminal activity
3/30/00	NYC Building Congress	Project briefing
4/10/00	American Public Transit Association (APTA)	Project briefing
4/17/00	American Planning Association	Project briefing
5/10/00	Commercial Real Estate Women	Project briefing
5/17/00	Women's Transportation Seminar	Project talk and tour
11/28/00	Association of the Bar of the City of New York – Transportation Committee	Project briefing
12/19/00	American Society of Professional Estimators – New Jersey Chapter	Project briefing
Note: Does not include approximately 35 small group meetings, presentations, or tours held during the MIS phase.		

Table 23-4

Technical Advisory Committee Meetings

Date	Discussion Topic
1/28/99	Project overview, Draft EIS work plan, CCCP
4/14/99	Project status, environmental studies update
6/29/99	Project status, tunneling techniques
10/14/99	Alignment alternatives, Grand Central Terminal entrances and exits
12/15/99	Options 1 and 2, LIRR passenger areas in GCT, noise and vibration, traffic and transportation
Note: Does not include the 12 TAC meetings held during the MIS Phase.	

CITIZENS' ADVISORY COMMITTEE (CAC)

A CAC was established to obtain a broad base of community input, formalized via regular meetings. The CAC includes approximately 200 members from affected community boards; representatives of environmental, civic, public interest, and transportation advocacy groups; members of business, labor, real estate, and economic development organizations; staff from organizations representing underserved populations and persons with specialized transportation

needs; and other interested parties. The CAC was established by drawing on members of the CAC set up for the MIS phase of East Side Access, supplemented by additional interested parties. The CAC served as both a sounding board for the review of project issues and as the primary liaison between organizations interested in the project and the project team. Table 23-5 details the CAC meetings held through the *publication of the FEIS*. Additional meetings will be held throughout the duration of the project.

**Table 23-5
Citizens' Advisory Committee Meetings**

Date	Discussion Topic
2/4/99	Project overview, Draft EIS work plan, CCCP
4/21/99	Project status, environmental studies update
6/30/99	Project status, tunneling techniques
10/26/99	Alignment alternatives, Grand Central Terminal entrances and exits
Note: Does not include the 12 CAC meetings and tours held during the MIS phase.	

TARGETED OUTREACH

Because of the specific construction concerns along the proposed Manhattan and Queens tunnel alignments, the MTA/LIRR East Side Access project team has held a series of meetings to communicate with residents, workers, and building owners in this area.

These meetings allowed the project team to address the concerns of each group of stakeholders (commercial and residential building owners, commercial and residential building managers, commercial tenants, residential tenants, homeowners) with information tailored to their specific concerns. Each meeting included an overview of the project and the environmental studies being conducted, and also focused on the potential construction and operational impacts within specific geographic areas along the alignment. Table 23-6 lists the meetings held or scheduled to date.

RAIL AND TRANSIT COORDINATION

Coordination efforts with the affected operating agencies have focused on reviewing methodologies for environmental and engineering studies, providing updates on the environmental analyses and design, and developing consensus on ways to minimize adverse impacts to rail and transit operations. Efforts have included establishing Rail and Transit Working Committees and a Public Agency Task Force, and Technical Working Group meetings to resolve technical issues and formally adopt plan elements. A full list of the meetings held to date is provided in the appendix.

**Table 23-6
Targeted Outreach**

Meeting Date	Group	Topic
November 3, 1999	521 Park Avenue Co-op Board	Project Impacts
November 17, 1999	525 Park Avenue Co-op Board	Project Impacts
December 15, 1999	Racquet & Tennis Club	Project Impacts
December 29, 1999	410 Park Avenue	Project Impacts
December 20, 1999	47 East 44th Street	Building Acquisition
January 27, 2000	The Yale Club	Project Impacts
February 1, 2000	Lever House	Project Impacts
February 1, 2000	400 Park Avenue	Project Impacts
March 14, 2000	The Waldorf Astoria	Project Impacts
March 2, 2000	<i>Residents near Manhattan Alignment</i>	Project Impacts
March 6, 2000	General Motors Facility, Queens	Temporary Acquisition
March 7, 2000	<i>Businesses near Manhattan Alignment</i>	Project Impacts
March 9, 2000	<i>Residents near Manhattan Alignment</i>	Project Impacts
March 27, 2000	Congressman Crowley	Project Briefing
April 13, 2000	Newcomers High School	Construction Impacts and Mitigation
April 19, 2000	245 Park Avenue Owner	Project Impacts
May 19, 2000	245 Park Avenue Owner	Project Impacts
May 24, 2000	335 Madison Avenue Owner	Project Impacts
May 31, 2000	280 Park Avenue Owner	Project Impacts
June 7, 2000	347 Madison Avenue	Project Impacts
To be scheduled	Saint Bartholomew's Church	Project Impacts
To be scheduled	3856-3864 43rd Street	Project Impacts
To be scheduled	39-15 – 29-35 Skillman Avenue	Project Impacts

RAIL AND TRANSIT WORKING COMMITTEES

Rail and Transit Working Committees were formed with each of the following agencies:

- LIRR
- Metro-North Railroad
- New York City Transit
- Amtrak
- NJ Transit
- New York & Atlantic Railway

Through these working committees, a network of liaisons between project team members and technically knowledgeable agency personnel was established. Meetings on technical issues and site visits have been held on an as-needed basis, arranged through the project/agency liaisons. The Working Committees also meet each month to evaluate conceptual design, resolve issues and review progress made on the project. Technical Working Groups were also formed to resolve technical issues and formally adopt plan elements. These groups meet regularly and are made up of experts from engineering, signals and communications, operations, and planning departments from each of the railroads.

PUBLIC AFFAIRS TASK FORCE

A Public Affairs Task Force (PATF) was created to include representatives from affected rail and transit agencies. The PATF has served as a resource for review of public outreach materials, coordination of meeting dates, and distribution of meeting notices (posters and seat drops). Members of the PATF include representatives from the Metropolitan Transportation Authority, Metro-North Railroad, Long Island Rail Road, New York City Transit, NJ Transit, and Amtrak. Meetings have been held throughout the course of the environmental review phase.

D. ENVIRONMENTAL AND REGULATORY AGENCIES

Environmental and other regulatory agencies met in January 1999 to review the scope of the studies prepared for this EIS. Meetings were held with the New York City Department of Transportation to coordinate the proposed bridge reconstruction projects at Queens Boulevard and Honeywell Street. Meetings with the Queens Office of the New York City Department of City Planning were held to review plans for the new Sunnyside station. These meetings focused on the station's role in encouraging business growth in the Long Island City area in conjunction with commercial development as part of rezoning initiatives in the area. The project team has also coordinated extensively with staff at the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has accompanied project team members on site visits to the areas of proposed construction activities and will continue to be consulted frequently on various environmental aspects of the project. The project has also been involved in ongoing coordination with the State Historic Preservation Office (SHPO) at the New York State Office of Parks, Recreation and Historic Preservation. SHPO has concurred with the methodologies that were followed for the historic and archaeological resource assessments, and has reviewed and commented on the results of those studies.

Public and agency outreach activities are scheduled throughout the EIS and design phase of the project. Emphasis will continue to be placed on creating dynamic open forums for the discussion of issues and exchange of information about the project.

E. PERMITS AND REGULATORY APPROVALS

The environmental permits and regulatory approvals required to construct and operate the East Side Access Project are described below. The list below focuses on federal and state requirements, since the Public Authorities Law Section 1266(8) exempts MTA from local permit requirements.

FEDERAL

- Determination of conformity with the State Implementation Plan under the Clean Air Act Air Quality Conformity regulations (40 CFR Part 93).
- Determination of consistency with approved Local Waterfront Revitalization Plan for any work affecting the coastal zone. *The Preferred Alternative's project sites in the coastal zone include Blissville, Maspeth, and Highbridge Yards.*
- Completion of National Historic Preservation Act consultation process in connection with the effect of the project on historic resources.

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- Issuance of a Clean Water Act (CWA) Section 404 permit from the United States Army Corps of Engineers (ACOE) if the project will entail dredging or filling of wetlands. *This type of work could occur at Highbridge Yard.*
- Approvals from ACOE under Section 10 of the Rivers and Harbors Act for work in navigable waters, if any. Certain ACOE Nationwide Permits may cover this work. *This type of work could occur at Highbridge Yard.*
- Submission of a “notice of asbestos project” to the U.S. Environmental Protection Agency (EPA) for asbestos removal from Grand Central Terminal, and any other location where asbestos is to be removed in excess of the specified amount (40 CFR § 61.140 et seq.).

STATE

- MTA/LIRR Board approvals for any significant contracts or agreements.
- NYSDEC approvals and/or permits for activities relating to the remediation of oil or hazardous substances. *Compliance with the New York State Navigation Law (spill reporting and other requirements) may also be required if oil contamination is discovered during construction of the project.*
- NYSDEC approval to construct in Sunnyside Yard, a Class II Inactive Hazardous Waste disposal site.
- Demonstration that work performed in floodplains meets necessary criteria mandated by state law (6 NYCRR § 502). *Work in floodplains would occur at Harold Interlocking, Yard A/Arch Street Yard, Blissville Yard, and Highbridge Yard.*
- State Pollutant Discharge Elimination System (SPDES) permits from NYSDEC permit for stormwater discharges of industrial activity for the new maintenance and cleaning facilities at Highbridge Yard, Yard A/Arch Street Yard, and Fresh Pond Yard (ECL § 17-0808).
- SPDES Permit from NYSDEC for construction activities to minimize stormwater runoff effects at all surface construction sites (ECL § 17-0801 et seq.).
- NYSDEC dewatering permit for operation of well to withdraw water (6 NYCRR § 602).
- Consistency determination from New York State Department of State based upon consistency with Local Waterfront Revitalization Plan regarding Coastal Management Plan (to be transmitted by the State to the FTA).
- Notice of asbestos project to New York State Department of Labor (NYS DOL) prior to the removal of asbestos.
- Issuance of Findings and Determinations pursuant to New York Eminent Domain Law, after requisite notice and public hearings.
- Registration of petroleum storage tanks (6 NYCRR § 612), if any, and chemical storage tanks registration (6 NYCRR § 596.2), with NYSDEC for those required by the cleaning and maintenance facilities in Highbridge, Yard A/Arch Street, and Fresh Pond Yard.
- Water Quality Certification from NYSDEC in conjunction with issuance of ACOE Nationwide Permits, if any.

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