

CHAPTER 25: RESPONSES TO COMMENTS ON THE DEIS

25.1 INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) published in May 2004 for the Fulton Street Transit Center (FSTC). Public review for the DEIS began on May 14, 2004 with publication and distribution of the document. The Metropolitan Transportation Authority (MTA) held a public hearing on June 8, 2004 at 2 Broadway in Lower Manhattan to receive comments on the document. The public comment period remained open until June 28, 2004.

The DEIS was circulated to involved and interested agencies and other parties and posted on the MTA website, and notice of its availability and the public hearing were published in the *Federal Register* on May 14, 2004. To advertise the public hearing, MTA published notices in the *New York Post*, *El Diario*, *New York Daily News*, and *Amsterdam News*. In addition, information on the public hearing was posted on the MTA website, and a notice of public hearing and DEIS availability was mailed to all public officials and interested parties in the MTA service area. The notice was also mailed to building owners and tenants within affected properties. Signs announcing the hearing were posted throughout the Fulton Street-Broadway Nassau subway complex.

This chapter of the Final Environmental Impact State (FEIS) identifies the organizations and individuals who commented on the DEIS, and then summarizes and responds to their comments. It considers comments made at the public hearing on June 8, 2004, and received through June 28, 2004. Section 25.2 below lists all individuals and organizations that commented on the DEIS. Following each commenter's name in parentheses is a list of comments made, referenced by a comment code number. Section 25.3 contains a summary of all comments made and a response to each of those comments. The comment summaries convey the spirit of the comments made, but do not in all cases quote the comments verbatim. Copies of the public hearing transcript and comment letters received are included in Appendix P. In some cases, commenters at the public hearing submitted and read a letter into the record. Those commenters are identified in Section 25.2 below.

Comments are organized by subject area, as indicated in the list below. The corresponding chapter from the DEIS is indicated where applicable.

- DEIS process and public participation (Chapter 5)
- Purpose and need (Chapter 1)
- Alternatives (Chapter 3)
- Project support and opposition
- Project design and definition
- Construction methods and activities (Chapter 4)
- Traffic and Transportation (Chapter 6)
- Social and economic conditions (Chapter 7)
- Displacement and relocation (Chapter 10)
- Cultural resources (Chapter 11)
- Air quality (Chapter 12)
- Noise and vibration (Chapter 13)
- Contaminated materials and waste management (Chapter 16)
- Natural resources (Chapter 15)
- Coordinated Cumulative effects analysis (Chapter 20)
- EPC and mitigation
- Miscellaneous

Following each comment is a list in parentheses of people or organizations that made the comment. If multiple comments were made on the same subject, they are summarized into a single comment with all commenters listed afterward.

25.2 LIST OF COMMENTERS

RESOURCE AGENCIES

National Marine Fisheries Service (Comments *L12-A-1* through *L12-A-2*)

United States Department of the Interior (Comments *L22-A-1* through *L22-A-2*)

United States Environmental Protection Agency (Comments *L23-A-1* through *L23-A-10*)

The New York City Landmarks Preservation Commission (Comments *L24-A-1* through *L24-A-5*)

ELECTED OFFICIALS

Honorable Sheldon Silver, Speaker of the New York State Assembly, spoken and written testimony of June 8, 2004 (Comments *H10-E-1* through *H10-E-4*) These comments are represented by Letter L3, which is the written testimony spoken into the record at the Public Hearing on behalf of Mr. Silver.

Honorable Deborah J. Glick, Member of the New York State Assembly, written testimony of June 8, 2004 (Comments *L11-I-1* through *L11-I-8*)

COMMUNITY BOARDS

Manhattan Community Board 1 (CB1), Richard Kennedy, spoken testimony of June 8, 2004 (Comments *H1-C-1* through *H1-C-6*, and *L17-C-1* through *L17-C-4*, included as a statement reflecting the spoken testimony during the Public Hearing.)

Manhattan CB1, Madelyn Wils, Chairperson, written letter dated June 23, 2004 (Comments *L17-C-1* through *L-17-C-40*).

INDIVIDUALS/PRIVATE COMPANIES/ORGANIZATIONS

Straphangers Campaign, Gene Russianoff, spoken and written testimony of June 8, 2004 (Comments *H2-I-1* through *H2-I-4*, and *L1-I-1*)

New York City Transit Riders Council, Beverly Dolinsky, spoken testimony of June 8, 2004 (Comments *H3-I-1* through *H3-I-4*)

Barry Adler, spoken testimony of June 8, 2004 (Comments *H4-I-1* through *H4-I-3*)

Regional Plan Association, Petra Todoravich, spoken testimony of June 8, 2004 (Comments *H5-I-1* through *H5-I-5*)

Mr. X, spoken testimony of June 8, 2004 (Comments *H6-I-1* through *H6-I-2*)

John Cornelius, spoken testimony of June 8, 2004 (Comments *H7-I-1* through *H7-I-2*)

Steve Wilder, spoken testimony of June 8, 2004 (Comments *H8-I-1* through *H8-I-4*)

Environmental Defense, Alice Liddell, spoken and written testimony of June 8, 2004 (Comments *H9-I-1* through *H9-I-5*, and *L2-I-4*)

Lower Manhattan Emergency Preservation Fund, Ken Lustbader, spoken testimony of June 8, 2004 (Comments *H11-I-1* through *H11-I-6*, and *L19-I-1* through *L19-I-11*)

Municipal Arts Society, Frank Sanchis, spoken and written testimony of June 8, 2004 (Comments *H12-I-1* through *H12-I-5*, and *L4-I-1* through *L4-I-5*)

Transportation Sales & Consulting, Patrick Condren, spoken testimony of June 8, 2004 and written letter dated June 9, 2004 (Comments *H13-I-1* through *H13-I-2*, and *L28-I-1*)

Charles Muratore, spoken testimony of June 8, 2004 (Comment *H14-I-1*)

K.C. Roberts, spoken testimony of June 8, 2004 (Comments *H15-I-1* through *H15-I-4*)

World Trade Center Environmental Organization, Jenna Orkin, spoken testimony of June 8, 2004 (Comments *H16-I-1* through *H16-I-6*)

General Contractor's Association of New York, Frank McArdle, spoken and written testimony of June 8, 2004 (Comments *H17-I-1* through *H17-I-6*)

Marlene Burke, spoken testimony of June 8, 2004 (Comments *H18-I-1* through *H18-I-4*, and *L6-I-1* through *L6-I-4*)

Patrick Centolanzi, spoken testimony of June 8, 2004 (Comments *H19-I-1* through *H19-I-5*)

Wall Street Rising, Noah Pfefferblit, spoken and written testimony of June 8, 2004 (Comments *H20-I-1* through *H20-I-5*, and *L7-I-1* through *L7-I-7*)

Catherine McVay Hughes, spoken and written testimony of June 8, 2004 (Comments *H21-I-1* through *H21-I-9*, and *L8-I-1* through *L8-I-2*)

Downtown Alliance, Jennifer Hensley, spoken testimony of June 8, 2004 (Comments *H22-I-1* through *H22-I-9*)

Lawrence Stelter, spoken testimony of June 8, 2004 (Comments *H23-I-1* through *H23-I-5*)

Benjamin Hemric, spoken testimony of June 8, 2004 (Comments *H24-I-1* through *H24-I-6* and *L14-I-1* through *L14-I-25*)

Bob Armstrong, spoken testimony of June 8, 2004 (Comments *H25-I-1* through *H25-I-4*)

Joe Garofalo, spoken testimony of June 8, 2004 (Comment *H26-I-1*)

Pervez Akhtar, spoken testimony of June 8, 2004 (Comment *H27-I-1*)

Steve Adler, spoken and written testimony of June 8, 2004 (Comments *H28-I-1* and *L9-I-1*)

The General Contractors Association of NY, Inc., written testimony (Comments *L5-I-1* through *L5-I-2*)

Committee for Better Transit, David Kupferberg, written testimony (Comments *L10-I-1* through *L10-I-4*)

Troy G. Baydala, written testimony (Comments *L13-I-1* through *L13-I-5* and *L26-I-1* through *L26-I-2*)

Coalition to Save West Street, John Dellaportas, written testimony of June 22, 2004 (Comment *L15-I-1*)

Century 21 Department Store, Raymond A. Gindi, written testimony of June 23, 2004 (Comments *L16-I-1* through *L16-I-13*)

Professional Archaeologists of New York City, Lynn Rakos, Inc., written testimony of June 24, 2004 (Comments *L18-I-1* through *L18-I-3*)

Hugh L. Carey Battery Park City Authority, Stephanie Gelb, written testimony of June 28, 2004 (Comments *L20-I-1* through *L20-I-7*)

Collegiate Reformed Protestant Dutch Church of the City of New York, Casey R. Kemper, written testimony of June 28, 2004 (Comments *L21-I-1* through *L21-I-4*)

Syma Melamed, written testimony of June 15, 2004 (Comment *L25-I-1*)

Transportation Alternatives, Noah Budnick. (Comment *L27-I-1*)

25.3 COMMENTS AND RESPONSES

25.3.1 DEIS PROCESS AND PUBLIC PARTICIPATION

Comment 1:

Community Board 1 (CB1) and other commenters requested that the MTA and NYCT provide regular updates and submit for review and comments specific designs and proposals for mitigating potentially adverse effects of the Proposed Action, including pollution controls, street closures and traffic management plans, secure barrier installation and all of the design and construction elements that will affect the residents, workers and visitors to Lower Manhattan. *H1-C-8, L17-C-40, L6-I-3.*

Response 1:

Several measures to minimize potential impacts are described in the FEIS. These measures will be implemented through the project's construction contract specifications and the Construction Environmental Protection Program (CEPP). Draft versions of these documents are included in Appendix C of the FEIS. As the design of the FSTC continues to advance, NYCT will notify potentially affected tenants and property owners and provide specific information via a program of project outreach. Details of this program will be made available to owners, tenants, residents and businesses. NYCT has coordinated with other Lower Manhattan Recovery Project Sponsors, agencies and community groups throughout the environmental review process and will continue to do so as the design and construction of the FSTC advances. Although MTA NYCT has implemented a program of public outreach and community coordination being undertaken for the FSTC, that program MTA NYCT is presently being refined to allow for project outreach and coordination with the community as well as other agencies during the construction phase to ensure that the community's needs are addressed. The program will be part of the CEPP and a draft of the program is included in Appendix C to the FEIS.

Comment 2:

Several commenters expressed concern regarding notification of and public access to the DEIS hearing, including identification requirements. *H6-I-1, H24-I-1, L14-I-24, L10-I-4.*

Response 2:

The location of the poster session was noted in the public advertisement for the project in local newspapers and on the MTA web site. The poster session was conducted in the speaker registration area. NYCT will include any personal identification requirements in future public hearing notices.

Comment 3:

We thank the sponsors for the opportunity to present testimony and we look forward to the benefits from this project and we hope that everything possible is done to mitigate the impacts we know can arise from the development of the project. It is imperative that our community feel confident in the mechanisms of accountability as we face years of daily disruption ahead. We look forward to a continued dialogue on this matter. *H20-I-5-6, L17-C-4.*

Response 3:

Information on mitigation measures is provided in the mitigation sections included at the end of each of the technical chapters of the FEIS. NYCT has coordinated with other Lower Manhattan Recovery Project Sponsors, agencies and community groups throughout the environmental review process and will continue to do so as the design and construction of the FSTC advances.

Comment 4:

One commenter supported the creation of a Lower Manhattan Construction Coordination Group (LMCCG), and recommended that this body include representation from Community Board One, the Downtown Alliance and other appropriate locally based organizations, and that consideration should be given to the formal creation of a community advisory committee. *L7-I-6, L7-I-7.*

Response 4:

NYCT has coordinated with other Lower Manhattan Recovery Project Sponsors on the development of the LMCCG and its structure, roles and composition. As the design of the FSTC continues to advance, NYCT will meet and communicate with potentially affected tenants and property owners to provide specific information via a program of project outreach. Details of this program, and any future public outreach meetings, will be made available to owners, tenants, residents and businesses and will be available on the project website. Ongoing MTA public outreach will continue to involve CB1 and other stakeholders in the project development and construction process.

25.3.2 PURPOSE AND NEED**Comment 5:**

One commenter questioned the need for the project for the recovery of Lower Manhattan. The commenter stated that the FSTC project does not provide any new transit services to Lower Manhattan, and that much of the benefit of the FSTC would be for existing MTA passengers changing trains — and therefore going through Lower Manhattan, rather than to or from it. The commenter questioned future growth in subway ridership in the area and suggested that increased residential use would not result in increases in peak hour transit usage. The commenter also questioned the usefulness of the Dey Street Passageway as an alternative to crossing the congested above-ground intersection at Broadway and Dey Street. *L14-I-1, L14-I-2, L14-I-3, L14-I-4.*

Response 5:

The deficiencies of the existing subway complex are documented in Section 1.3 "Problem Identification" of Chapter 1: Purpose and Need. The deficiencies of the existing station, as well as its inconvenient linkages to the streets and adjacent activity centers, and the high volume of subway passenger activity at this multi-line facility, leads the MTA, and indeed, many other DEIS commenters, to see improvements to the complex as instrumental to the recovery and future well-being of Lower Manhattan. The purpose and need of the project does not relate to new subway services; rather, the purpose and need proposes rehabilitation and improvement of the Existing Complex. The Existing Complex and nearby subway stations provide service to 100 million trips annually and facilitate access between Lower Manhattan and

the regional commuter hubs at Pennsylvania Station, Grand Central Station, the Port Authority Bus Terminal and Atlantic Avenue Terminal. The FSTC will support and improve this access through improved transit infrastructure, aiding the revitalization of downtown Manhattan and providing the opportunity for positive local and regional benefits. Moreover, Chapter 1 describes how the inefficient design of present transfers between lines leads to subway service delays. The improvements will help avoid delays that actually affect service within Lower Manhattan by improving the efficiency of existing transfers, which is one of the project goals.

Chapter 2 and Chapter 7 describe the forecasts of increased population and employment through 2025 that have been used by all the Lower Manhattan Recovery Project sponsors and further illustrates the need for the project. To successfully support revitalization of Lower Manhattan, improvements to transit facilities are not only needed to restore transportation functionality, but to accommodate the range of changes that September 11 has triggered in the broader context of Lower Manhattan's recovery. This includes the redevelopment of the WTC site and shifts in land uses from commercial to residential and anticipated increases in visitor activity. The WTC memorial has the potential to receive five (5) million visitors per year or more. Transit is one of many modes that visitors to Lower Manhattan can use. Based on anticipated land use changes in the study area, in the future analysis years of 2008 and 2025, the existing congestion on crosswalks, sidewalks and within the subway system under the No Action Alternative i.e. without the FSTC, would be expected to worsen, in some cases to unacceptable levels. Further discussion of this is included in Chapter 6 of the FEIS.

The underpass beneath Broadway at Dey Street is not designed to function as an alternative to crossing Broadway in and of itself, although it could certainly be used for that purpose. Rather, the underpass beneath Broadway is considered by MTA NYCT as a logical extension of the Dey Street Passageway and connects the Dey Street Passageway into the Entry Facility. This provides a convenient connection for those passengers already underground who want to transfer between subway lines east and west of Broadway, or for the subway users walking between subway lines east of Broadway and the WTC in the future. Chapter 6B, Section 5.8 describes the impact on crosswalk conditions realized by the FSTC.

Comment 6:

One commenter questioned the need for the reconstruction of the various subsurface stations in the Existing Complex for the recovery of redevelopment of Lower Manhattan. The commenter acknowledged the confusion of wayfinding in the Existing Complex but states that commuters, residents and tourists are accustomed to these deficiencies and this has not affected the economy of Lower Manhattan or the choices of such people to live or work in, or visit the area. The commenter also cites examples of other New York City subway stations with similar deficiencies, and suggest that the DEIS should examine the economic success of the neighborhoods in which such stations are located. The commenter also questioned the need for the Entry Facility, suggesting that existing subway entrances provide adequate wayfinding and that the Entry Facility is not a key aspect of the contribution of the FSTC to the revitalization of Lower Manhattan, particularly as there are many notable landmarks in the area from which the pedestrians can orient themselves. *L14-I-5, L14-I-6, L14-I-7.*

Response 6:

The deficiencies of the existing subway complex are documented in Section 1.3 "Problem Identification" of Chapter 1: Purpose and Need. The deficiencies of the existing stations, as well as their inconvenient linkages to the streets and adjacent activity centers and the high volume of subway passenger activity at this multi-line facility leads the MTA, and indeed many other DEIS commenters, to see improvements to the complex as instrumental to the recovery and future well-being of Lower Manhattan. The purpose and need of the project does not propose new subway services; rather, the purpose and need proposes rehabilitation and improvement of this large, multi-line transit facility.

Although other subway stations addressed in the Purpose and Need would benefit from rehabilitations, the emphasis of the FSTC is to support the revitalization of Lower Manhattan in the wake of the events of

September 11. A similar investment in non-Lower Manhattan facilities would not be expected to facilitate the revitalization of Lower Manhattan. Revitalization of Lower Manhattan is one of the stated goals within the Purpose and Need of the FSTC, and the FSTC has been identified at Federal and State levels as a Priority Project that is essential to the revitalization of Lower Manhattan.

As stated in Chapter 3 of the FEIS, the Alternatives analysis prepared for the FSTC confirmed that certain characteristics or elements proposed in the Build Alternatives, but absent in the Partial Build Alternatives, were critical to achieving the project Purpose and Need. These elements included the street-level and subsurface Entry Facility, proposed as part of the Full Build Alternatives, which was determined to be a critical project element in the achievement of the project goals of facilitating access, improving wayfinding, improving travelers' experience and transit's overall appeal, and supporting the recovery and rebuilding of Lower Manhattan. The analysis confirmed that any Build Alternatives without an Entry Facility could not satisfy the project Purpose and Need and multiple project goals.

25.3.3 ALTERNATIVES

Comment 7:

One commenter questioned why only Alternative 9 and Alternative 10 were examined for their environmental effects, stating that these alternatives were essentially the same. The commenter suggested that further study of the other alternatives would have benefited the environmental review process. The commenter questioned the DEIS findings that other alternatives would not meet the project's stated goals, and questioned the importance of improved wayfinding as a project goal. *L14-I-21*.

Response 7:

Ten alternatives were screened with respect to attainment of project purpose and need and were examined in terms of engineering, environmental, level of service, cost and other considerations (See Appendix B: Alternatives). Since only Alternative 9 and Alternative 10 best satisfied the project Purpose and Need, there would be little reasonable purpose served in further analyzing deficient or less responsive project options. The deficiencies associated with the Existing Complex required project alternatives to address numerous needs, and no one element was given weight or priority over another.

Comment 8:

One commenter stated that the DEIS did not fully examine the possible benefits of the No Action Alternative, citing examples of other areas in New York City, such as Greenwich Village, SoHo, Tribeca and NoHo as examples of successful and vibrant neighborhoods that are the result of spontaneous (private, market-based) revitalization. The commenter suggested the DEIS should have investigated or acknowledged the potential for spontaneous, privately funded revitalization in Lower Manhattan in connection with the No Action Alternative. *L14-I-23*.

Response 8:

The nature of Lower Manhattan as one of the largest employment centers in the world, the events of 9/11, the number of jobs lost in so short a period of time, and the magnitude of the recovery costs make it unlikely that a spontaneous revitalization could occur. One of the limiting factors in the recovery of Lower Manhattan will be the ability of mass transit to safely, comfortably, and conveniently transport people to and from the area. Given a choice between two employment areas, employees will often choose the one with better transit service if other factors are similar. Thus, Lower Manhattan is competing with other regions in the metropolitan area to draw its work-force. The "No Build" alternative was analyzed in detail and in comparison to Alternatives 9 and 10. Although the commenter seems to refer to "spontaneous" development in the context of real estate activity, the Purpose and Need of the FSTC was developed in response to clear transportation conditions and objectives. The FSTC is not a real estate

development project; rather, it is an action to improve transit convenience and performance which, in turn, can be expected to improve the residential and employment appeal of Lower Manhattan.

25.3.4 PROJECT SUPPORT AND OPPOSITION (COMMENTS ARE ORGANIZED BY SUPPORT AND OPPOSITION)

SUPPORT

Comment 9:

Many commenters expressed their support for the Fulton Street Transit Center and DEIS. This support cited improvements contained in the Proposed Action such as the open and effective entry facility on Broadway and John Street, aesthetically pleasing design concept, access improvements, enhanced interconnectivity between subway lines, enhanced ADA access, improved safety and security, better wayfinding, and the supporting economic/recovery in Lower Manhattan. *H1-C-1, H2-I-1, H3-I-3, H3-I-4, H4-I-1, H5-I-4, H7-I-1, H10-E-1, H13-I-2, H17-I-1, H17-I-5, H19-I-1, H20-I-2, H22-I-1, H23-I-1, L4-I-1, L5-I-1, L5-I-2, L11-E-1, L10-I-1, L16-I-1, L17-C-1, L17-C-5, L19-I-2.*

Response 9:

It is acknowledged that a number of commenters support the Full Build Alternatives. The FSTC project would improve transportation, connectivity and wayfinding in the Existing Complex and for Lower Manhattan in general. The proposed Entry Facility at Broadway and John Street would serve as an effective entry point to the various subway lines in the FSTC complex and would provide better access from the busy Broadway corridor. Additionally, major station elements would be brought into ADA compliance. Helping support the economy of Lower Manhattan is also a project goal.

Comment 10:

Many commenters support preservation and /or adaptive reuse of the Corbin Building as part of the FSTC. Several speakers supported the concept of directly incorporating the lower level of the building into the transit center. *H2-I-3, H3-I-1, H3-I-2, H5-I-1, H11-I-1, H12-I-1, H20-I-1, L4-I-2, L17-C-32, L19-I-1, L19-I-11, L20-I-1.*

Response 10:

These comments are acknowledged as largely supportive of Full Build Alternative 10. The FEIS identifies Alternative 10 as the Preferred Alternative. The selection of a preferred alternative considers many factors; among them are historic resources, connectivity, and improved wayfinding. The reuse of the Corbin Building would not only help preserve a valued historic resource, but it would also offer design and circulation options that would meet the project's goals and objectives. Design of the FSTC with respect to the integration of the Corbin Building continues to be developed under consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). NYCT will employ Environmental Performance Commitments (EPCs) to reduce emissions and sound and vibration levels thus protecting this and other resources.

Comment 11:

We support the MTA's plan as it says in the DEIS incorporate moving sidewalks into the design of the center. I know there were challenges in doing that, but to the west the PATH system has a series of moving walkways from the PATH to the Winter Garden and I think it is particularly worthwhile looking at moving sidewalks, moving facility in the Dey Street passageway if possible. *H2-I-2.*

I have some proposals of my own I would like to add into this. First we want to look at – second, to call for moving sidewalks where possible. Someone who has trouble sometimes walking with arthritis and everything else, I think it is, given the complexity of this, I think it is a good idea to have. *H4-I-2.*

Response 11:

These comments suggest that escalators and moving sidewalks be incorporated into the FSTC project design. The Proposed Action includes improved vertical access within the FSTC, including the use of escalators, wider and more direct stairways, and access for disabled customers. The feasibility and trade-offs of installing moving walkways into the design of the FSTC will be evaluated as the engineering progresses.

Comment 12:

We are concerned about complete station closures during the rebuilding efforts and request that every alternative to avoid complete closures is examined and when feasible the length of time be kept it to an absolute minimum. We applaud the use of the public information outlets during construction that would provide current information about access during that process. Commuters and visitors will need considerable help navigating this complicated transportation complex. *H3-I-5.*

Response 12:

While some station entrances may be temporarily closed to allow construction, all stations will remain accessible during construction. MTA NYCT will continue its program of public outreach and community coordination being undertaken for FSTC during continued engineering and construction to minimize temporary closure of certain station entrances and to assist the public in navigating the affected stations and streets while they are under construction. During construction, wayfinding will be supported by a proactive system of signage to ensure pedestrian circulation is maintained. EPCs for the project include a Construction Environmental Protection Program (CEPP), which will include details of wayfinding and access, and a public information plan which will describe how current information on station and entrance access will be provided during construction. Wayfinding and improved access to the subway system for pedestrians is an objective included within the Purpose and Need of the Proposed Action. The design of signage and entrances of the FSTC includes improvements to the Existing Complex which would contribute to the achievement of this objective.

Such improvements include reconfiguration of the **A C** mezzanine and rehabilitation of the **4 5** and **2 3** Fulton Street Stations, as well as design of the Entry Facility and Dey Street Passageway to allow for efficient and convenient wayfinding. Further information on existing and proposed pedestrian access is provided in Chapter 6B of the FEIS. Maintenance and Protection of Traffic Plans to facilitate the flow of pedestrians and vehicles through the work zones have been developed in consultation with NYCDOT and the Lower Manhattan Recovery Project sponsors, and are described in Chapter 4 and Appendix C of the FEIS.

Comment 13:

Environmental Defense supports expansion of the transit capacity in New York City and applauds the emissions reduction efforts the MTA New York City Transit implementing through the adoption of the Environmental Performance Commitments. *H9-I-1.*

Response 13:

The comment is noted. NYCT will use EPCs to reduce emissions and noise levels during construction of all major construction projects, particularly in Lower Manhattan.

Comment 14:

I also support the proposed need to modify the Fulton Street ④ and ⑤ station as part of the below grade improvements. The LMEPF (Lower Manhattan Emergency Preservation Fund) also supports the proposed need to modify the NYC landmarked Fulton Street ④ and ⑤ Station as part of the below ground improvements. *H11-I-2, L19-I-2.*

Response 14:

The comment is acknowledged. Design and construction related to the Fulton Street ④⑤ station will be coordinated with NYS Historic Preservation Office.

Comment 15:

We are substantially supportive of this project. We think it is a step forward. It is with the other projects such as the South Ferry going to revolutionize transportation in Lower Manhattan, reestablish the strength of the Lower Manhattan economy. This is a good project but as I say I think with substantial mitigation we can in fact improve the way we execute projects here and I would urge you to do and incorporate that in the DEIS. *H17-I-5.*

Project sponsors have produced a comprehensive environmental impact statement for the project detailing the potential adverse impacts and how to mitigate them. We believe the document provides an excellent framework for how to construct this project in a way that would minimize adverse impacts and we appreciate the assessment in the document of cumulative impacts from the project combined with other Lower Manhattan projects which may overlap, and it is helpful these sponsors have attempted to use construction periods as frames of reference where possible. *H20-I-2.*

Although I am concerned about the impact that construction on the Fulton Street Transit Center will have on the neighborhood, I applaud the MTA for this new design that addresses many of the problem of the current stations. I look forward to the new Hub with the expectation that, by increasing accessibility to downtown, more residents and visitors will be drawn here, contributing positively to the rebuilding of Lower Manhattan. *L11-E-8.*

Response 15:

These comments are acknowledged as supportive of the project. The FSTC project would improve transportation, connectivity and wayfinding in the Existing Complex and for Lower Manhattan in general. Environmental Performance Commitments (EPCs) will be employed and a Construction Environmental Protection Program (CEPP) continues to be developed to help reduce or eliminate construction impacts. The FEIS includes an outline of the CEPP, which will describe environmental performance measures in more detail, as the design for the project is developed in greater detail and coordination with other Lower Manhattan Recovery projects continues. In addition, the FEIS includes, in Appendix C, an overview of draft environmental performance specifications for NYCT's Lower Manhattan Recovery projects. It is anticipated that specific mitigation measures and commitments will be incorporated into the Record of Decision (ROD) for the Proposed Action. The CEPP will include environmental regulatory requirements, agency approvals and other mitigation measures for control of adverse environmental effects during construction.

Comment 16:

I am very glad to see that although I have been using the system and this complex many years, at least it will finally be rationalized and I am glad to see the connection to the ② train and ③ train as well as the ④ train. It is very good you are maximizing or sort of facilitating as many connections in the system of those who live down in the southwest part of Brooklyn, very good to see the ② train is not going to be as isolated south of Canal Street. There is no connection at all. *H23-I-1.*

Response 16:

The comment is acknowledged as supportive of the project. The FSTC would improve transportation, connectivity and wayfinding in the Existing Complex and for Lower Manhattan in general.

Comment 17:

The General Contractors Association of New York has reviewed the draft Environmental Impact Statement for the Fulton Street Transit Center project and urges that the draft environmental impact statement be approved as meeting all applicable federal and state requirements. The Association urges that the project go forward as quickly as possible. The future of Lower Manhattan will be defined in large measure by the improvements that are made now in the transportation facilities of Lower Manhattan. The Fulton Street Transit Center must be seen as a major element in that definition of Lower Manhattan's future. The improvements proposed will encourage people to come to Lower Manhattan, whether as workers or visitors. The faster that the improvements are constructed, the sooner will be the benefit to Lower Manhattan. The Association urges that the MTA is given permission to proceed as expeditiously as possible. *L5-I-1, L5-I-2.*

Response 17:

The comment is acknowledged as supportive of the project. The FSTC project would improve transportation, connectivity and wayfinding in the Existing Complex and for Lower Manhattan in general.

OPPOSITION**Comment 18:**

I am not that enthusiastic about the Fulton Street Transit Center and I wanted to address two things. One is the concept itself which seems to be unnecessary and also the execution of it. The concept itself I think it really isn't as necessary where I hope your EIS will address why they feel it is as necessary as everyone seems to make it out to be. I have been lost in that station itself, the 34th Street station is equally as confusing and it hasn't really impacted on the growth of the 34th Street area. Same holds true for Columbus Circle, so I wonder how important this really is and if it is really kind of a waste of about 700 million dollars for something that maybe could be nice but it really isn't all that necessary. And most of the benefits seem to be for those who are changing trains rather than for those living or residing in Lower Manhattan. *H24-I-2.*

Response 18:

The comment is acknowledged. Although other subway stations may benefit from rehabilitations, the emphasis of the FSTC is to also support the revitalization of Lower Manhattan in the wake of the events of September 11, 2001. A similar investment in a non-Lower Manhattan facility would not be expected to facilitate the revitalization of Lower Manhattan.

25.3.5 PROJECT DESIGN AND DEFINITION**Comment 19:**

Several commenters suggested that the FSTC should be designed to facilitate a future connection to the Second Avenue subway which would be located to the east of the FSTC. *H2-I-4, H19-I-4, H23-I-4, L20-I-3.*

Response 19:

A transfer from the Second Avenue Subway to the future Fulton Transit Center was evaluated. Because of its length, the transfer would be expected to have low use, even with the provision of moving sidewalks, and is not recommended for inclusion in the Second Avenue Subway. The Seaport Station of the Second Avenue Subway project is nevertheless being designed to avoid precluding a transfer in the future, if possible.

Comment 20:

There is some talk in the DEIS about the issue of Metrocard transfers. There are some physical transfers that you are not going to be making now including directly to the ① and the ⑨, and we would urge you to seriously consider having appropriate Metrocard transfers. They are as useful to interconnectivity as the physical passageways. *H2-I-5.*

Response 20:

Nearly half of Metrocard customers use "unlimited ride" fare cards that allow riders to use multiple stations without additional fare payment, which would appear to meet the needs of the commenter. Other access improvements to the west of the FSTC are not part of the Proposed Action; nevertheless, the project will be designed in consideration of compatibility with future transit projects to the west and south of FSTC.

Comment 21:

We think the center has a tremendous opportunity to use the new real time information that is coming on line in the system. As you know, by June of next year most of the numbered lines will have what is called working automated, automatic trains supervision systems that allow for real time information on arrivals and delays in the system be phased in the four the letters lines so I would love to be able to go into a transit center that has a big ride board in it that tells you if there are delays for arrivals. You go in there, is the A running? Are there delays on the ② and ③? And to have some central place that would give you information would make it into a very attractive facility. *H2-I-6.*

Response 21:

The design of customer information systems for the FSTC will be advanced as the project engineering progresses. While such a system would not be immediately operational for all lines serviced by the FSTC upon its opening, as system-wide improvements are made over the next years, this information will become available and prominently displayed. The FSTC will be equipped with a system to accommodate and display this information for subway riders.

Comment 22:

Maybe we could better ventilate the lower levels of the east stations. You go down the ② and ③ line; it gets very, very hot. And maybe on the main walkways we could look at air conditioning on some of these portions or water cooled chillers of some such. *H4-I-3.*

Response 22:

Temperature control systems for the FSTC, including station platforms, are under consideration and will be appropriately advanced as the project engineering progresses.

Comment 23:

Several commenters suggested the FSTC include improvements and connections to other subway services, including a direct track connection between the **E** terminal and Chambers Street and the Broadway BMT, rebuilding the **6** train underneath the **4** and **5** between Chambers Street and Bowling Green, and connection to the **1** and **9** at Cortlandt Street. *H4-I-4, H6-I-2, H15-I-2, H19-I-3, H23-I-2, H23-I-5.*

Response 23:

The Proposed Action includes a pedestrian connection between the **E** station at World Trade Center and the **R** **W** station at Cortlandt Street that will allow for transfers between the stations without an additional fare payment. Although a physical track connection is beyond the scope of this project, the FSTC project would not preclude future consideration of this concept. Modifications to the **1** **9** subway line and construction of a **6** line are not part of the Proposed Action, which seeks to make improvements to the existing Fulton-Broadway/Nassau subway station complex.

Comment 24:

I think light and air is lovely but the MTA is perpetually broke, borrowing money which the fare – the subway riders have to pay for in interest on. Lease the space above it. Don't -- the oculus is cute but the steady stream of rental money is a hell of a lot cuter. *H8-I-1.*

Response 24:

Although commercial development is not a specific component of the Purpose and Need of the project, improvement of this transportation facility is intended to support and contribute to successful revitalization of Lower Manhattan. The Proposed Action is not intended to promote or preclude the creation of future development potential as a result of the construction of the FSTC. The potential incorporation of some replacement retail is being evaluated within the design of the FSTC and this is discussed in the FEIS in Chapter 3: Alternatives.

Comment 25:

Ramps work better than stairs, especially for people who are getting old like me who have knees that are getting even older. There are places where you could put ramps in there instead of the stairs specifically at the east end of the **A** **C** platform where you have a stairway that, you have a long piece that extends west and then the stairs down begin. *H8-I-3.*

Response 25:

The design of the Proposed Action includes elevators to make the FSTC fully accessible under the Americans with Disabilities Act (ADA), allowing the removal of the existing ramps, which will not be required in the FSTC. The new stair proposed to link the **A** **C** and **2** **3** platforms would be supplemented by an adjacent ADA compatible elevator.

Comment 26:

And also, excuse me, on the **J** **Z** line trying to find a way to put an exit at John Street on the west side. *H8-I-4.*

Response 26:

The comment is noted. The design team evaluated station access options along Nassau Street, including the location suggested by the commenter and determined that such access location is not warranted.

Comment 27:

Several commenters noted the importance of new street level retail businesses in the rebuilding of Lower Manhattan, suggesting that the EIS should provide more information about the retail plans for the FSTC, including details of the retail frontage on Fulton Street and Broadway in particular. Commenters recommended that a greater portion of these street walls be reserved for retail and that retail in the FSTC should be the same or more than currently exists. Commenters also recommended that MTA coordinate and consult with agencies, community groups and the local community to create a retail plan for the FSTC and surrounding area in order to maintain a vibrant street life and pedestrian flow around and through the FSTC and best serve the community. *H10-E-2, H22-I-5, H22-I-6, L17-C-12, L17-C-13, H25-I-2, L1-I-1, L7-I-1.*

Response 27:

Specific details of the retail components of the Entry Facility are being developed as the design progresses, and input will be sought from the community through regular outreach by NYCT throughout the design process. The retail plan for the FSTC will be developed with input from the community, to ensure that it best meets the needs of area residents, workers and visitors as well as commuters. MTA will work with the local community to maintain, to the extent practicable as part of the FSTC design, comparable or improved retail services as those currently enjoyed by Lower Manhattan residents, workers, businesses and visitors in the area of the FSTC.

At a conceptual level, it is anticipated that retail will continue uninterrupted along the Broadway and Fulton Street walls. Retail components at all levels will be both visible and accessible from the corner of Broadway and Fulton, as well as from the other entrances to the Entry Facility. Along Fulton and Broadway, the design maximizes retail within the constraints of the achievement of the transportation project goals. NYCT will coordinate with agencies and community groups to maintain a vibrant street life and adequate pedestrian flow. The retail space associated with the FSTC will be located both at street level and subsurface, within the Entry Facility, and will serve the flow of people both within the facility and at street level and will thus enhance both the transportation facility and the community as a whole. The current retail plan for the FSTC includes provision of some retail and other commercial amenities, such as food establishments, at street-level.

Comment 28:

The [Municipal Art] Society is concerned with the retail component of the Fulton Street Transit Center. While retail is not an explicit objective of the Proposed Action, the Society believes that retail is an integral part of making the Fulton Street Transit Center a gateway to the Fulton Street corridor as well as Lower Manhattan. Successful transit centers, such as Grand Central Station and Union Station, have also been retail centers. The best transit centers have resulted from devoting as much planning effort, or nearly so, to the retail component as to the overall commuting issues.

Thus, the Society encourages the MTA to redesign the Entry Facility frontage along Fulton Street to create a well-defined retail gateway, alerting passersby to the significant retail and entertainment corridor located along Fulton Street. In addition, consistent with the above statements, the Society supports Alternative 10 because it allows for an additional 11,500 square-feet of retail space as compared to Alternative 9. While the Society is pleased that the MTA has included a retail component, we encourage the MTA to provide for the maximum use of the 39,084 square-feet of retail space available under Alternative 10. *L4-I-4.*

Response 28:

Retail with a street presence on Fulton Street and Broadway is part of the conceptual design of the FSTC. MTA is investigating as part of the design process opportunities to further improve the retail aspect of the Entry Facility and how it could contribute to the animation of Broadway and Fulton Street, both in terms of programming and design. Aspects being considered include the visibility of retail from the street, the length of retail frontage and consideration of types of retail that would remain active beyond typical business hours, such as evening hours and during the weekend. Although commercial development is not a specific component of the Purpose and Need of the project, improvement of this transportation facility is intended to support and contribute to successful revitalization of Lower Manhattan. The Proposed Action is not intended to promote or preclude the creation of future development potential as a result of the construction of the FSTC. The potential incorporation of some replacement retail is being evaluated within the design of the FSTC and this is discussed in the FEIS in Chapter 3: Alternatives.

Comment 29:

I was looking at your model. I have never seen the wedge that surrounds the back side of the dome. That is a new one for me and I am anxious to find out more about what that contains. *H12-I-2.*

Response 29:

Updated project graphics are included in the FEIS. The part of the model referred to in the comment is one of two ancillary elements behind the oculus. The first contains mechanical equipment for the Entry Facility; the second contains circulation, services, and seismic bracing for the Corbin Building.

Comment 30:

Some commenters were concerned about the demolition of 189 Broadway. It was indicated that because this site is currently not developed to the maximum density allowed by zoning, it may represent an opportunity for future commercial development and designating it for transit purposes only may prevent such future development. The commenters questioned the need to acquire, demolish and replace 189 Broadway. One commenter recommended that it would be preferable to contribute more to the economic and social vitality of the neighborhood by building on top of 189 Broadway to its full zoning allowance. The commenter suggested that full build-out of the site under its current C5-5 zoning would contribute to the economic and social vitality of the neighborhood and would provide additional commercial and/or residential space along the Fulton Street corridor. The commenter encouraged MTA to reconsider the necessity of the Dey Street Access Plaza at 189 Broadway and consider either leaving the site as is, or designing Dey Street access in such a way as to not preclude future commercial development of the site. *H12-I-3, H12-I-4, L4-I-3, H22-I-9.*

Response 30:

Although commercial development is not a specific component of the Purpose and Need of the project, improvement of this transportation facility is intended to support and contribute to successful revitalization of Lower Manhattan. The Proposed Action is not intended to promote or preclude the creation of future development potential as a result of the construction of the FSTC. The potential incorporation of some replacement retail is being evaluated within the design of the FSTC. As described in Chapter 1: Purpose and Need, Chapter 3: Alternatives, and Chapter 6: Transportation, the Dey Street Access Plaza is critical in addressing the Project Purpose and Need. Although the existing structure at 189 Broadway would need to be removed to accommodate the Dey Street Access Plaza, the design of the Dey Street Access Plaza would not promote nor preclude future use of the site's residual development potential under the existing zoning, an activity independent of the Proposed Action.

Comment 31:

It is our observation that the MTA and New York City Transit may wish to consider integrating a piece of a plan for the loading and unloading directly in places like the Fulton Street Transit Center. And, two, to consider long term, where to park, load, dispatch and a variety of other programs that are currently being coordinated with New York City DOT for laying over coaches for loading and unloading thousands of people that come to Lower Manhattan each day. I note it is the current month where the existing private carriers here in New York City will be integrated into the MTA, so it leaves Academy being the single privately owned company in the metropolitan area and we are willing and able discussing and planning as we come in daily bringing of thousands of people in area. *H13-I-1, L28_I-1.*

Response 31:

The FSTC scope does not include integration of bus services, whose stops and operators are not regulated by NYCT. Issues of bus layover, routes and operators support may be the subject of analyses performed by other agencies. As part of the environmental review and design processes, MTA NYCT has coordinated with NYCDOT with respect to potential traffic and pedestrian issues associated with the construction and operation of the FSTC. It is not anticipated that the FSTC will generate any substantial traffic during operation; further details of this are provided in Chapter 6 of the FEIS.

Comment 32:

Part-time subway entrances need a person to watch out if something suspicious or any mugging scenes going on around there. Something could go wrong and things could get worse, but I haven't seen any of it and you still have to look out in case of anyone of those fools with the Metrocards and fake businesses, and that kind of nonsense hustling peoples' money and they isn't very, very smart. *H15-I-3.*

Response 32:

The FSTC will be supervised by MTA police and will be equipped with modern security equipment, such as Closed Circuit Television (CCTV). The design of the FSTC will improve security by eliminating confined spaces that are difficult to monitor and instead creating well-lit, airy interior spaces that are easily monitored by security personnel. In addition, the integration of convenience retail within the FSTC will create an active, occupied space which will discourage criminal activities.

Comment 33:

I don't know what group is doing the governor's cross east river study, Long Island Railroad extension to Fulton Street or whatever, but I would encourage that the Fulton Street Transit Center be integrated with the planning for that so we don't have to do something twice and we don't block out any future implementations of those projects together. *H19-I-5.*

Also absent from the DEIS was any mention of possible connection to the air train or direct connection for commuters to Long Island. The airport access project like the Fulton Street Transit Center is critical for Lower Manhattan's revitalization. We must ensure now that the Transit Center is capable of accommodating a future air train connection and information however preliminary of the transit center's capability to do that must be included in the final EIS. *H22-I-7.*

Response 33:

These comments suggest that the FSTC incorporate a platform/terminal service to accommodate a future rail link for Long Island/JFK Airport access. Although such concepts are not part of the Proposed Action, the FSTC is being designed in consideration of compatibility with reasonably foreseeable other projects, as practicable and in furtherance of the project's Purpose and Need.

A multi-agency feasibility study completed in May 2004 identified two Downtown alignments for a possible Jamaica-JFKIA-Lower Manhattan transit route. The terminals of these proposed alignments were proximate to the FSTC project. However, it is understood that required future planning and design efforts will refine these initial concepts that could result in new terminal location options. Although it is premature to make specific design allowances in the FSTC for these concepts, NYCT will coordinate with the sponsors of the future environmental, planning, and design efforts as further information becomes available.

Comment 34:

I wanted to point out one other thing, when I saw the model, it is very important that there is a downtown entrance/exit that is open on the ④ and ⑤ 24/7 because if you're closing the exit on the 195 entrance on the north side, it is really important, I guess it would be where the World of Golf is right now. Were you going to keep that open 24/7 because otherwise you have to go on to the uptown side and walk underground to go to Brooklyn so it would be great if you have something open. *H21-I-9.*

Response 34:

Access to the subway services (including access to the ④ and ⑤) at the Fulton Street Transit Center will be maintained 24 hours a day, 365 days a year. Opening hours of specific entrances have not yet been established and may vary by entrance, depending on anticipated utilization patterns during different days of the week and certain times within a 24-hour period. NYCT will adjust the opening hours of specific entrances based on anticipated demand.

Comment 35:

That passes or ideas have been tossed or thrown out about connecting the PATH train to the subway. *H23-I-3.*

Response 35:

This comment addresses the connection of FSTC to the Port Authority of New York and New Jersey's PATH facility. One of the goals of the project is to improve connectivity between the FSTC and PATH facility. This connectivity will be achieved by the proposed Dey Street Pedestrian Passageway.

Comment 36:

Several comments expressed concern about the “glitzy” design of the FSTC entry facility, its cost, and the limited benefits of skylights. *H24-I-3, L14-I-10, L14-I-11, L14-I-13,*

Response 36:

One of the goals of the project is to improve street-level wayfinding and access to the subway system. Another goal is to improve travelers' experience and transit's overall appeal. The design and placement of the Entry Facility are intended to support the achievement of these goals. The visual and contextual relationship between the proposed Entry Facility and the Fulton Street neighborhood is evaluated in Chapter 9: Urban Design and Visual Resources. The bulk of the Entry Facility, while modest compared to the façade and overall structure of the Grand Central Terminal (referenced in one of the comments), conveys the prominent role that the Entry Facility will play in access to and from Lower Manhattan. It does so by the use of materials and design relative to other structures in its vicinity rather than bulk or massing.

The design of the FSTC seeks to maximize the use of natural light where possible, both for orientation purposes and to save energy. The design of the Entry Facility seeks to maximize the capturing of available ambient light and direct this light to the underground subway structures. The use of ambient

light provides substantial benefits for interior orientation within the FSTC for the transit rider. Although Lower Manhattan may appear dark on certain days, due to the density of building structures and weather conditions, ambient light directed into the Entry Facility would be considerably more intense than artificial light levels that are typically present in building interiors. The use of ambient light provides substantial benefits for interior orientation within the FSTC for the transit rider. In addition, the exterior transparency of the FSTC improves the ability to orient oneself from within the Entry Facility to street level urban landmarks such as St. Paul's Chapel. Transparency of building materials exists in many buildings in New York and contributes to the City's streetscape. In fact, many of the buildings in Lower Manhattan use transparent building materials. The design of the building is believed to be consistent with its prominent role in Lower Manhattan as an important transportation center.

The design process has undertaken a thorough review of both the environmental and urban parameters that influence the Transit Center. The day lighting strategy takes into account the full range of opportunities and limitations associated with proposed site for the building, including surrounding buildings, annual and daily solar variation. Current studies show that the benefits associated with this strategy include a dramatic improvement in the experience of the network of underground connections at all times of year. Nighttime lighting will create a lively beacon in the urban context, animated by retail and signifying the presence of a key transportation hub.

Comment 37:

While the DEIS seems to promote the idea that creating a large, space-wasting, World's Fair-like glass pavilion is the only way to provide for enhanced "wayfinding" in Manhattan, it seems to willfully ignore other approaches to reaching the same goal — approaches that would be just as successful, or perhaps even more so, but would not generate the same severely negative urban impacts. Again, Grand Central Terminal is a good example. It is a splendid aid to "wayfinding" in mid-Manhattan, yet Grand Central Terminal has a grandly designed stone (not glass) façade, prominent entrances that take up relatively small space, and long stretches of street-front retail space. *L14-I-13.*

The DEIS doesn't seem to examine the negative effects of building an Entry Facility that is a very low density structure at the center of one of New York's most important high density districts. In other words, the DEIS doesn't seem to examine the negative effects of creating a permanent social and economic void at such a location (in contrast to allowing for a more urbane approach that would allow for a redevelopment project that accomplishes the projects objectives but also knits the site economically, socially and aesthetically into the surrounding high-density urban fabric). Lower Manhattan, as we all know is at the center of vast network of mass transit facilities built over the last hundred years. This makes it a rare prime location for unusual shops and businesses that are not feasible in many other areas of Manhattan, let alone other areas of the city as a whole. The DEIS doesn't seem to consider whether the reduction of commercial, cultural or residential space on this site (from what would otherwise be allowed) would contribute to a shortage of such spaces in one of the rare areas of the city where such spaces are able to play such a uniquely useful role. *L14-I-14.*

Response 37:

These comments address the design of the FSTC, particularly in relation to Lower Manhattan. The limited bulk of the Entry Facility, while modest compared to the façade and overall structure of the Grand Central Building, conveys the prominent role that the Entry Facility plays in access to and from Lower Manhattan. It does so by the use of materials and design (such as the roof setback) relative to other structures in its vicinity rather than large bulk or massing. Although MTA has no plans to build a structure other than the Entry Facility on the site, the design of the Entry Facility does not preclude nor promote future development at the site of the Entry Facility. Chapter 7: Social and Economic Conditions, describes the nature of retailing in the project area and anticipated impacts. Furthermore, the size of the Entry Facility- approximately 100,000 gross square feet, would be similar to the total area of the properties it is proposed to replace, and would be in keeping with the scale of surrounding buildings. Further discussion is provided in Chapter 9 of the FEIS.

Comment 38:

The area is very dark to begin with. I was there like trying to take photographs like last February at 3:00 and even without any Transit Center that street was very dark and to do the kind of back flips as someone said, try to bring sunlight to the subway when we don't have that much sunlight in the New York in the winter to begin with. *H24-I-5.*

Response 38:

The design of the FSTC seeks to maximize the use of natural light where possible, both for orientation purposes and to save energy. The design of the Entry Facility seeks to maximize the capturing of available ambient light and direct this light to the underground subway structures. The use of ambient light provides substantial benefits for interior orientation within the FSTC for the transit rider. Although Lower Manhattan may appear dark on certain days, due to the density of building structures and weather conditions, ambient light directed into the Entry Facility would be considerably more intense than artificial light levels that are typically present in building interiors.

Comment 39:

I think one of the brilliances of the subways is that they were built underground for functionality and to get them out of the way so that the cityscape, the streetscape could evolve on its own and the entire area that is being talked about is as forming, forming a central station. First of all, that is irrelevant, certainly for anybody coming to South Street Seaport for from my direction I will never get over there or rarely get over there because I enter Williams Street. So, the functionality of whatever you are doing is no question that a substantial amount of enhancement of the whole underground infrastructure and so forth and development of better entrances would be useful, but the notion of having some centralized hub area to enter the thing is relatively irrelevant. Multiple entrances is better, but the certain scale of this is irrelevant. *H25-I-1, H25-I-4.*

Response 39:

The connection between the street network and the subway system below is considered a critical link in the quality of a public transportation system, especially in a dense urban environment, such as New York City. The design of the Entry Facility recognizes this and will provide multiple entrances from the north, west, and south, consistent with its central and prominent location both within the street network, as well as within the network of existing underground subway facilities. These entrance locations also ensure that adequate pedestrian flow conditions are to be provided in the stations. The central location and visual presence of the Entry Facility, both below ground and above ground is critical to the goal of improving wayfinding, both between the street and the subway system below and among various subway lines. An additional purpose of the Entry Facility is to provide circulation space for transfers between lines and links to the Dey Street Passageway. The need to create this transfer space is described in Chapter 3: Alternatives and Appendix B: Alternatives. In addition, many of the existing street entrances will be improved as part of the project and new entrances will be added to facilitate street level access to the subway system. Several of these entrances will include ADA-compliant elevators to make the system more accessible to people with disabilities.

Comment 40:

The Regional Rail Working Group, of which CBT is a member, has proposed the PATH-Lex Connection. This has been endorsed by Congressman Jerold Nadler, and is considered one of his "pet projects." Another proposal is a physical connection between the **E** and **R W** with a lower level to be used for southbound trains. These will directly affect the locations of the new stairs and pathways to be constructed. *L10-I-2.*

Response 40:

This comment addresses the connection of FSTC to the Port Authority of New York and New Jersey's PATH facility. One of the goals of the project is to improve connectivity between the subway services part of the FSTC (including the 4 5 "Lex" subway service) and PATH facility. This connectivity will be achieved by the proposed Dey Street Pedestrian Passageway. With regard to the second proposal referenced by the commenter, it is noted that a passenger connection between the E and R W stations are included as part of the Proposed Action and should provide similar travel options as apparently envisioned by the commenter.

Comment 41:

Another concern is a developer's proposal to construct a new office tower on the same site. We ask the MTA to make a deal with this developer in the best interests for all parties concerned. *L-10-I-3*.

Response 41:

Development of the site of the Entry Facility with a structure other than the Entry Facility is not part of the Proposed Action and is not contemplated by the MTA. However, the design of the Entry Facility does not preclude nor promote such development.

Comment 42:

One commenter asked, in regards to a proposed subway entrance on Broadway in front of 170 Broadway, if this proposed subway entrance could be moved to another location. Suggested locations were the northeast corner of Broadway and Maiden Lane, Maiden lane, or a location south of 170 Broadway, that is, between 160 and 170 Broadway. The commenter also suggested expanding the existing subway entrance at Broadway and John Street instead of constructing a new entrance in front of 170 Broadway. After closure of the public comment period on June 28, 2004, the commenter clarified his comment in subsequent correspondence dated July 23, 2004. The commenter stated that the new subway entrance in front of 170 Broadway would create pedestrian congestion at this location and suggested a mid-block location for this subway entrance instead. *L13-I-2, L13-I-3, L13-I-4, L13-I-5, L26-I-1, L26-I-2*.

Response 42:

Pedestrian analyses conducted for the Proposed Action, as described in Chapter 6 of the FEIS indicate that an acceptable Level Of service (LOS) would be maintained for pedestrian movement at this location with the new subway entrance in place. Moving the planned entrance stair further to the south (e.g. between 160 and 170 Broadway, or midblock) is technically feasible but would create a longer passageway from the stair to the new control area at the south end of the 4 5 Platform. This would have a negative impact on customer convenience and security. Placing the stairway in the sidewalk at Maiden Lane would narrow the effective sidewalk width on Maiden Lane. The resulting sidewalk width would be unacceptable, based on the projected pedestrian volumes at this location. The existing subway entrance at John Street is located near the center of the northbound 4 5 platform and therefore not suitable for providing street access to the proposed southern extension of the platform, where such access would be needed. A subway entrance at the northeast corner of Broadway and Maiden Lane would not connect to the southern terminus of the 4 5 northbound platform and thus not optimize the benefits of extending the 4 5 platform southward. In sum, none of the suggested alternative locations would meet the Purpose and Need of the project which includes providing enhanced street access at the southern end of the 4 5 platforms.

Comment 43:

The DEIS doesn't seem to examine how the construction of an anti-urban, glitzy, glass world's fair like pavilion would contribute to the destruction of Lower Manhattan's special character — i.e., contribute to the destruction of its world famous "canyons" of steel and concrete. Nevertheless, given the unique and world famous character of the area immediately surrounding this project, shouldn't the DEIS have at least considered how the proposed Entry Facility, which has the look of a glitzy, world's fair showpiece and is thus quite out of tune with its surroundings, would contribute to the destruction of Lower Manhattan's unique heritage? *L14-I-17.*

Response 43:

The analysis of the urban design and visual aspects of the Entry Facility is included in Chapter 9 of the FEIS. The general bulk and size of the FSTC, approximately 100,000 gross square feet, is similar to the bulk and size of the properties it is proposed to replace, and is in keeping with the scale and size of surrounding properties. Likewise, Full Build Alternative 10 would include the rehabilitation of the historic Corbin Building, enhancing that building's contribution to the character of Lower Manhattan.

Comment 44:

Not only would the proposed low-rise Entry Facility permanently break-up the classic Lower Manhattan street walls that would otherwise line both Fulton Street and Broadway, but it would permanently leave exposed the ugly brick lot-line wall of the otherwise architecturally distinguished Corbin Building. Why save the handsome Corbin Building only to foolishly build a structure to the north that not only unnecessarily competes with it for attention but also creates for it the worst context possible? *L14-I-18.*

Response 44:

The effects of the Entry Facility on the historic Corbin Building have been analyzed in the DEIS and this analysis was updated in the FEIS with additional detail. The design of the Entry Facility is considered respectful of the historic Corbin Building and consistent with the urban design of the area and the broad range of architectural styles characteristic of Lower Manhattan as it evolved. The Entry Facility would maintain the Fulton Street and Broadway street walls, contrary to the suggestion made by the commenter.

Comment 45:

The DEIS doesn't seem to examine how the creation of yet another visual icon (the proposed Entry Facility) would contribute to what could easily become a chaotic jumble of visual icons in Lower Manhattan (especially considering the addition of all the visual icons planned for the World Trade Center site) — thereby transforming Lower Manhattan, little by little, into something less than a genuine, functioning, urban district and, increasingly, into something more like a vacuous, anti-urban theme park or architectural world's fair. *L14-I-19.*

Response 45:

Lower Manhattan has historically seen the construction of a broad variety of buildings and other structures that reflect different episodes in its architectural history. In fact, the blocks surrounding the location of the proposed Entry Facility include a range of architectural styles, organized within the street network. The addition of an iconic building such as the Entry Facility is thus considered compatible with that of the surrounding urban design context, while providing some design concepts for the future, as described in Chapter 9 of the DEIS and as updated in the FEIS.

Comment 46:

Why couldn't the DEIS at least have evaluated, for comparison's sake, a less militantly anti-urban design for the Entry Facility than the one that is being proposed? For sake of comparison, such an urbane alternative proposal might have contained the following features: the building would be a handsome and distinguished (but not too flashy) stone-clad "background" building designed in a contemporary traditional style (similar to say, the buildings of the World Financial Center); the building might include a grand interior domed space (but no skylight); without having the burden of allowing for a skylight, such a building could have additional floors containing unusual spaces for small commercial and institutional enterprises; such a structure would be able to continue the classic streets walls of Fulton St. and Broadway in handsome fashion and cover-up the ugly brick lot line wall of the Corbin Building; such a building would also complement and not compete with the original AT&T building across the street and historic St. Paul's diagonal across the street; and such a building could allow for distinctive subway entrances set amidst copious amounts of street-level retail (as illustrated by the 42nd St. side of Grand Central Terminal). An in-depth environmental study of such an alternative would have provided us with the data needed to intelligently evaluate the environmental effects of the various features contained in Alternatives 9 and 10. As it stands now, however, there is really no appropriate comparative data with which to evaluate the pernicious anti-urban environmental impacts of these two alternatives. *L14-I-22.*

Response 46:

As part of the EIS process, a Purpose and Need for the project was developed, along with project goals, (in support of the Purpose and Need). These were first described in the Notice of Intent for the project. The project goals were further elaborated in the Draft Scoping Document and formed the basis for the development of alternatives and environmental analyses presented in the DEIS, and in the FEIS.

The development of the design of the FSTC, including its architectural expression, was informed by the project's Purpose and Need and the project goals, as described in Chapter 1 of the FEIS. The development of the design also responded to the need to avoid or minimize impacts (including historic, visual, and socioeconomic impacts) that were identified by the environmental analyses conducted as part of the NEPA EIS process and by the public participation process as described in Chapter 5: Public Outreach. MTA NYCT kept the public informed and solicited comments throughout the development of the design, via a series of presentations of the project in Technical Advisory Committee (TAC) meetings, meetings with public agencies, elected officials, community boards, and other organizations and individuals and public presentations sponsored by professional societies such as the American Institute of Architects. These meetings and presentations all provided input into the design process to ensure that the projects' Purpose and Need was realized while minimizing environmental impacts. For example, while the design featured in the Draft Scoping Document required the demolition of the historic Corbin Building, the Preferred Alternative presented in this FEIS preserves the Corbin Building and does so with long-term preservation benefits.

The design of the Entry Facility is intended to create a distinctive, iconic facility consistent with the prominent role of the FSTC as a major transportation center in Lower Manhattan. The design of the FSTC, in its achievement of the project goals of improving wayfinding, reducing congestion and improving the traveler's experience, seeks to maximize the use of natural light, both for orientation purposes and to save energy. The design of the Entry Facility seeks to maximize the capturing of available ambient light and direct this light to the underground subway structures. The use of ambient light provides substantial benefits for interior orientation within the FSTC for the transit rider. The exterior transparency of the FSTC also improves the ability to orient oneself from within the Entry Facility to street level urban landmarks such as St. Paul's Chapel. Transparency of building materials exists in many buildings in New York, including Lower Manhattan, and contributes to the City's streetscape. The current design includes proposals for retail and other commercial amenities, such as restaurants, within the Entry Facility, and these proposals will continue to be refined as the design process advances.

Comment 47:

The DEIS didn't seem to examine how the project's reduction of street-level retail would effect street life in the area — particularly as this might impact upon, retail continuity, sidewalk maintenance (e.g., shoveling snow, sweeping trash) and street safety (“eyes on the street”). With the proposed facility having a relatively scant presence of street-fronting retail, who will be “in charge” of the mundane and informal maintenance of sidewalks around the proposed Entry Facility? Will the institutional owners (the “MTA”) of such an anti-urban, World's Fair-like pavilion (with large blank glass walls facing much of the street) be more - or less - up to the task than the small shop owners and their employees who would otherwise watch over the site's sidewalks? *L14-I-12.*

Response 47:

While some reduction of retail at street level would occur, the continuity of retail fronting Broadway and Fulton Street would be maintained by incorporating street level retail in the design of the Entry Facility. Both Fulton Street and Broadway would be animated due to the draw of activity that the Entry Facility will generate as subway users access the street from the Entry Facility. The MTA has considerable experience in designing and maintaining transportation facilities, including the retail spaces within them, most prominently Grand Central Terminal.

Comment 48:

In one of the meetings we were informed that the MTA had plans to remove the existing subway access stairway to the N/W line that is currently located at the corner of Dey Street and Church Street. This subway access point is just a few steps away from our store entrance on Church Street. We think it would be against the public interest to spend taxpayer's money to destroy a useful and existing subway entranceway and reduce the amount of access. *L16-I-11.*

Response 48:

The existing stair at the southeast corner of Church Street and Dey Street is expected to be maintained and reconfigured in conjunction with the construction of the Dey Street Passageway.

Comment 49:

If possible, we would be interested in an underground connection to our store's basement from the new Dey Street Tunnel. If pedestrians are aware they can access Century 21 from the tunnel, they will be more inclined to utilize it. We are confident that access to Century 21 would prove to be a useful amenity for the public to use the tunnel, thus revitalizing downtown. Please let us know if this would be feasible. *L16-I-12.*

Response 49:

Although MTA welcomes suggestions, such connection is not considered part of the Proposed Action and was therefore not analyzed. MTA will meet with the commenter to further explore this concept.

Comment 50:

The easement that currently reaches grade near 85 Nassau Street should be included in the scope of the Proposed Action and should be rehabilitated as part of the development of the FSTC. This easement is dark and dingy and because people are expected to use it to access a spectacular new transit facility, it should be upgraded. *L17-C-14.*

Response 50:

This comment may refer to the existing basement exit at 87 Nassau Street. MTA is evaluating improvements to the station access location, including rehabilitation approaches. As stated in Chapter 10 of the FEIS, the proposed widening of the **A C** mezzanine would require use of an existing easement in this property. The potential location of a new stair entrance to the **A C** within the building could require modification of this easement, which is within the sub-basement of the building. This space is currently vacant.

Comment 51:

The details regarding the acquisition of easements and vault spaces should be clearly addressed. Specifically, we are concerned about when these spaces will be acquired and what impact that the acquisition of these spaces will have on surrounding buildings and businesses. *L17-C-15.*

Response 51:

Updated information regarding vaults and basements is included in the FEIS, particularly Chapter 10: Displacement and Relocation, and in Appendix G. MTA will reach out to users of vaults and basements to coordinate the usage of these facilities and minimize the inconvenience to current users.

Comment 52:

We request that the DEIS study the impact of a possible increase in density of block 79 should unused development rights over the proposed Center be transferred to other building sites on this block. Specifically, the analysis should address the impact on historic properties as well as how any increase in density could affect Grimshaw's design goal of transmitting light into the proposed Center. *L19-I-6.*

Response 52:

MTA is not contemplating development of the site with structures other than the Entry Facility, nor does it anticipate transfer of development rights to other properties at this time. Any such potential development is not part of the Proposed Action and, if it were to occur, would be subject to its own environmental study and review requirements, independent from the environmental review for the FSTC.

Comment 53:

Multiple access points to the subway system should be maintained or increased. *L20-I-6.*

Response 53:

As described in Chapter 3: Alternatives and Chapter 6B: Transit and Pedestrians, multiple access points to the subway system will be maintained, several are proposed to be improved and several new access points will be added.

Comment 54:

As we are aware, the MTA is implementing an aggressive environmental program. The glass roof bringing daylight into the station is a bold first step. Other initiatives including the use of alternative energy sources and fuels, the recycling of construction waste and the use of recycled materials should all be explored. *L20-I-7.*

Response 54:

The comment is noted. The EPCs and NYCT's "Design for the Environment" program strives to minimize and avoid environmental impacts.

Comment 55:

More importantly, however, while we applaud the innovative and aesthetic nature of the proposed FSTC design, we believe consideration might also be given to a more traditional approach before a final decision is made. This is partly because Lower Manhattan is in many ways such a traditional neighborhood with many pre-war buildings and a walkable, human scale. A more traditional structure could reflect this neighborhood quality by having a base that carried forward the building lines on both Fulton Street and Broadway, providing visual and functional continuity and a sense of community identity. *L21-I-2.*

Response 55:

The updated design of the Entry Facility as presented in the FEIS is respectful of the street wall and includes a lower base that is contiguous with that of the adjacent buildings, both on Fulton Street and Broadway, as noted in Chapter 9 of the FEIS. The design of the Entry Facility is intended to create a distinctive, iconic facility consistent with the prominent role of the FSTC as a major transportation center in Lower Manhattan and in pursuit of the project goals of improving wayfinding, reducing congestion and improving the traveler's experience. The design of the Entry Facility seeks to maximize the capturing of available ambient light and direct this light to the underground subway structures, using ambient light to allow interior orientation, and facilitate exterior orientation with surrounding street level urban landmarks such as St. Paul's Chapel. Chapter 9 evaluates how the design of the FSTC integrates and harmonizes with the existing surrounding buildings.

Comment 56:

There could also be a tower above, built and financed by private interests, that would provide for residential housing, headquarters quality office space, a major cultural facility, or a mixed use structure. The base could have stores (including a corner store), restaurants and cafes that opened onto the street, helping to maintain a vibrant pedestrian life and increase foot traffic for other retail businesses in the area. By contrast, the proposed design, one that draws people into the Center and off the street, could discourage retail growth and development. A residential tower would...allow more area workers to live near their offices and places of business, reducing their dependence on public and private transportation (i.e., subways and cars); would help make Lower Manhattan a diversified community with amenities for residents as well as for businesses and their employees; and would benefit the economy of Lower Manhattan by creating a greater demand for goods and services. *L21-I-3.*

Response 56:

MTA is not contemplating development of the site with structures other than the Entry Facility, nor does it anticipate transfer of development rights to other properties at this time. Any such potential development is not part of the Proposed Action and, if it were to occur, would be subject to its own environmental review requirements, independent from the environmental review for the FSTC. The design of the Entry Facility does not preclude nor promote future development on the site.

Comment 57:

We believe the Fulton Street Transit Center provides an opportunity not only to improve the transportation infrastructure of Lower Manhattan but also to stimulate economic growth, increase retail activity and demand, increase the tax base, enhance the urban setting, and erect an exciting high rise building and cultural center that will attract more residents and/or corporate tenants to the center of the

downtown business district. We hope you are able to give some consideration to this alternative approach. L21-I-4.

Response 57:

The design of the Entry Facility does not preclude nor promote future development on the site. However, MTA is not contemplating development of the site with structures other than the Entry Facility. Any such potential development is not part of the Proposed Action and, if it were to occur, would be subject to its own environmental review requirements, independent from the environmental review for the FSTC. Potential environmental impacts of such development are therefore not analyzed in this FEIS.

Comment 58:

I am writing to you with reference to the announcement in the New York Times on Wednesday May 26, 2004 of the projected Fulton Street Transit Center. This announcement of the new structure came a week after the tragic collapse of the glass structure at the Paris Airport. Although Avant Garde design by modern architects is a welcome artistic venture to make a city exciting and functional, it seems to me that the structural engineers have to be able to interpret the new design with regard to safety. I don't know what the findings will reveal once the investigation of the collapse of the Paris airport structure is completed. The photograph of the structure looks very much like the proposed Fulton Street Transit Center. I am only a lay person, but in light of the Paris tragedy I wanted to let my observations be known. L25-I-1.

Response 58:

The design of the FSTC is being developed in accordance with all applicable guidelines and regulations, including those related to structural stability and safety. In addition, USDOT regulations require a designer with transportation experience.

25.3.6 CONSTRUCTION METHODS AND ACTIVITIES

Comment 59:

Construction activities are expected to be carried out in two eight-hour shifts six days a week for the majority of construction tasks. The DEIS indicates this may occur at any time within a six-day week including during morning and evening peak hours and should be carefully planned and coordinated to try to minimize disruption to local businesses, residents, workers and commuters. CB #1 recommends construction to be limited to Monday to Friday in deference to the residents who live near the site. H1-C-7, L17-C-19.

Response 59:

The timing and duration of the construction program will be developed further within the continuing engineering and design of the project and are discussed within the technical chapters of the FEIS. A public involvement plan for the construction phase of the project is being developed to provide a framework for community interaction and exchange of construction information.

Restriction of construction to typical business hours (i.e., Monday through Friday) must be balanced with the needs of other stakeholders. To minimize disruption to subway service and/or ensure customer safety with the Existing Complex, it may be necessary and prudent to conduct construction activities during late evening and weekend hours. This is further explained in Chapter 4: Construction Methods and Activities. NYCT will use EPCs where practicable to minimize and/or avoid adverse construction-related impacts and will keep the community informed of construction activities through outreach programs.

Comment 60:

Several commenters expressed the need for MTA to appoint a liaison to the residents and businesses who will be most affected by the construction noise, increased traffic, decreased air quality, utility interruptions, street closures and interruptions in subway service that will result in this project. The liaison must be proactive in to keep the community informed and address their needs. Establishing the Lower Manhattan Construction Coordination Group, as defined in the DEIS, is a good step towards community outreach, but there must also be a specific business/construction liaison, as well a liaison to the residential community. The commenters also expressed a need for greater detail on the strategic construction phases. *H10-E-3, H22-I-3, L11-E-5, L11-E-6, L17-C-21.*

Response 60:

NYCT is coordinating efforts with the other Lower Manhattan Recovery Project sponsors, and is preparing a public involvement plan for the construction phase of the FSTC to provide a framework for community interaction and exchange of construction information. Project phasing has been refined and is described in Chapter 4: Construction Methods and Activities. This phasing will continue to be verified through the design process so as to minimize adverse effects. Construction activities and timing will accommodate community and business needs and concerns, where possible. As the design of the FSTC continues to advance, NYCT will communicate with potentially affected tenants and property owners to provide specific information via a program of project outreach. This program will be included in the CEPP and a working draft of this program is included in Appendix C of the FEIS.

Comment 61:

Several commenters suggested that a heightened coordination be required due to the number of other large construction projects (NYCDOT, Port Authority, etc.) occurring within a small area of Lower Manhattan. Simultaneous construction activities in Lower Manhattan require coordination with existing communities and the LMDC's centralized construction command center. *H17-I-2, L17-C-6, L19-I-5, L20-I-5.*

Response 61:

NYCT is currently coordinating and will continue to coordinate efforts with the other Lower Manhattan Recovery Project sponsors. The Lower Manhattan Recovery Projects, including FSTC, are participating in the development of the Lower Manhattan Construction Coordination Group. NYCT is also preparing a public involvement plan for the construction phase of the FSTC to provide a framework for community interaction and exchange of construction information.

The DEIS and FEIS contain a forecast of likely construction activities, and related equipment use and generated truck traffic. These forecasts have been used to quantify the likely maximum air quality, noise, and vibration impacts to residents and nearby businesses. The overall cumulative effects of the construction and operation of the FSTC and other projects are detailed in Chapter 20. Mitigation measures and EPCs will be incorporated into the project to minimize environmental impacts to acceptable levels.

Comment 62:

Several commenters expressed concern about specific construction impacts to retail businesses, including Century 21, a major destination retailer in Lower Manhattan. The sponsors should implement an array of mitigation measures, including an effective wayfinding program to ensure that customers and personnel are aware that these businesses remain open and are able to gain access to them. Contractors should be instructed to keep sidewalks and streets as open as possible, allowing pedestrian traffic to access business entrances and trucks to make deliveries on time. Also, business signs should be kept unobstructed

whenever possible and blocked only when necessary and for short periods of time. *L7-I-4, L11-E-3, L16-I-13, L17-C-20.*

Response 62:

Please see Chapter 20: Coordinated Cumulative Effects Analysis. The FSTC Design Team has been coordinating with NYCDOT to address sidewalk and street access issues for businesses. Specifically, the plans take into account maintaining access for deliveries and emergencies. Outreach efforts between NYCT and the business community will continue into final design and through the actual construction of the FSTC. The CEPP, which is included in working draft form in the FEIS, will include specific measures to aid customer way-finding and access to businesses during construction. NYCT will use EPCs where practicable to minimize or avoid adverse impacts and will keep the community informed of construction activities through routine outreach.

Comment 63:

Because this project will require relocation of some utilities, it can be expected that these services will experience some disruptions. It is imperative that these lapses be coordinated to have the least impact on businesses and that businesses and residents be provided with a schedule of such shut-offs far in advance. *L11-E-4.*

Response 63:

Coordination with utility providers is underway and will continue throughout the design and construction phase. NYCT will also keep local businesses and residents advised of construction activities and potential outages or other temporary changes in service through routine outreach.

Comment 64:

Regarding 170 Broadway, does the subway entrance at Southeast corner of Maiden Lane and Broadway require underpinning of 170 Broadway? *L13-I-1.*

Response 64:

No underpinning at 170 Broadway is currently considered to be required for the planned work. Nevertheless, as construction ensues and excavation proceeds, direct observation of subsurface foundation conditions may indicate the need for foundation improvements.

Comment 65:

The Downtown Alliance has several concerns about the construction techniques and impacts as well as the planning, design and operation of the new station as outlined in the draft EIS. The DEIS identified several buildings and in some cases basement areas will need to be acquired for easements and other portions of the project. We would like more information about how and when these phases will be acquired by the MTA and what the duration and degree of corresponding construction impacts will be for the tenants of those buildings. *H22-I-2.*

The Downtown Alliance also expressed its concerns about the volume of space being acquired for easements on the west side of the project and would like to see easement areas on the east side, specifically the easement that currently reaching near 85 Nassau Street. *H22-I-8.*

As the owner of 19 Church Street, we are concerned about the effects of the Vault Modification on subsurface vaults and basement structures. According to Figure 10-1, 19 Dey Street and 14-22 Cortlandt Street fall under the 'Properties Affected by Vault Modifications' category. ES-30 states, 'The affected utilities in these areas would have to be relocated to other available areas within the basements and sub-

basements of affected buildings. It is not anticipated that this would result in any adverse impacts. The basement and sub-basements are currently used as stock rooms and offices. In running an efficient operation, we attempt to utilize all the space available for business purposes. Thus, I am concerned exactly what utilities would be relocated and where. Please provide specific structure changes for these two addresses so I may plan ahead and attempt to accommodate your needs. *L16-I-8*.

Response 65:

Potential acquisition of property and acquisition/use of easements are identified in Chapter 10 and Appendix G of the FEIS. The timing and duration of use of temporary construction easements will be discussed between MTA and affected property owners as the design progresses. As stated in the FEIS, acquisitions would be subject to the requirements of the New York Eminent Domain Procedure Law, and NYCT would also adhere to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Easements on the east side of the project area exist at 129 Fulton Street, 150 William Street, and 110 William Street. New easements or easement extensions are being proposed at 150 William, 135 William, and 110 William. As stated in Chapter 10 of the FEIS, the proposed widening of the **A C** mezzanine would require use of an existing easement at 87 Nassau, to which the commenter may be referring. The potential location of a new stair entrance to the **A C** within the building could require modification of this easement, which is within the sub-basement of the building.

NYCDOT notifications to property owners for the requested cancellation of vault leases will be sent to affected building owners. This notification will provide the required timing, and work that is required to be carried out by the building owners/tenants.

Comment 66:

Century 21 Department Store employs over 1,000 people at the 22 Cortlandt Street location, and is probably the most affected by this project. Our representatives have been involved in numerous discussions regarding the FSTC at board meetings of the Alliance for Downtown New York. Throughout our communication with MTA/NYCT I have expressed concerns about affects to Century 21's business related to the FSTC construction, especially our ability to receive trucks on Dey Street. These concerns have been repeatedly met with reassurance that the actions planned will not affect our use of Dey Street. (Attached to these comments was a letter dated April 22, 2004 addressing these issues.) After carefully reviewing the project documents made public by the MTA, I was surprised to see contradictions to what I was verbally informed.

We understand that there will be excavation immediately adjacent to existing buildings, possibly requiring the use of underpinning. Does this apply to Century 21? If so, who is the liable party for the construction activities? *L16-I-7*.

Response 66:

Traffic plans and construction work zones in Dey Street will be configured such that curb loading/unloading areas are maintained throughout construction near the Century 21 loading dock for deliveries. Access will be either from Broadway or Church Street dependent upon current traffic and work zone configurations. Temporary unloading areas on Church or Broadway will not be utilized unless Century 21 concurs with such a plan. Access to existing customer entrances will be maintained and will not be utilized for deliveries. MTA and the Contractor will review changes in plans during construction with Century 21 store representatives prior to such changes being implemented.

No underpinning at the Century 21 Building is currently considered to be required for the planned work. Nevertheless, as construction ensues and excavation proceeds, direct observation of subsurface foundation conditions may indicate the need for foundation improvements. FSTC-related construction

activities associated with the Century 21 Building, if any, would be the responsibility of the MTA Construction Company (MTACC).

Comment 67:

We believe that the Draft Environmental Impact Statement fails to make a consideration of the full impact that the construction phase will have on local residents and businesses who will be displaced or otherwise directly affected by the near-constant construction required for this project. *L17-C-2.*

Response 67:

The DEIS and FEIS contain a forecast of likely construction activities, and related equipment use and generated truck traffic. These forecasts have been used to quantify the likely maximum air quality, noise, and vibration impacts to residents and nearby businesses. The overall cumulative effects of the construction and operation of the FSTC are detailed in Chapter 20. Mitigation measures and EPCs will be incorporated into the project to minimize environmental impacts to acceptable levels. Displaced businesses will receive relocation assistance in accordance with State and Federal law, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that they will be able to relocate to other premises in Lower Manhattan.

Comment 68:

CB #1 also strongly supports the adoption of an overall Maintenance and Protection of Traffic Plan. (MPT Plan) in coordination with NYCDOT and in conjunction with the MPT Plans of other project sponsors in Lower Manhattan such as the PANYNJ and LMDC with respect to the proposed redevelopment of the WTC site and the NYCDOT with respect to the proposed rebuilding of Route 9A. The MPT Plans should be developed on a coordinated basis with advice from the proposed Lower Manhattan Construction Coordination Group (LMCCG) and CB #1 and should also take into account all other Lower Manhattan Recovery Projects that are expected to occur during the period of construction of the Proposed Action. *L17-C-22.*

Response 68:

NYCT has prepared MPT Plans for NYCDOT approval and the current draft is shown in Appendix C. This plan takes into account the other Lower Manhattan Recovery Projects and will be periodically updated as conditions warrant. MTA will provide more specific information on traffic issues to affected property owners, businesses and residents via the Lower Manhattan Construction Coordination Group and ongoing public outreach. Construction activities and timing will accommodate community and business needs and concerns where possible.

Comment 69:

Street and sidewalk closures as a result of proposed construction activities, including the planned cut and cover construction of the proposed Dey Street Passageway and reconstruction of the **A** **C** mezzanine (including Dey Street between Church Street and Broadway and Fulton Street between Broadway and Nassau Street), will divert vehicular and pedestrian traffic and will have a disproportionate impact on surrounding residents and businesses. As stated in the DEIS, the "closure of Dey and Fulton Streets to through traffic would limit truck access to business." Appropriate mitigation plans should be developed on a coordinated basis with input from the proposed LMCCG and CB #1. *L17-C-23.*

Response 69:

Please see Chapter 20: Coordinated Cumulative Effects Analysis. The FSTC Design Team has been coordinating with NYCDOT to address sidewalk and street access issues for businesses. Specifically, the plans take into account maintaining access for deliveries and emergencies. These outreach efforts by NYCT to the business community will continue into final design and through the actual construction of the FSTC. The CEPP, which is included in working draft form in the FEIS, will include specific measures to aid customer way-finding and access to businesses during construction.

25.3.7 TRAFFIC AND TRANSPORTATION**Comment 70:**

In the Executive Summary, page 17 under construction impacts, it states construction of the FSTC would require the temporary closure of Dey St. to through traffic and parking between Church St. and Broadway, 'All of the roadway and lane closures proposed as part of the FSTC construction activities would remove curb loading and unloading from the study area. Since no on- street parking spaces for vehicles would be lost as a result of these curb closures, no impacts are anticipated for the off-street parking facilities. The closure of Dey and Fulton Streets to through traffic would limit truck access to businesses. A portion of the total right-of-way width on these roads would be used to maintain a vehicular travel lane for emergency access/local deliveries.' (emphasis added) I was told that the phased approach of Dey Street would always allow for our trucks' access Century receives seven to twelve 40-foot trailers per day delivering to 17 Dey Street. I must reiterate that stopping them, even for a day, would seriously hamper our business. It is critical for us to maintain direct delivery to the receiving department in order for Century 21 to function. Please confirm that the local delivery lane will be compatible with our needs and will be available to us throughout the construction of the FSTC. It was stated in Section 7 (7-39) that 'The most pronounced effect of construction activities on Century 21's operations would be due to the temporary restrictions to the store's loading dock during periods of limited access, it is expected that deliveries would be made via the alternative sweet-level entrances, or stock would be transferred to the Dey Street dock using hand trucks or other goods movement equipment. Section 6 (6-34) states, 'Alternative loading areas could also be established on the west side of Broadway or the north side of Cortlandt Street during construction. Access to Dey street could also be provided at the extreme east of west end of Dey Street during the various stages of construction. This restriction of delivery access is contrary to the above-mentioned verbal assurances from MTA officials. The other store entrances (22 Cortlandt Street and Church Street) cannot be utilized, as the entryways are not wide enough to handle the pallets of freight. The Dey Street receiving area is also the only location in the store equipped with a freight elevator used to disperse the large shipments of merchandise. The suggestion of using alternate loading areas or hand trucks also poses a major exposure to theft. As you know many of the items Century stocks are luxurious, designer, goods that are in great demand. In addition, we are strongly opposed to transporting these goods through the other entrances, as they are heavily trafficked by pedestrians and customers. Doing this could endanger customers and would expose us to claims of liability. L16-I-3.

Response 70:

Traffic plans and construction work zones in Dey Street will be configured such that curb loading/unloading areas are maintained throughout construction near the Century 21 loading dock for deliveries. Access will be either from Broadway or Church Street dependent upon current traffic and work zone configurations. Temporary unloading areas on Church or Broadway will not be utilized unless Century 21 concurs with such a plan. Access to existing customer entrances will be maintained and will not be utilized for deliveries. MTA and the Contractor will review changes in plans during construction with Century 21 store representatives prior to such changes being implemented.

Comment 71:

Century 21 has been recognized as an ‘anchor’ of downtown pedestrian traffic. Section 6 (6-74) says, ‘The major pedestrian trip generator on this block is the Century 21 discount Department Store.’ Approximately 30% of Century 21 customers use the Dey Street entryway. Eliminating access at this entryway will definitely impact sales. Maintaining pedestrian traffic at the Dey Street entrance throughout the project is a high priority for Century 21. Section 4 (4-19) states, pedestrian access would be restricted to a five (5) —foot egress sidewalk on the north and south sides of the street Century supports this pedestrian passageway and would like a confirmation that this egress will remain throughout the duration of the construction of the FSTC. *L16-I-4*.

Response 71:

NYCT will monitor the situation and will provide the appropriate corrective action to minimize any impacts during construction. Pedestrian access during business hours will be maintained for the Dey Street entrance.

Comment 72:

The conclusion stated in the DEIS that there will be no adverse traffic effects during the construction of the Proposed Action is difficult to accept in view of the fact that (a) one lane each of Broadway and Church Street will be closed during construction; (b) bus traffic on Broadway will be diverted into one of the two remaining open lanes; (c) construction of the Proposed Action will take place during the peak years of construction for other Lower Manhattan projects including at the WTC site and Route 9A (c) the DGEIS projects considerable heavy construction traffic on Broadway and Church Street during the construction of the Proposed Action; and (d) construction will occur from 7:00 am to 11:00 pm six days a week. *L17-C-24*.

Response 72:

The traffic analyses conducted for the FSTC DEIS take into account all of the issues the commenter has presented as described below and in the FEIS Chapter 6.

The roadway configuration in the Study Area in 2006 reflects the construction recovery activities in Lower Manhattan, including the Lower Manhattan roadway reconstruction program being implemented by NYCDOT. In 2006, Vesey and Liberty Streets will be closed to through traffic between Route 9A and Church Street. By 2006, Barclay Street between Church Street and Route 9A would be reinstated as a one-way westbound thoroughfare. The NYCDOT roadway reconstruction projects would be occurring in 2006 on Church Street and Broadway north of Vesey Street and on Water Street south of Peck Street. Within the NYCDOT work areas, two travel lanes would be provided on Church Street and Broadway and one travel lane would be provided in each direction on Water Street. In 2006, the bus lane on Church Street would be closed and on-street parking would not be allowed on Church Street and Broadway. On-street parking would still be permitted on Water Street during 2005 and 2006. The Route 9A Reconstruction project is proposing to maintain three travel lanes in each direction throughout construction and would not require the diversion of traffic to Broadway or Church Street.

The generation of construction traffic by each of the four other Lower Manhattan Recovery Projects was developed based on preliminary construction information confirmed with each project sponsor in November 2003, including the PANYNJ (permanent WTC PATH terminal), MTA NYCT (South Ferry Terminal), NYSDOT (Route 9A Reconstruction), and LMDC (WTC Memorial and Redevelopment Plan). The assignment of construction vehicles to the Lower Manhattan traffic network was based on coordination among the sponsors of Lower Manhattan Recovery Projects as well as NYCDOT, in summer and autumn 2003, with the objective of minimizing impacts of truck traffic on the local roadway network. This was achieved by optimizing the use of existing NYCDOT truck routes and by limiting the overlap of truck routes for each project.

With regard to construction scheduling, the South Ferry Terminal project would be constructed with a 16-hour work day (7:00 AM to 11:00 PM). A 10-hour work day (7:00 AM to 5:00 PM) was assumed for the WTC Memorial and Redevelopment Plan, Route 9A and the permanent WTC PATH terminal reconstruction. The primary travel route to be used by the South Ferry Project would be Broadway and Church Street. For the WTC, Route 9A and the permanent WTC PATH terminal reconstruction, the primary travel route would be Route 9A. The workday lengths and truck routes were developed in coordination with the sponsors of the other Lower Manhattan Recovery Projects. The number of construction vehicles projected to be generated by the other Lower Manhattan Recovery Projects (South Ferry Terminal, WTC Memorial and Redevelopment, Route 9A and the permanent WTC PATH terminal reconstruction) in 2006 was added to the 2006 background traffic network to establish the 2006 traffic conditions without the FSTC (No Action Alternative).

In conjunction with the Lower Manhattan Recovery Projects, MPT plans will be implemented by project sponsors, such as PANYNJ and LMDC, in coordination with NYCDOT, NYCDDC and NYSDOT to minimize interruption of vehicular and pedestrian circulation. A key aspect of these efforts will be pedestrian safety. Measures to be considered during the development of detailed MPT plans would include pedestrian signage, physical demarcations and/or barriers for dedicated pedestrian zones, Traffic Enforcement Agents (TEA) to direct vehicular and pedestrian circulation, especially during peak hours, management of truck delivery schedules, both associated with construction activities and operation of existing businesses in the area and strict enforcement of parking rules to minimize crowding of narrower east-west streets.

For the FSTC Build alternatives, conditions in 2006 were developed by adding the FSTC construction vehicles to the 2006 conditions without the FSTC. These conditions include traffic associated with anticipated background growth and construction traffic associated with the other Lower Manhattan Recovery Projects, as described for the No Action Alternative. The construction of the FSTC requires the closure of Dey Street to through traffic and parking between Church Street and Broadway and the closure of Fulton Street between Broadway and Nassau Street. In addition, construction staging areas are proposed for the east side of Broadway between Fulton and John Streets, the north side of John Street between Broadway and Nassau Street and the east side of Church Street between Cortlandt and Fulton Streets. Traffic projected to use Dey and Fulton Streets was reassigned to alternate routes in the Study Area. It was assumed that southbound Broadway and northbound Church Street between Vesey and Cortlandt Streets would be limited to two travel lanes in each direction with no parking lane or exclusive bus lane. The traffic analyses conducted for the FSTC DEIS take into account all of the issues identified by the commenter. MPT Plans for the FSTC in conjunction with coordination with other project sponsors, NYCDOT, NYSDOT and NYCDDC will all serve to avoid traffic impacts during construction of the FSTC. Adherence to approved MPT plans will be monitored by the responsible agencies.

Comment 73:

According to the WTC FGEIS, the traffic study methodology used in the FSTC DEIS assumes that traffic will be diverted elsewhere once it reaches a certain critical level. We request clarification whether the DEIS traffic modeling similarly projected that traffic will be diverted from the studied streets and intersections to other streets or intersections, and, in particular, whether (if, if so, to what extent) the modeling projected that traffic would be diverted to Route 9A. Common experience suggests that traffic is commonly diverted between Route 9A and either Church Street or Broadway. The DEIS does not study this effect— either by examining traffic patterns on Route 9A (other than at Chambers Street) or by taking into account the fact that the WTC Redevelopment and Route 9A projects will tend to divert traffic to Church Street and Broadway while the construction of the FSTC will tend to divert traffic in the opposite direction. *L17-C-26.*

Response 73:

The Route 9A Reconstruction project is proposing to maintain three travel lanes in each direction throughout construction and traffic would not be diverted to Broadway or Church Street. This was reflected in the development of the 2006 background traffic volumes for the FSTC DEIS and FEIS. The primary travel route to be used by the FSTC construction vehicles would be Broadway and Church Street. It was assumed that none of the FSTC construction vehicles would travel on Route 9A within the Route 9A Reconstruction project area. The construction of the FSTC requires the closure of Dey Street to through traffic and parking between Church Street and Broadway and the closure of Fulton Street between Broadway and Nassau Street. In addition, construction staging areas are proposed for the east side of Broadway between Fulton and John Streets, the north side of John Street between Broadway and Nassau Street and the east side of Church Street between Cortlandt and Fulton Streets.

Cross-town traffic projected to use Dey and Fulton Streets was reassigned to alternate routes including Cortlandt Street/Maiden Lane in the Study Area. No northbound/southbound traffic was diverted from Broadway or Church Street to any alternative route including Route 9A or Water Street. It was assumed that southbound Broadway and northbound Church Street between Vesey and Cortlandt Streets would be limited to two travel lanes in each direction with no parking lane or exclusive bus lane. All traffic projected to use Broadway or Church Street in the 2006 No Build condition (including buses) was modeled in the 2006 Build condition with the lane reductions to two travel lanes on Broadway and Church Street. Based upon the results of the analyses, there would be no traffic impacts as a result of the cumulative effect of the five Lower Manhattan Recovery Projects.

Comment 74:

The DEIS assumes, unrealistically we believe, that construction workers will not use personal vehicles to travel to the worksite. This is contrary to experience, which suggests that construction workers commonly use their personal autos to travel worksites, often parking illegally (or with invalid permits displayed on adjacent streets and sidewalks, or in staging areas (resulting in larger than necessary staging areas). Permits for personal vehicles should be strictly limited, parking rules in the surrounding streets thoroughly enforced, and incentives provided to encourage use of public transportation. *L17-C-27*.

Response 74:

The comment is noted. No parking permits will be issued for personal vehicles of FSTC construction staff. NYCT is coordinating with other participants in the Lower Manhattan Construction Coordination Group, including NYPD, to further address these issues.

Comment 75:

The problem of surface transit needs to be addressed, and it is logical to incorporate a loading and unloading space for buses in the vicinity of the new FSTC terminal. *L20-I-4*.

Response 75:

The needs of surface transit, e.g. buses, are beyond the scope of the FSTC. NYCDOT regulates the location of bus stops, including those on Broadway adjacent to the FSTC. It is not anticipated that any temporary relocations of existing bus facilities will be required during construction.

25.3.8 SOCIAL AND ECONOMIC CONDITIONS

Comment 76:

The DEIS also doesn't seem to examine how a permanent reduction of such spaces in the area would contribute to diminished commercial, residential and retail diversity in the area and a diminished ability of the area to serve as an incubator for the businesses and cultural activities of tomorrow. The question may be asked as follows: doesn't the permanent reduction of such space result in fewer opportunities for small businesses and cultural institutions to rent such spaces, and in higher rents for the spaces that remain? The DEIS didn't seem to examine whether such a reduction in space would thereby contribute to a decrease in economic and cultural diversity in Lower Manhattan, especially of small shops and businesses. *L14-I-15.*

Response 76:

As summarized in Chapter 7: Social and Economic Conditions, the street front retail establishments and small commercial offices that are proposed to be displaced are part of a larger commercial district of similar land uses. As such, the program of displacements will not result in significantly adverse impacts to the economic and cultural diversity of Lower Manhattan. Moreover, new retail establishments will be developed in the proposed Transit Center, with other destination-type retail establishments located on different levels of the facility. Displaced businesses will receive relocation assistance in accordance with State and Federal law, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that they will be able to relocate to other premises in Lower Manhattan.

Comment 77:

Also unexamined by the DEIS is the effect that such a reduction in space might have on the ability of the area to serve as an incubator for the businesses and cultural activities of "tomorrow." Where will the "Century 21"-of-the-future or the "J&R Music World"-of-the-future (both businesses having started out in Lower Manhattan in smaller, cheaper quarters than what they presently occupy) start out and grow if the proposed project contributes to a needless shortage of the kind of small commercial and retail spaces that such activities need? *L14-I-16.*

Response 77:

The comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that displaced businesses will be able to relocate to other premises in Lower Manhattan. All displaced businesses will receive relocation assistance in accordance with State and Federal law.

25.3.9 DISPLACEMENT AND RELOCATION

Comment 78:

Resident workers in proximity to the site of the proposed action will be subject to significant, adverse and environmental impacts related to the construction and all of the Lower Manhattan recovery projects that will be simultaneously under construction in Lower Manhattan. Lower Manhattan residents and businesses depend on the small stores, the restaurants and other businesses within and near the site of the proposed action, which may be temporarily or permanently relocated or displaced by the proposed action or otherwise adversely affected. *H1-C-2.*

Response 78:

As summarized in Chapter 7: Social and Economic Conditions, the street front retail establishments and small commercial offices that are proposed to be displaced are part of a larger commercial district of similar land uses. As such, the program of displacements will not result in significantly adverse impacts to the economic and cultural diversity of Lower Manhattan. Moreover, new retail establishments will be developed in the proposed Transit Center, with other destination-type retail establishments located on different levels of the facility. Displaced businesses will receive relocation assistance in accordance with State and Federal laws, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that they will be able to relocate to other premises in Lower Manhattan.

Comment 79:

We are also concerned that the impacts of construction on businesses, especially retailers in the area, are currently unclear. This is even more troublesome because of the volume of construction scheduled to be taking place throughout Lower Manhattan during construction on this project. Without detailed and accurate communication to building tenants, the impact on businesses will be devastating. *H22-I-4*.

Response 79:

Impacts to businesses that may be displaced are discussed in Chapter 10, which also describes the Relocation Program. The impacts to businesses adjacent to those that may be displaced, and may experience differing impacts, are explained in Chapter 7, and mitigation measures for that group of firms are listed in Chapter 4. MTA NYCT is developing a construction phase outreach program to communicate project construction information in a timely manner. Chapter 20: Coordinated Cumulative Effects Analysis identifies expanded construction period impacts on areas; FSTC specific economic impact information is given in Chapter 7.

Comment 80:

But while the new Fulton Street Transit Center will improve access to Lower Manhattan, it will also seriously impact residents and businesses near the construction zone. Our goal should be reducing and mitigating this negative impact to ensure that residents and businesses will still be around in 2007 to enjoy the benefits of the completed Hub. I am particularly concerned about the impact that construction will have on the businesses in the area. Local businesses have faced many challenges since September 11th, as seen in the number of empty storefronts in this neighborhood. While some businesses will be permanently displaced by the Transit Center, many will remain and have to deal with obstacles such as closed sidewalks and streets, disruption of utilities, increased noise and air pollution, increased traffic congestion, the added difficulty of receiving and making deliveries, and reduced subway service. These problems are not merely inconveniences. The disruptions from such a lengthy project could seriously hurt or even force closure of neighborhood businesses. *L11-E-2*.

Response 80:

Potential impacts on residents and businesses, including displacement, noise and air quality, are analyzed in the FEIS. The timing and duration of the construction program will be developed further within the engineering and design of the project and are considered in the FEIS. Chapter 7 of the FEIS notes that on-going businesses adjacent to the FSTC customer site may experience temporary inconveniences and disruption. They may also find new customers in the FSTC construction workers on-site. Via the Lower Manhattan Construction Coordination Group and ongoing public outreach, MTA will provide more specific information to affected property owners, business and residents. Where possible, construction activities and timing will accommodate community and business needs and concerns.

Comment 81:

The significant disruption of the neighborhood resulting from the Proposed Action will impact decisions by existing retailers and prospective retailers to remain in Lower Manhattan, and we need to insure that mitigation techniques address these concerns. *L17-C-18*.

Response 81:

NYCT, through its use of EPCs and other advanced construction strategies, will strive to minimize adverse effects to all neighboring structures and occupants. It will work to keep impacts to levels below currently understood impact thresholds and in the context of a bustling, densely developed urban environment.

Comment 82:

Several commenters expressed concern about the project's impacts not just on commercial and retail establishments, but also on the "web" of business relationships and how businesses gradually establish and build those relationships. These comments also expressed concern about the "suburbanization" of Lower Manhattan. *H10-E-4, H15-I-1, H24-I-4, H24-I-6, L14-I-8*.

Response 82:

The impact to the local economy and relationships is explained in Chapter 7, and no permanent adverse effects have been identified. Potential acquisition of property and acquisition/use of easements are identified in Chapter 10 of the FEIS. As the design of the FSTC continues to advance, NYCT will work with potentially affected tenants and property owners to provide specific information via a program of project outreach. Details of this program will be made available to individual owners, tenants, residents and businesses as appropriate. Displaced businesses will receive relocation assistance in accordance with State and Federal law, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10) suggest that they will be able to relocate to other premises in Lower Manhattan.

If MTA acquires a building by condemnation, the leases in the building will be terminated on the date of condemnation. Until that time, tenants would be subject to the terms and conditions of their existing leases, including any penalties associated with vacating the leasehold space before the end of the lease term. After FTA issues a Record of Decision for the project, MTA will begin acquiring properties needed for the project by purchase or condemnation. At that time, MTA will consider tenant relocation claims on a case-by-case basis, including but not limited to requests for and claims associated with early lease termination.

Comment 83:

Some commenters expressed concern that the Proposed Action will significantly affect the small businesses in and around the site of the project, and that the establishment of a commercial relocation coordination group including representatives from CB1, the Alliance for Downtown New York and other interested groups will be essential to address the issues of relocation and displacement and to ensure proper mitigation reverse economic effects. *H1-C-5, H18-I-2, L17-C-16*.

Response 83:

Businesses not directly displaced may experience inconveniences, for example, with respect to accessibility and customer wayfinding. Mitigation measures are under development and are listed in Chapter 4. However, these same establishments may also benefit from the influx of FSTC construction workers as new customers during the same period. As summarized in Chapter 7: Social and Economic Conditions, the street front retail establishments and small commercial offices that are proposed to be displaced are part of a larger commercial district of similar land uses. As such, the program of

displacements will not result in significantly adverse impacts to the overall economic and cultural diversity of Lower Manhattan. Moreover, a significant proportion of street frontage retail establishments will be reinstated in the proposed Entry Facility, and other destination-type retail establishments located on other levels. Each occupant that may be displaced will be interviewed as to their relocation needs. Displaced businesses will receive relocation assistance in accordance with State and Federal laws, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that they will be able to relocate to other premises in Lower Manhattan.

Ongoing MTA public outreach will continue to involve CB1 and other stakeholders in the project development and construction process. NYCT has coordinated with other Lower Manhattan Recovery Project Sponsors on the development of the LMCCG and its structure, roles and composition. As the design of the FSTC continues to advance, NYCT will meet with potentially affected tenants and property owners to provide specific information via a program of project outreach. Details of this program will be made available to owners, tenants, residents and businesses. General information on public outreach will also be included in the NEPA Record of Decision. If MTA acquires a building by condemnation, the leases in the building will be terminated on the date of condemnation. Until that time, tenants would be subject to the terms and conditions of their existing leases, including any penalties associated with vacating the leasehold space before the end of the lease term. After FTA issues a Record of Decision for the project, MTA will begin acquiring properties needed for the project by purchase or condemnation. At that time, MTA will consider tenant relocation claims on a case-by-case basis, including but not limited to requests for and claims associated with early lease termination. Any compensation related to displacement will be consistent with applicable Federal and State law.

Comment 84:

I am a head hunter, ...I am hoping after this you are helping small business owners who need lawyers to negotiate with landlords because our lease is now up to October. You have encouraged business people to stay downtown here and they survived with some benefits, and now in the middle here retailers, whether you block the blocks to customers who can't come down streets or if they do come down streets, you know and I know because we have gone through construction those who have to stay there who can't leave who don't have an option on their layout are going to encounter the noise and a rodent problem. So hopefully you will take the small business man in the middle and make major considerations. The consideration is you have to go the extra yard here for the small business man...Until you fully understand what they go through start renegotiating a lease or trying to get out their lease now because in retail location is one, location is two, location is three. So if people have found a store, even when you move them there is no guarantee they will make the money they made. So, I am an ex-retailer so I understand retail so unless you are in this business simply moving them is not the solution either. *H14-I-1*.

Response 84:

Businesses not directly displaced may experience some inconveniences, for example, with respect to accessibility and customer wayfinding. Mitigation measures are under development and are listed in Chapter 4. However, these same establishments may also benefit from the influx of FSTC construction workers as new customers during the same period. Vector control (e.g. rodents, vermin) is addressed in the CEPP that is being developed (see Appendix C for working draft). As summarized in Chapter 7: Social and Economic Conditions, the street front retail establishments and small commercial offices that are proposed to be displaced are part of a larger commercial district of similar land uses. As such, the program of displacements will not result in significantly adverse impacts to the economic and cultural diversity of Lower Manhattan. Moreover, new retail establishments will be developed in the proposed Transit Center, and other destination-type retail establishments located on different levels of the facility. Displaced businesses will receive relocation assistance in accordance with State and Federal laws, and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10) suggest that they will be able to relocate to other premises in Lower Manhattan.

Environmental Performance Commitments (EPCs) will be employed and a Construction Environmental Protection Program (CEPP) continues to be developed to help reduce or eliminate construction impacts. The FEIS includes an outline of the CEPP, which will describe environmental performance measures in more detail, as the design for the project is developed in greater detail and coordination with other Lower Manhattan Recovery projects continues. In addition, the FEIS includes in Appendix C an overview of draft environmental performance specifications for NYCT's Lower Manhattan Recovery projects. It is anticipated that specific commitments will be incorporated into the Record Of Decision (ROD) for the Proposed Action. The CEPP will include environmental regulatory requirements, agency approvals and other mitigation measures for control of adverse environmental effects during construction.

Comment 85:

Another one that is really critically important, I think another man addressed this, given we all know we will be displaced in the next year or so, do we have any legal protection to end our lease prematurely without penalty if we find available office space before the end date of our leases? *H18-I-4*.

Response 85:

If MTA acquires a building by condemnation, the leases in the building will be terminated on the date of condemnation. Until that time, tenants would be subject to the terms and conditions of their existing leases, including any penalties associated with vacating the leasehold space before the end of the lease term. After FTA issues a Record of Decision for the project, and if such decision would be to construct the FSTC, MTA will begin acquiring properties needed for the project by purchase or condemnation. At that time, MTA would consider tenant relocation claims on a case-by-case basis, including but not limited to requests for and claims associated with early lease termination.

Comment 86:

Several commenters expressed concern that, as small businesses or small business owners, they need special assistance if they are displaced or forced to relocate. Small businesses represent a special category of commercial activity in Lower Manhattan. *H18-I-1, H18-I-3, H27-I-1, L6-I-1, L6-I-2, L17-C-7*.

Response 86:

Displaced businesses will receive relocation assistance in accordance with State and Federal laws and the comparatively high retail and office vacancy rates for local properties (identified in Chapter 10: Displacement and Relocation) suggest that they will be able to relocate to other premises in Lower Manhattan. As noted in Chapter 10, all occupants of properties required for the FSTC will be personally interviewed to understand their relocation needs, and relocation assistance and benefits will be provided as required under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. As summarized in Chapter 7: Social and Economic Conditions, the street front retail establishments and small commercial offices that are proposed to be displaced are part of a larger commercial district of similar land uses. As such, the program of displacements will not result in significantly adverse impacts to the overall economic and cultural diversity of Lower Manhattan. Moreover, new retail establishments will be developed in the proposed Transit Center, and other destination-type retail establishments located on different levels of the facility.

Comment 87:

As we have heard up to 100 commercial, retail and institutional tenants could be permanently dislocated in Alternative 10, numerous others would suffer a temporary disruption. While we have no doubt the sponsors intend to proceed in accordance with the state eminent domain procedure law and other regulations that govern these acquisitions we urge the sponsors to go beyond the history of these regulations where necessary to ensure that displaced tenants receive not only fair compensation but timely and productive assistance in relocating. The DEIS, the document does point out that the vacancy rates in

Lower Manhattan is such that they enable businesses to relocate. However, many of these businesses have suffered through the downturn of September 11th subsequently and they are not in a position to absorb additional losses. *H20-I-4.*

Response 87:

Please see response to comment 86 above.

Comment 88:

The comment by the woman from the Downtown Alliance was very relevant. The retail is already there and should be maintained. Also it appears you are looking at take out 198 Broadway which is a similar high rise building of apparently similar age to the building on the corner. So you are looking at taking out substantial amounts of property and one of the things to put on my libertarian hat, we see tremendous excesses in the use of eminent domain around the city and many situations so this is a something to be very consider, I don't know how the owners of all of those properties that you are planning to, to take, how they feel about it but overall I would have to say this is a fundamentally an overkill. *H25-I-3.*

Response 88:

The alternatives were evaluated (see Appendix B) with regard to their potential to achieve project goals, particularly with respect to pedestrian circulation, while balancing the avoidance of adverse effects such as private property acquisition. It was determined that the removal of the five properties was required to achieve the transportation goals of the project.

Comment 89:

Specific to 11 John Street, which we understand will be saved as a historic building, how will the tenants in that building be treated differently from those in building which will be demolished? *L6-I-3.*

Response 89:

Under Alternative 10 the Preferred Alternative, the Corbin Building (192 Broadway) would be purchased and the occupants of the building would be permanently relocated following the acquisition. The tenants would be provided assistance and compensation as per the NY Eminent Domain Procedure Law and Federal Uniform Act, just as in the case of any other acquisition by MTA NYCT.

Comment 90:

Furthermore, the report doesn't seem to examine whether replacement businesses would offer the same kind of economic benefits for the local economy that the businesses being displaced do. For instance, would the chain stores that might be likely candidates for the new, largely underground, MTA facilities be the economic equals to those businesses now located in existing facilities (or those businesses that might have eventually located in a new, non-MTA, facility on the site). The following kinds of business, for example might be more beneficial to the local economy than chain stores — e.g., an individual psychotherapist practitioner, a locally owned golf store, a locally owned discount store, an independently owned copy shop, an individually owned drycleaners, an individually operated shoe repair shop, etc. This question would seem to deserve special attention given the proposed reduction in street and above street-level commercial space and the apparent “replacement” of such space in the new plans with off street. *L14-I-9.*

Response 90:

It is not possible at this time to evaluate the nature of the prospective retailers that may occupy the FSTC upon completion. Nevertheless, the FEIS states that there is reason to believe that the existing activities that may be displaced can find new quarters in Lower Manhattan's economy. Upon completion, the FSTC would provide space for businesses that can further benefit Lower Manhattan. The overall objective of the FSTC is to meet the needs of NYCT customers. In regard to the retail component, it is NYCT's objective to execute a merchandising plan that meets the demands of the diverse customer base that will be using the Transit Center. It is anticipated that the merchandising plan will focus on convenience retail, food service retail and specialty stores, with the retail tenant mix being a combination of local, regional and national tenants. The total retail component of this project will be approximately 40,000 square feet. MTA NYCT is prepared to meet with potential tenants that meet, as design, merchandising, and financial guidelines are developed further.

Comment 91:

As the largest retailer downtown, we wasted no time, and made a huge investment to reopen after 9/11. We have been working hard to regain the lost business since 9/11. While we are in favor of this project, we feel we should be reimbursed if the disruption from construction has an adverse affect on our business. Just as the owners, whose buildings are taken for this project are fairly compensated for their loss, we should also be compensated if it costs us. Based on the projected plans it does appear we will be impacted. *L16-I-10.*

Response 91:

NYCT, though its use of EPCs and other advanced construction strategies, will strive to minimize adverse effects to all neighboring structures and occupants. It will work to keep impacts to levels below currently understood impact thresholds and in the context of a bustling, densely developed urban environment. Any compensation to businesses will be performed consistent with the Federal and State laws as appropriate.

Comment 92:

Both build alternatives contemplate the permanent relocation of over 100 retail and commercial tenants, and numerous other businesses will suffer temporary disruptions as part of the planned construction activities. We believe that appropriate compensation should be made to the relocated businesses and to businesses affected by condemnation or easements. *L17-C-11.*

Response 92:

MTA will consider tenant relocation claims on a case-by-case basis. Any compensation related to displacement will be consistent with applicable Federal and State laws.

25.3.10 CULTURAL RESOURCES**Comment 93:**

Some commenters requested that as part of the Section 106 process, the MTA convene a meeting of Consulting Parties to discuss the potential effects and mitigation options for the overall project and that the Consulting Parties be given an opportunity to comment on the MOA and on the Construction Environmental Protection Program (CEPP). *L19-I-3, H11-I-3.*

Response 93:

MTA has met or been in discussion with the SHPO, LPC, and other stakeholders concerning the potential effects and mitigation options for the project (see Chapter 5: Public Outreach and Chapter 11: Cultural Resources). Consulting parties have been given the opportunity to comment on the MOA and access to all relevant project documents, as the MOA was further developed since the publication of the DEIS. Following consultations with ACHP, the development and execution of a Programmatic Agreement (PA) was determined to be more appropriate for the FSTC project than an MOA. The executed PA takes into consideration input MTA/NYCT received from the SHPO, ACHP, and consulting parties. The signed and executed PA is included in Section 11.A of the FEIS.

Comment 94:

We request that the DEIS include a study on the transfer of development rights from the project site itself to the surrounding building sites on block 79. Specifically, the analysis should address the impact on historic properties as well as how any upzoning would affect design goal of transmitting light into the proposed transit center. *H11-I-5*.

Response 94:

Neither transfer of development rights from the project site nor upzoning are part of the Proposed Action. Potential impacts on historic resources from the Proposed Action are addressed in Chapter 11 of the FEIS.

Comment 95:

We strongly urge the DEIS to give more explicit consideration to the four buildings east of the proposed center on Fulton Street, the numbers 138, 140, 142, and 144 Fulton Street. These four buildings are included in the John Street-Maiden Lane Historic District. We believe that the boundaries of the primary area of potential effects should be included, should be extended to include all the buildings on block 79 since they were part of the eligible John Street district. *H11-I-6, L19-I-7, L19-I-8*

Response 95:

The sensitivity of these buildings, as well as other historic resources in the Area of Potential Effect (APE), to construction vibration or other impacts from adjacent construction is considered in Chapter 11 of the FEIS. As described in Chapter 11, avoidance and mitigation strategies to resolve any such adverse effects are included in the PA (included in Section 11.A of the FEIS) as well as in the CEPP. The APE, as delineated in the FEIS, represents full consideration of the potential geographic extent of project-related impacts that could affect historic properties based on the most current design and construction planning.

Comment 96:

Missing from the DEIS is an evaluation of the negative effect that the proposed Entry Facility would have on the historic and architecturally significant structures across the street from it — particularly St. Paul's Chapel. In many historic districts, the construction of a flashy, World's Fair-like pavilion, like the proposed Entry Facility, would be considered to have a tremendous negative impact upon a structure as historic and architecturally distinguished as St. Paul's Chapel. *L14-I-20*.

Response 96:

As indicated in Chapter 11 of the FEIS, the FSTC would not introduce visual elements that would alter or diminish in any way the characteristics for which resources such as St. Paul's Chapel and the AT&T building across Broadway are considered historically significant.

Comment 97:

The conclusion in the Phase 1A report that there was little development in the Area of Potential Effect (APE) prior to mid-19th century is erroneous. It is known historically that settlement in Manhattan had expanded into the APE by the mid-18th century. Clearly Figure 4 in the Phase 1A report, the Maerschalk map of 1755, indicates substantial settlement in the project area. Subsequent maps (Figure 5, Ratzen 1867 and Figure 6, Burr 1836) depict only municipal buildings and churches as individual structures. The developed areas are simply stippled and can easily be misconstrued as open land. We conclude that there is in fact the potential to encounter 18th century archaeological resources within the APE. *L18-I-1.*

Secondly, omitted from the report is the potential to expose, beneath the streets of the APE, segments of New York City's earliest urban infrastructure. As such, this is a manifestation of New York's urban development. Water pipes, of wood, were introduced into the FSTC project area by the beginning of the 19th century and sewer installation is documented as early as 1847. We recommend that, should this infrastructure be encountered during construction, a qualified archaeologist be provided time to record what remains through photography and measurements. This provision should be incorporated into the MOA and be included in the construction documents. *L18-I-2.*

Response 97:

The comment is noted. Additional research has been conducted. An updated version of the Phase 1A Archaeological Study is included with the FEIS and the text in Chapter 11 of the FEIS and PA (also see Response to Comment 93) has been updated to reflect this information.

Comment 98:

As per stipulation IV of the MOA should any unanticipated archeological resources be encountered during construction, work shall cease in that area, the State Historic Preservation Office (SHPO) will be notified and a qualified archaeologist will investigate the discovery and determine the course of action. To expedite the process we recommend that the contractor or MTA retain a professional archeologist who will be on-call to address such issues if they arise. Provisions for this work should be clearly stated in your construction documents. It is also recommended that construction staff, or at least the resident engineers and construction foremen, be briefed, ideally by an archeologist, on the types of resources that might be encountered so that they are aware of what to look for when excavating. *L18-I-3.*

Response 98:

The comment is noted; the PA (also see Response to Comment 93) has been updated to reflect these added stipulations.

Comment 99:

The LMEPF is concerned about the cumulative impact on nearby historic properties due to the numerous projects anticipated in Lower Manhattan. These include projects outlined in the World Trade Center Memorial and Redevelopment Plan EIS, the MIA Fulton Street Transit Center project, anticipated projects resulting from the Lower Manhattan Development Corporation's Fulton Street Retail and Art/Entertainment Study, and private sector projects including new building and conversions. We are specifically concerned about vibrations from these cumulative construction projects and recommend that the Fulton Street Transit Center EIS include sufficient standards that take into account these multiple projects affecting historic resources. These standards can be used in the preparation of the Construction Environmental Protection Program. *L19-I-4.*

Response 99:

Potential cumulative effects to historic properties are discussed and addressed in Chapter 22 of the FEIS. This includes consideration of vibrations. NYCT will develop and implement a CEPP to avoid construction impacts on adjacent historic buildings, and a draft, working copy of the CEPP is included in Appendix C: Construction. The CEPP would include measures such as vibration monitoring to ensure that construction activities would not affect the structure or the use of historic structures. There would be no alteration to designated historic building elements. Although construction activities may result in temporary access limitations to buildings, alternative entry/exits would be maintained for the duration of construction. Also see the Programmatic Agreement included at the end of Chapter 11 of this FEIS.

Comment 100:

We are requesting that Table 1-2 and Figure 11-3, which details designated historic resources in the Secondary Study area, include sites recently determine eligible for listing on the State Register by the State Historic Preservation Office. These sites are included in the Cultural Resources section of the World Trade Center Memorial and Redevelopment Plan PGEIS. *L19-I-9*.

Response 100:

The table and figure in Chapter 11 of the FEIS have been revised as appropriate.

Comment 101:

We recommend that both the Girard Building at 198 Broadway and the former Child's Restaurant at 194 Broadway be fully documented using accepted preservation standards before deconstruction. The State Historic Preservation Office should be included in the evaluation or what elements can be salvaged for possible reuse. *L19-I-10*.

Response 101:

The SHPO has determined that these two buildings are not eligible for inclusion in the State or National Register and are also explicitly excluded from the John Street/Maiden Lane Historic District. The provisions of Section 106 of the National Historic Preservation Act are therefore not applicable to these buildings. These two properties are not New York City Landmarks, nor are they listed as 'Buildings of Interest' by the New York City Landmarks Preservation Commission. Therefore, there is no requirement applicable to these buildings for documentation or salvage, or any other mitigation under Section 106.

Comment 102:

We concur there are no feasible and prudent alternatives, and we agree with the measures to minimize harm so long as they are accomplished explicitly consistent with the Stipulations of the MOA for cultural resources preservation. We note the draft of the MOA is appropriately displayed in Appendix H: Cultural Resources, referenced in Chapter 11.7: Summary of Adverse Impacts and Mitigation Measures and referenced in Chapter 22: Section 4(f) Evaluation, 22.5 Coordination, but the MOA remains to be signed. We recommend that a signed copy of the MOA be displayed in the FEIS and/or its accompanying final Section 4(f) compliance documentation as a condition to our agreement with the measures to minimize harm to cultural resources. We also share our understanding of 36 CFR 800.10[c] that the National Park Service, Heritage of Preservation Services Office, 1201 Eye Street, NW, Washington, DC 20005 should be notified when a Registered National Historic Landmark (NHL) is being evaluated for potential impact. In this case St. Paul's Chapel and Graveyard were so considered. As our concerns for cultural resource preservation are treated integrally in the collective compliance documentation of the Draft Environmental Impact Statement and Section 4(f) Evaluation, we reiterate our comments above. *L22-A-1, L22-A-2*.

Response 102:

The comments are acknowledged. The FTA, Metropolitan Transportation Authority (acting on behalf of NYCT and MTA Capital Construction Company), SHPO, and the Advisory Council on Historic Preservation (ACHP) have executed a PA, in place of the MOA, regarding the treatment of historic and archaeological resources within the APE that may be affected by the Proposed Action. A copy of the signed and executed PA is contained in Section 11.A of the FEIS. A letter of notification has been provided to the National Park Service regarding evaluation of St. Paul's Chapel and Graveyard.

Comment 103:

The list of historic architectural resources within the affected project area should also include: the Keuffel Esser Building (127 Fulton Street) and the Royal Insurance Building (150 William Street), which are both eligible for landmark designation. In addition, the discussion should state that 63 Nassau has been calendared for designation as an individual landmark. *L24-I-1.*

Response 103:

The Keuffel Esser Building and the Royal Insurance Building have been added to the list of historical resources in the FEIS. Reference to 63 Nassau Street as an LPC-calendared potential resource has been added to Chapter 11.

Comment 104:

The "Designated Resources within the Secondary Study Area" map is missing landmarks. *L24-I-2.*

Response 104:

The figure referenced by the commenter has been revised to include New York City listed or eligible landmarks within the FSTC APE.

Comment 105:

The text should discuss in greater detail the impact the proposed project may have on the landmarked Fulton Street Interborough Rapid Transit subway station. The text should note the impact that the project may have upon the historic tile and gate that were salvaged from the McAlpin Hotel bar and located within the current Fulton Street Station. *L24-I-3.*

Response 105:

Based on conceptual design, approximately 26 percent of the northbound wall of the ④ ⑤ platform would be removed. The only tiles proposed to be removed would be those that were installed in 1980 when the station was rehabilitated, with the exception of a single band of mosaic under the existing faience cornice that will need to be removed to provide sufficient head clearance under the new openings. The height of the proposed opening under the cornice is 7'-3 ½". The height of the lowest part of the mosaic band under the cornice is 6'-4". As the design process proceeds, NYCT will continue to inform the NYC Landmarks Preservation Commission regarding treatment of the historic components of the IRT station. The tile and gate from the McAlpin Hotel will be preserved and relocated within the FSTC.

Comment 106:

Further research should be conducted to substantiate the findings in the DEIS that there are no potentially significant archaeological resources within the project area. *L24-I-4.*

Response 106:

As a result of design changes, the area of investigation for potential archaeological resources was expanded. The 2003 Phase 1A Study has been updated and is included with the FEIS in Appendix H. The updated study was submitted to LPC and SHPO for review.

Comment 107:

Contrary to the Draft Memorandum of Agreement Regarding the Fulton Street Transit Center Project in New York City, New York, in Appendix H, the LPC was not provided the opportunity to make any recommendations about the Area of Potential Effect (APE), nor has the Landmarks concurred that there are no further archaeological concerns. *L24-I-5.*

Response 107:

The comment is noted. The APE for the FSTC was reviewed and concurred with by SHPO who are a signatory to the Programmatic Agreement regarding the Fulton Street Transit Center. A Programmatic Agreement was developed upon consultation with the Advisory Council on Historic Preservation (ACHP) and replaces the Draft Memorandum of Agreement included with the DEIS. Since the publication of the DEIS the APE was updated to reflect ongoing design changes. The APE and the updated Phase 1A Archaeological Study and its revised recommendations were subsequently submitted to SHPO and LPC for their review and are included in the FEIS in Appendix H.

25.3.11 AIR QUALITY

Comment 108:

Several commenters expressed concerns related to air quality during construction and stated that the health of the people (and especially children) living, visiting and working in Lower Manhattan should be a priority. NYCT should seek to reduce pollutant emissions as much as possible and offset any remaining emissions so that there are no exceedances. In addition to those identified in the DEIS, commenters asked that NYCT seek to reduce emissions from other sources. Commenters stated that NYCT should require the use of ULSD for all non-road equipment on site (rather than limit it to 60 HP and above), require the use of ULSD for on-road vehicles used for construction of the FSTC, and require the use of best available technology for such trucks and also seek to reduce emissions from other sources in the affected areas. *H5-I-3, H9-I-3, H9-I-4, H17-I-4, L2-I-10, H16-I-6, H21-I-7, L2-I-1, L2-I-8; L2-I-9.*

Response 108:

NYCT considers the health of the people working, living and visiting Lower Manhattan an important priority. NYCT will coordinate with construction contractors, residents and others during the implementation of environmental management measures and will seek to maximize the benefit of the EPCs to which it has committed. NYCT will also continue to coordinate construction practices, schedules and emission controls of the FSTC with other project sponsors to further minimize emissions projected in the DEIS and FEIS. Such coordination would not only directly reduce emissions from construction activities associated with FSTC, but could also indirectly help reduce emissions by other Lower Manhattan Recovery Projects in affected areas.

NYCT is committed to implementing these environmental measures and is developing construction specifications in this regard. NYCT is also developing a Construction Environmental Protection Program (CEPP), which includes environmental regulatory requirements, agency approvals and other mitigation measures for control of pollution during construction. The CEPP addresses both ultra low-sulfur fuel requirements as well as dust suppression to minimize air pollution. This material demonstrates NYCT's commitment to use of best available technology to minimize emissions for vehicles for which they have

authority and responsibility to affect. A working draft of the environmental construction specifications and the CEPP is also included in Appendix C.

Comment 109:

Several commenters indicated that measures should be implemented to ensure compliance and accountability with the emission reduction measures (such as anti-idling) and to make sure that exceedances are addressed. Examples include on-site emissions testing, and publishing emission results and data on retrofit technology (possibly on the internet); air quality monitoring (including monitoring of PM_{2.5}) using modern technologies, possibly by independent third parties; marking of construction equipment and trucks with labels that certifies the use of ULSD and retrofit technology. *H21-I-5, H5-I-3, H9-I-5, L2-I-12, L7-I-3, H16-I-2, H21-I-2, H16-I-3, H16-I-4, H16-I-5, H19-I-3, H21-I-6, L2-I-11, L2-I-13.*

Response 109:

NYCT is committed to ensure compliance with environmental management measures, including those that are part of EPCs. Compliance with the provisions of the EPCs, and commitments made therein and would be stipulated in the Record of Decision, will be enforced by NYCT. Enforcement protocols will include a range of enforcement measures, varying from fines to NYCT issued "stop-work" orders until the environmental performance violation can be corrected. Specific procedures will be included in the contract documents that specify the protocols for dealing with environmental performance violations and these will be enforced by NYCT.

NYCT will require that contractors demonstrate that their equipment is compliant with the requirements set in the construction specifications. In this regard, NYCT is developing construction specifications that will be included in construction contract documents. The required use of Tier 2 compliant equipment will create an easily identifiable method for compliance with emission reduction requirements. Equipment for which compliance with the requirements of the environmental specification cannot be demonstrated will not be allowed on-site, unless the contractor can demonstrate that such emission reduction technologies are not practicable and that no alternative technology or construction method or equipment is available that would reduce the emissions.

NYCT is also developing a Construction Environmental Protection Program (CEPP), which includes environmental regulatory requirements, agency approvals and other mitigation measures for control of pollution during construction. The CEPP addresses both ultra low-sulfur fuel requirements as well as dust suppression to minimize air pollution. This material demonstrates NYCT's commitment to use of best available technology to minimize emissions for vehicles which they have authority and responsibility to affect. A working draft of the environmental construction specifications and the CEPP is also included in Appendix C.

MTA will cooperate with efforts that may be undertaken by others to monitor air quality (including PM_{2.5}) and will share relevant data, as appropriate. MTA will ensure conformance with environmental performance specifications and commitments. Construction contractors will be required to report to NYCT on the environmental performance of their construction assignments. NYCT will routinely review conformance to ensure continuous compliance and consistency, in accordance with the requirements of ISO 14001 and will implement a Quality Control Plan to track equipment with retrofit technology. NYCT will share with other interested parties the results of the emission reduction measures implemented during the construction process.

Comment 110:

Several commenters expressed their support for NYCT's proposal to incorporate environmental performance commitments (EPCs) into the implementation of the Fulton Street Transit Center (FSTC) to minimize construction impacts, especially on reducing diesel emissions and endorsed the use of Ultra

Low Sulfur Diesel and retrofit technologies. *H9-I-2, H16-I-1, L2-I-4, L2-I-5, L2-I-2, L2-I-6, L7-I-2, L17-C-33.*

Response 110:

Comment noted.

Comment 111:

Some commenters indicated that construction at the FSTC site should be held to at least the same emissions standards as stated in the City of New York Local Law 77 which covers “nonroad vehicles” 50 HP and greater. *H9-I-2, L2-I-7, L2-I-1.*

Response 111:

Environmental Performance Commitments (EPCs), including the requirement to use ultra low sulfur diesel for off-road construction equipment, were developed by NYCT in coordination with the other Lower Manhattan Recovery projects and were committed to by NYCT prior to the promulgation of Local Law 77. At the time when these commitments were established, the requirement to use ULSD was set at 60 HP engines as an appropriate threshold. This threshold reflected both the benefits of the use of ULSD for large engines in particular, the predominant use of engines over 60 HP and the limited practicability of using ULSD for smaller engines. Since the commitment was made by NYCT to use ULSD on its Lower Manhattan Recovery projects (including FSTC), the City of New York issued its own requirements to use ULSD, setting the threshold for ULSD at 50HP engines. Although the EPCs required the use of ULSD for off-road construction equipment 60HP and above, NYCT is committed to the use of ULSD fuel in non-road vehicles with engine horsepower (HP) rating of 50HP and above, consistent with the requirements of the Coordinated Construction Act for Lower Manhattan.

Comment 112:

We do need bathrooms, elevators, escalators and cool air for AC for all the subway systems during the hot summer. *H15-I-4.*

Response 112:

Facility support systems, such as bathrooms, elevators and air temperature control systems will be included in the FSTC.

Comment 113:

Our family of four owns an apartment on Broadway between John Street and Maiden Lane above the ④ and ⑤ and across from the proposed transit center. There are 76 units in our building and approximately 30 children. The fresh air intake for the HVAC system for our building is on the north side facing John Street, the Corbin building. Obviously some of the issues that I am particularly concerned about is air quality or Chapter 12. I wanted to highlight two of the six air pollutants that are regulated under the National Air Quality standards are of concern in the World Trade Center area, ozone and particulate matter. The New York City metropolitan area classified as an ozone non-attainment area. $PM_{2.5}$ concentration exceeded the annual standard. Manhattan was classified as a moderate non-attainment area for PM_{10} . NYC does not meet the smog standard. Smog causes respiratory illness and aggravates asthma. Studies have shown a consistent increased risk for cardiovascular events due to most short and long time exposure to air pollution. I have attached the article to my testimony for that. Three, a recent study concluded that air pollution alters DNA in mice. *H21-I-1.*

Response 113:

NYCT recognizes the potential effects of pollutants emitted during construction as a result of dust and exhaust from construction equipment and activities. The FEIS includes an extensive discussion of such issues. NYCT continues to refine the environmental management measures, including EPCs to reduce such emissions. Measures to reduce emissions will be included in the construction specifications for the FSTC, a working draft of which has been included in Appendix C of the FEIS. Also included in the FEIS, as Appendix C, is the outline of the Construction Environmental Protection Program. This program will be developed in further detail as the detailed design progresses and more information becomes available on specific construction conditions and opportunities to reduce emissions. NYCT will reach out to the local community prior to and during the construction process to ensure that impacts are minimized to the greatest extent practicable.

Comment 114:

It is very important to minimize dust. Dust suppression is very critical so the lead based paint in the station is handled according to removal and disposal protocols. Especially since children use the Fulton Street transportation station on a daily basis to commute to school. *H21-I-8.*

Response 114:

NYCT agrees with the need to contain dust, especially where it might contain hazardous materials, such as lead-based paint. Removal and disposal protocols have been established by MTA NYCT and are routinely used. Appendix C presents a working draft of construction specifications for the project that addresses dust management requirements.

Comment 115:

Environmental Defense has been involved with air quality issues in New York City for many years. For example, we worked with the EPA, the Port Authority, Lower Manhattan Development Corporation, State DOT, and other agencies to secure state and federal commitment to use ultra-low sulfur diesel limited to 15 parts per million (ULSD-15 ppm) and best available retrofits in all contracts for the reconstruction and revitalization of Lower Manhattan. We worked with the City and our colleagues in the environmental community to draft and help enact New York City's Local Law 77, which commits New York City to use ULSD - 15 ppm and best available retrofits in all public works construction fleets and contracts. We have worked with private ferry operators and agencies from federal, state and city government to help create the Private Ferry Emissions Reduction Initiative, which brings the benefits of retrofits to the marine sector in New York harbor. Our nationwide asthma campaign advances solutions like these in many parts of the country. Environmental Defense also supports investment in urban transit and the concentration of new development in areas well served by transit. New York is already a national leader in transit investment. Nonetheless, studies show that vehicle-miles-traveled (VMT) by car and truck in the metropolitan region are increasing. According to a report issued by the Governor's Greenhouse Gas Task Force last year, for example, this increase in VMT makes the transportation sector, the fastest-growing source of greenhouse gases in the state. Similarly, according to Environmental Defense's Scorecard based on EPA data, over 80 percent of the air cancer risk in New York City is attributable to emissions from transportation. Our comments focus on the diesel-reduction aspects of the proposed project at Fulton Street. We support the measures that NYCT has identified in its EIS to cut emissions from diesel, and in these comments we submit recommendations for ways to augment those steps in ways that we believe are essential to winning clean air for all New Yorkers, especially those who live and work downtown. *L2-I-2.*

Response 115:

Comment noted. The FSTC will improve public transit. NYCT will minimize the air quality impacts during construction through a series of Environmental Performance Commitments (EPC) and other measures described in the FEIS and to be implemented during the project's construction.

Comment 116:

There is no question that diesel emissions harm human health, create smog and pollute the air. Non-road engines as a class, and specifically construction machinery, are among the most polluting sources of diesel emissions both nationally and in New York City. Non-road diesel engines nationally emit more fine particles than the nation's passenger cars and trucks, heavy-duty on-road diesels and electric utilities combined. Fuels used in the non-road context are also unusually dirty - sulfur levels can range as high as 3300 ppm. Diesel particles pose the single greatest source of cancer risk from air pollution from the transportation sector. Public health organizations, including the National Institute for Occupational Safety and Health, the World Health Organization, the U.S. Environmental Protection Agency (EPA), the California EPA and the Department of Health and Human Service's National Toxicology Program have associated diesel exhaust or diesel particulates with increased risk of cancer. Epidemiological studies show increased lung cancer risks ranging from 20 percent to 89 percent. In addition, the fine particles from diesel that are breathed deep into the lungs are responsible for thousands of premature deaths from other causes every year. There is a well-researched body of epidemiological studies from around the world that documents the serious effects associated with exposure to particulates. These studies report an association between particulate air pollution and reductions in lung function, respiratory symptoms, school absenteeism, increases in the use of asthma medications, doctor visits, emergency room visits, hospital admissions, and premature death. Last, asthma rates in the New York City are among the highest in the country, with nearly one in eight New Yorkers suffering from asthma. In some neighborhoods, like East Harlem, asthma rates are as high as 25 percent among school age children, and even in Lower Manhattan, asthma rates have been identified as higher than other areas of Manhattan. The transportation sectors, and especially diesel engines, are major contributors to asthma triggers. They are asthma triggers that the city can do something about. Investing in transit and using advanced technologies to cut diesel emissions are critically important steps. Without controls, non-road engines also generate a toxic cocktail of other pollutants, ranging from carbon dioxide to nitrogen oxides. For example, as a vehicle class, they emit more than five (5) million tons of nitrogen oxides (NO_x) each year - this is more than 20 percent of the total national NO_x emissions from all sources. Nitrogen oxides are significant contributors to ground-level ozone or smog, acid deposition, eutrophication of coastal bodies of water, fine particulate emissions and haze. *L2-I-3.*

Response 116:

Chapter 12: Air Quality, and Chapter 20: Coordinated Cumulative Effects Analysis, address diesel emission effects and planned mitigation. Appendix C, Construction, includes a working draft of specifications to be used to control emissions during construction.

Comment 117:

Environmental Defense is prepared to work with the NYCT and all affected agencies to investigate retrofit technology or other air quality issues regarding the FSTC site. Please do not hesitate to contact us with questions. *L2-I-14.*

Response 117:

Comment noted.

Comment 118:

It was commented that FTA should investigate the implementation of location specific measures, such as the installation of HEPA filters at fresh air inlets in hotels and office buildings, and the purchase of air conditioning units with HEPA filters for residences with operable windows, in the immediate vicinity of the project site. The commenter indicated that LMDC stated in its Final Generic Environmental Impact Statement (FGEIS) that it would investigate the implementation of location specific measures, such as the installation of HEPA filters at fresh air inlets if necessary to avoid exposing residents to short-term exceedances of the PM NAAQS. The commenter noted that LMDC in its FGEIS indicated that a recent study, concluded that: "breathing soot from factories or highways may cause genetic damage that can be passed to offspring... the Environmental Protection Agency already has ordered tougher limits, on ultra fine particulate pollution because of concern about how it affects the elderly, children and people with respiratory illnesses... But HEPA filtering of the urban air blocked most of those chemicals..." *H21-I-4, L8-I-1, L17-C-35.*

Response 118:

The FSTC FEIS demonstrates no expected exceedance of regulatory standards. Should conditions change, appropriate mitigation will be addressed and implemented by NYCT. Fundamentally, NYCT will manage the sources of potential contaminants (e.g. equipment, practices) to assess regulatory compliance. Pollutant concentrations associated with the construction of FSTC are predominantly located along Broadway, proximate to FSTC construction activities. Pollutant levels at locations distant from the FSTC site would not incur a significant contribution from pollutants emitted by FSTC and are determined by the pollutant emissions from other Lower Manhattan Recovery Projects, located at closer proximity. Pollutant levels at locations remote from the FSTC, but in the vicinity of other Recovery Projects, are therefore most appropriately reported and addressed as part of the environmental review of those projects. NYCT has shared data regarding its construction activities and emissions with the sponsors of the other Lower Manhattan Recovery Projects to enable those projects to include the emissions of the FSTC in their analyses of concentrations at the receptor sites analyzed as part of the environmental review of those projects. NYCT will continue to coordinate within the Lower Manhattan Construction Coordination Group and with the sponsors of other Lower Manhattan Recovery Projects, including the LMDC, to seek opportunities to minimize air quality impacts. Deployment of HEPA filters is one of the measures being considered.

Comment 119:

The increase in PM_{2.5} and PM₁₀ cumulative concentrations must be calculated as under the FGEIS for the WTC site (Figures 22-13, 14, 15, 16, 17, and 18) and if there are excess concentrations despite proposed mitigation methods additional off-setting measures should be implemented within the affected areas. This is of particular concern since two (PM and Ozone) of the six air pollutants regulated under the National Ambient Air quality Standards are of concern in the WTC area. *L8-I-2, L17-C-37.*

Response 119:

Air quality analysis methods and procedures used by the MTA, including those to calculate PM_{2.5} and PM₁₀, were developed in coordination with the other Lower Manhattan Project Sponsors, to ensure consistency among methodologies applied in cumulative effects analyses.

Coordination on the development of the air quality analysis among NYCT, FTA, and the other Lower Manhattan Recovery Project sponsors occurred through several meetings in 2003 and 2004. The discussions also led to the development of common EPCs for air quality for all Lower Manhattan Recovery Projects. These EPCs are incorporated into the project's cumulative air quality effects analysis. The construction baseline for the cumulative construction impact analysis consists of the estimated air quality at receptor locations in the vicinity of the FSTC site, taking into account the emissions of the other Lower Manhattan Recovery Projects in 2005/2006, excluding FSTC. For each receptor location, the

pollutant concentrations resulting from these other projects in Lower Manhattan were calculated and added to the background levels at these receptor locations. The calculated pollutant concentrations were then compared to the NAAQS or impact thresholds to determine the potential for exceedance of these standards.

As for the FGEIS for the WTC, several air quality models were utilized in the cumulative analyses for the FSTC, including the EPA-developed NONROAD model and the AP-42 Emission Factor Inventory for construction equipment; MOBILE6.2 Models for CO and PM emissions analyses; ISC model for off-road and stationary sources impact analysis; and CAL3QHC or CAL3QHCR, as appropriate, for mobile source emissions dispersion analysis.

Pollutant concentrations associated with the construction of FSTC are predominantly located along Broadway, proximate to FSTC construction activities. Pollutant levels at locations distant from the FSTC site would not incur a significant contribution from pollutants emitted by FSTC and are determined by the pollutant emissions from other Lower Manhattan Recovery Projects, located at closer proximity. Pollutant levels at locations remote from the FSTC, but in the vicinity of other Recovery Projects, are therefore most appropriately reported and addressed as part of the environmental review of those projects. NYCT has shared data regarding its construction activities, emissions, and reductions as a result of mitigation with the sponsors of the other Lower Manhattan Recovery Projects to enable those projects to include the emissions of the FSTC and mitigation measures of the FSTC in their analyses of concentrations at the receptor sites analyzed as part of the environmental review of those projects. This information has also been provided to USEPA.

Comment 120:

We would like clarified for us who is responsible for ensuring the levels of air pollution and noise/vibrations are within safety limits. It is important that an identified party is responsible to guarantee the protected health of my employees and customers. Under ES9.7 it states that an area's Metropolitan Planning Organization (MPO) is the entity responsible for demonstrating conformity with respect to the SIP on metropolitan long-range transportation plan (LRTPs) and transportation improvement programs (TIPs). It then names the New York Metropolitan Transportation Council (NYMTC) as the MPO for the region; however, the conformity requirements are waived until September 30, 2005. Please clarify who is responsible for ensuring the air safety levels before September 30, 2005, as the documents were not clear. Please also confirm that after September 30, 2005 the NYMTC is the responsible party to ensure air safety levels. *L16-I-5.*

Response 120:

NYCT is responsible for ensuring that all commitments made in this FEIS, the Record of Decision and Contract Specifications are met. NYCT is also responsible for ensuring that the array of regional transportation investments listed in its transportation plans for Lower Manhattan conform with regional air quality plans. The NYSDEC and EPA ensure appropriate ambient air quality. As described in Chapter 12, the Interagency Consultation Group (ICG) has been tasked with tracking the air pollution emission effects of transportation projects in the Downstate New York region, including Lower Manhattan, while the conformity requirements are waived. Project conformity analyses are substituted by ICG procedures established to ensure consistency with the region's air quality goals. NYMTC will be responsible for air quality conformance after September 30, 2005, when the temporary conformity waiver for the New York Metropolitan Area expires.

Comment 121:

Our concerns stem from the ambient air quality impact analysis (ES-27), which shows the predicted PM₁₀ concentrations would potentially exceed the NAAQS if no further emission management were performed. Please confirm that emission management will be performed and keep us updated as the specific management techniques that will be implemented in the vicinity of Century 21. *L16-I-6.*

Response 121:

NYCT is responsible for ensuring that all commitments made in this FEIS, the Record of Decision and Contract Specifications are met. NYCT practices and results in ensuring this will be made available, as appropriate, through the project outreach program which NYCT will implement during construction.

The use of ULSD fuel, consistent with the EPCs, reflects a 10 percent reduction in PM₁₀ emissions. Despite the beneficial effects on emissions from the use of ULSD fuel, the 24-hour standard for PM₁₀ (150.0 µg/m³) could still be exceeded at one (1) location on days with unfavorable meteorological conditions, the northeast corner of Broadway and Fulton Street (218.4 µg/m³). Consistent with the EPCs, NYCT is committed to implementing retrofit technologies where practicable, to further reduce emissions. This would entail requiring that all non-road construction equipment of 60 HP or more on site be Tier 2 compliant and reduce PM emissions by 85 percent of the Tier 2 emission standard, using best available retrofit technology, such as Diesel Particulate Filters. Such technologies have been demonstrated to achieve a reduction by more than 90 percent on certain construction equipment. Where it can be demonstrated that such reduction cannot be practicably achieved, a reduction by 50 percent of the Tier 2 standard would be considered, for example by using advanced technologies such as Diesel Oxidation Catalysts (DOCs), or other technologies. NYCT would also require that electrically powered equipment be used on site instead of diesel powered equipment, where practicable. The FSTC Build Condition with 50 percent Tier 2 Retrofit technology would reduce emissions to 91.4 µg/m³, well within the NAAQS.

Comment 122:

We are most concerned with the direct and cumulative impacts to air quality from this project and all of the projects occurring in Lower Manhattan. Our greatest concern for the Fulton Transit Center Project is with the predicted Particulate Matter (PM₁₀) impact that is indicated at the Broadway and Fulton Street location. The draft EIS states that a concentration of 218 micrograms per cubic meter (µg/m³), which is well above the applicable standard of 150 µg/m³, is reached only within the work zone, during the renovation of the mezzanine level of the **A** and **C** lines, and to quote the draft EIS "is not always in a publicly accessible area." However, the draft EIS does not definitively state that this is not going to affect the public, and instead states that the access to the subway will be maintained during reconstruction. Given the overall design of the station and that this mezzanine work area will be adjacent to publicly accessible areas and that the draft EIS indicates that at the street corner of Broadway and Fulton the PM₁₀ standard is nearly exceeded, we believe that there may be areas accessible to the public within the station that would show exceedances of the standard. *L23-A-1*.

Response 122:

While the station as a whole will remain accessible to the public, construction zones will be physically separated from public areas. While portions of the station are under construction, public access within the station will be routed away from such construction zones to maintain safety and security. As is typical for station rehabilitation projects undertaken by NYCT throughout the City, indoor air quality within the station itself would be maintained during construction in accordance with all applicable standards. Contractors will be required as part of the FSTC construction contract specifications to adhere to all indoor air quality standards. A sample specification to maintain indoor air quality during station rehabilitation is included with Appendix C to the FEIS. Similar specifications will be included with the construction contracts for the FSTC. It should also be noted that when EPCs are implemented, the predicted PM₁₀ concentration in the work zone would decrease substantially to below the NAAQS of 150 µg/m³. With implementation of 50 percent reduction of Tier 2 level emissions, the maximum PM₁₀ concentration at any of the modeled locations (other than the workzone at the **A** **C** mezzanine at the northeast corner of Broadway and Fulton Street (location G4) would decrease to 67.0 µg/m³ and would thus be below the NAAQS of 150 µg/m³. This maximum concentration is predicted at the corner of Broadway and John Street (location G3) as shown in Table 12-11 in the DEIS and FEIS. The PM₁₀ concentrations at the **A** **C** mezzanine workzone at the northeast corner of Broadway and Fulton Street (location G4) would be reduced to 91.4 µg/m³ and would thus also be below the NAAQS of 150 µg/m³.

The predicted emissions for the FTSC Build Alternatives take into account also the emissions from the other Lower Manhattan Recovery Projects. The analysis takes into account the emission reductions for these projects resulting from the use of ULSD, but does not reflect the use of retrofit technologies by these projects. Furthermore, if greater emission reduction efficiencies (e.g. 85 percent) or electrification are assumed for FSTC, PM₁₀ concentrations would be reduced further.

Comment 123:

We strongly support mitigation Scenario 3, which consists of Tier II equipment, particulate filters, and electrification of certain equipment. We believe that not only will this scenario address and significantly reduce particulate matter pollution, but will also minimize emissions of Nitrogen Dioxide (NO₂) and Nitrogen Oxides(s) (NO_x). However, we are concerned with the feasibility and availability of the needed electrical equipment and power sources. The final NEPA document should provide further information on Scenario 3 and discuss the emission reductions assuming an 85 percent reduction from Tier II equipment rather than 50 percent. *L23-A-2.*

Response 123:

The air quality modeling presented in the DEIS is intended to provide a reasonable range of potentially feasible emission reductions. Three emission reduction scenarios were analyzed in the DEIS: (1) A scenario assuming 85 percent emission reduction of Tier 2 compliant off-road construction equipment of 60 HP and above; (2) a reduction of 50 percent over Tier 2 emission standards for off-road construction equipment of 60 HP and above and (3) a reduction of 50 percent over Tier 2 emissions standards for off-road construction equipment of 60 HP and above and the assumption that certain equipment would be electrically powered and thus have zero emissions. A discussion of the Tier 2 emission standards is provided in Chapter 12 of the DEIS and FEIS. A listing of the Tier 2 emission standards is included in Appendix I to the FEIS.

These three scenarios reflect a reasonable range of potentially feasible emissions reductions. A full 85 percent emission reduction across the board of all equipment 60 HP and above in combination with full electrification of all compressors, welding equipment, pumps, etc., while a project goal, may not be immediately achievable or practicable because of market conditions and the current state of technology.

MTA is committed to a scenario of a reduction of 50 percent over Tier 2 standards. Such a scenario is considered realistically achievable in the short-term. MTA will continue to strive for greater emission reduction, such as those reflected in 85 percent Reduction of Tier 2 Emissions and emission reduction from increased usage of electrical equipment, as encouraged by the contract specifications. An overview of construction equipment that could be electrically powered is included in Chapter 20.

Requirements consistent with the emission reduction commitments stated in the FEIS will be included in the construction specifications and contracts for the FSTC. Efforts to reduce emissions, such as electrification, will continue as the detailed construction planning for the FSTC proceeds.

Comment 124:

Be more definitive on the question of how much and which equipment can be electrified and to what degree such measures would reduce PM₁₀ and NO₂ emissions. *L23-A-3.*

Response 124:

FTA and MTA/NYCT have identified in the FEIS measures that will reduce emissions of particulates, and will also benefit the reduction of emissions of NO₂ and NO_x. FTA and MTA/NYCT will continue to seek opportunities to further reduce emissions. Chapter 20 of the FEIS lists the following equipment as potentially suitable for being electrically powered: compressors, pumps, welding equipment and generators (certain generators would not be needed if electrical power is provided). Appendix C of the

FEIS provides information regarding the types of equipment used for inputs into the air quality model. For modeling purposes the electric equipment was eliminated from the emissions model to reflect the electrification scenario. Reduction of PM₁₀ and NO₂ emissions as a result of electrification under Scenario 3 is presented in Table 12-11 (“Locations of Predicted Maximum NO₂ and PM₁₀ Concentrations for Emission Reduction Scenarios in 2005/2006”) of the DEIS and FEIS. Modeling backup documentation provided to USEPA since publication of the DEIS provides additional information on reductions of PM₁₀ and NO₂ concentrations associated with emission reduction scenarios. Although for modeling of Scenario 3 it was assumed that all electrically powered equipment listed in Chapter 20 would indeed be electrically powered, such targets may not be achievable in the short-term. Reductions resulting from retrofit technologies and electrification are anticipated to become increasingly achievable as the project continues its construction and new technologies become available or existing technologies become more technically and economically feasible.

Comment 125:

There may be other mitigation techniques, such as fuel emulsions that can be used in addition to equipment electrification that we would like to see discussed in the final EIS. *L23-A-4.*

Response 125:

The use of water-diesel fuel emulsions (emulsified fuels) was also considered by NYCT as a potential technology to reduce emissions during construction of the FSTC. Emulsified fuels are fuels (usually diesel fuel) that add water to the fuel to reduce pollutant emissions. The cooling effect of water helps to reduce NO_x emissions and the delayed effect that water has on injection also serves to reduce PM emissions. However, while NO_x and PM emissions are reduced by the use of emulsified fuels, emissions of CO and sometimes also HC, (an ozone precursor) tend to increase. While the use of emulsified fuels may result in certain air quality benefits, several issues are associated with the use of emulsified fuels that make its implementation on construction of the FSTC not practicable at this time.

In contrast to ULSD, the immediate applicability of using emulsified diesel fuel is limited due to the fact that the inventory pool of diesel powered off-road equipment could be from several different manufacturers and therefore may not always be suitable for diesel-water emulsions. (Contract specifications do not restrict equipment manufacturers and engines are specific to their application). Several other variables affect the feasibility of using diesel-water emulsion at this time as well; such fuel may not be readily available; may be unreliable with respect to delivery, distribution and control; require agitation, and may also cause engine component corrosion and power loss (as water has no energy content) and torque, which is especially important for equipment such as cranes. In addition there are health concerns for workers associated with emulsified fuels; safety risks due to the low “flash-point” of winterized fuel emulsions due to the necessary addition of methanol, and the need to agitate the fuel frequently when in storage. Emulsified fuels are also incompatible with certain fuel filters that reduce emissions. As part of NYCT’s ISO14001 certification, NYCT Capital Program Management will go through a similar process as the ULSD process to evaluate the practicality and viability of using fuel emulsions and if necessary do a pilot. A general discussion of emulsified fuels is included in Section 12.2 of the FEIS and a more detailed discussion of emulsified fuels and the emission effects of such fuels is included in Appendix I: Air Quality.

Comment 126:

As a point of reference for the discussions we would like to have with FTA and the Metropolitan Transportation Authority, we have enclosed the list of construction related best practices that can result in the reduction of various pollutants. This list was a collaborative effort of the federal agencies involved in the Lower Manhattan rebuilding efforts. Please let us know when you are available to meet. *L23-A-5.*

Response 126:

MTA/NYCT has prepared responses (provided below) to the construction-related best practices list provided by EPA. MTA has already adopted many of the best practices as a course of business. A meeting to discuss these mitigation techniques was held between FTA, EPA, and MTA/NYCT in July 2004.

Following are responses to the construction-related best practices list attachment provided by EPA (Lower Manhattan Federal Vision, Best Practices – Air Quality (October 3, 2002)). The introductory text of the list is provided and the list has been separated into groupings of similar items (comments 126-A through 126-J) and responded to accordingly, including a description of MTA practices, requirements or guidelines:

In keeping with the Federal Vision, this document describes methods and procedures to address air quality that the Federal partners expect to be used in the planning and design of the infrastructure, buildings, public spaces and transportation services for the rebuilding of Lower Manhattan.

Best Practices to Reduce Tailpipe Emissions from Diesel Engines (including on and off-road construction vehicles and equipment and marine vessels).

The following section is intended to identify best practices for reducing emissions from various air pollution sources associated with rebuilding/construction efforts in Lower Manhattan. While these measures may not be considered standards of practice by industry, they have been successfully implemented on other projects and/or demonstrated to be practicable:

“Best Practices” Comment 126-A:

Reduce Idling Time – The simplest means to reduce emissions from a diesel engine is to limit the running time when not in use. Further, the City and State of New York each have regulations that limit idling time (limited to three-minutes and five minutes, respectively) when a vehicle is not in use.

“Best Practices” Response 126-A:

Generally, MTA/NYCT project contract documents include idling time limits on diesel-powered equipment to three minutes. These provisions are also included in the draft specifications for the FSTC. Exceptions are as follows:

- When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- When it is necessary to operate heating, cooling, or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;
- To bring the mobile source to the manufacturer’s recommended operating temperature;
- When the outdoor temperature is below 20 degrees Fahrenheit; and/or,
- When the mobile source is being repaired.

“Best Practices” Comment 126-B:

Use Ultra-low-sulfur Diesel (ULSD) – ULSD is a thoroughly processed distillate fuel similar to kerosene, having a certified sulfur concentration between 15 and 30 parts per million (ppm). While use of ULSD by itself yields moderate particulate matter (PM) reductions, its greatest value is realized when used in conjunction with an exhaust after treatment device. The fuel typically costs approximately \$0.10 to \$0.15 more per gallon than conventional highway-grade diesel fuel.

“Best Practices” Response 126-B:

As noted in the DEIS, the EPCs require that ULSD with appropriate retrofit technology be used in all off-road construction equipment with diesel engines rated at 60 horsepower (HP) and above. Although the EPCs require the use of ULSD for off-road construction equipment 60HP and above, NYCT is committed to the use of ULSD for nonroad vehicles of 50HP or above, consistent with the requirements of the Coordinated Construction Act for Lower Manhattan. Diesel engine retrofit technology will be required in off-road equipment to further reduce emissions. As required by the Coordinated Construction Act for Lower Manhattan, NYCT will require that non-road vehicles of 50 HP and above are retrofitted with Diesel Oxidation Catalysts (DOC), Diesel Particulate Filters (DPF) or technology that achieves lowest particulate matter emissions. Based on currently available data, Diesel Particulate Filters (DPF) will be the preferred retrofit technology, with Diesel Oxidation Catalyst (DOC) as a fallback when the use of DPF is not practicable.

“Best Practices” Comment 126-C:

Install Diesel Oxidation Catalyst (DOC) – DOCs can be installed, in-line, on the exhaust system of a diesel engine, similarly to a catalytic converter on gasoline passenger vehicle. Depending on the exact model, a DOC can reduce PM, hydrocarbons (HC) and carbon monoxide (CO) by 10-40 percent, 50-80 percent, and 50-80 percent respectively. DOCs will achieve greatest reduction in the above pollutants when combined with ULSD use.

“Best Practices” Response 126-C:

As a retrofit technology, DOCs will be considered as an alternative when a suitable diesel particulate filter (DPF) is unavailable.

“Best Practices” Comment 126-D:

Install Diesel Particulate Filters (DPF) – DPFs can be installed, in-line, on the exhaust system of a diesel engine, similar to a DOC. Depending on the exact model, DPFs can reduce PM, HC and CO by 80-95 percent, 50-90 percent, and 50-90 percent respectively. DPFs generally require the use of ULSD to achieve the above reductions. Periodic maintenance is required to remove accumulated particles, the frequency of which is determined by the exact model and application.

“Best Practices” Response 126-D:

As a retrofit technology, DPFs have been included in the contract documents; however, DPFs can be used only when found suitable to the equipment and its application. Installation of Diesel Particulate Filters on equipment such as cranes is complicated due to the size and weight of the retrofit equipment added to the crane equipment at substantial heights. This changes the characteristics of the equipment, such as weight distribution. This could affect crane stability, rollover safety and maneuverability and may not be allowable under safety regulations that govern such concerns. Cranes also require constantly sustainable power levels. Specific temperature requirements for DPF technology to maintain appropriate temperatures further complicate the installation of such technology on cranes.

“Best Practices” Comment 126-E:

Use Diesel-Water Emulsions – Diesel-water emulsion is a “fill-and-go” approach to helping owners and operators of diesel-powered vehicles and equipment reduce harmful emissions. Combining diesel fuel, purified water and an emulsifier additive package, the process produces a stable diesel fuel that instantly reduces emissions from existing diesel engines without engine modifications or replacements or hardware add-ons. In the very near future, EPA will verify the emission reducing effectiveness of diesel-water emulsions (likely well before the completion of construction efforts in Lower Manhattan). Preliminary testing of this technology has shown potential to reduce oxides of nitrogen (NO_x) in the range of 9 percent

to 20 percent. The technology also has the potential to significantly reduce emissions of particulate matter (PM).

Of note is an indication by the engine manufacturer Caterpillar that it will warrant its marine engines for use with diesel-water emulsions (as stated in the 5/2/02 report *Alternatives for Propulsion and Fuel-Technology Assessment*, by John J. McMullen Associates, Inc., with Booz Allen Hamilton). The majority of commuter ferries that operate in the New York City metropolitan area are powered by Caterpillar engines.

“Best Practices” Response 126-E:

Several factors are considered when selecting emission reduction measures. For this project, MTA/NYCT has decided to specify the use of Tier 2 engines, in combination with ultra low sulfur diesel fuel (ULSD). Tier 2 engines using ultra low sulfur diesel have lower emission rates than non-Tier 2 engines. The benefit of using ultra low sulfur diesel is that this fuel is commercially available and its use increases the range of suitable retrofit technology to further reduce emissions. In fact, no emission reduction technology functions at an acceptable level using the current (non-ULSD) U.S. off-road diesel fuel.

In contrast to ULSD, the immediate applicability of using emulsified diesel fuel is limited due to the fact that the inventory pool of diesel powered off-road equipment could be from several different manufacturers and therefore may not always be suitable for diesel-water emulsions. (Contract specifications do not restrict equipment manufacturers and engines are specific to their application). Several other variables affect the feasibility of using diesel-water emulsion at this time as well; such fuel may not be readily available; may be unreliable with respect to delivery, distribution and control; require agitation, and may also cause engine component corrosion and power loss. These factors make it impractical to implement this technology on a broad basis at this time. However, MTA/NYCT will continue to work with EPA to understand the potential use of diesel-water emulsions in construction vehicles.

“Best Practices” Comment/Response 126-F:

Best Practices to Reduce Fugitive Dust Emissions (from the following sources):

Unpaved Roads and Lots –

EPA recommended best practices	NYCT practices
<ul style="list-style-type: none"> • Minimize disrupted surface area – reduce construction site size to the minimum and restrict activity on the non-construction areas. • Use water sprays – dedicate spray trucks to applying fine water mists to unpaved areas during periods of dry weather, care should be taken not to over-apply water and create mud. • Apply chemical dust suppressants – these work like water without a chance of creating mud, this is also especially useful in winter when ice can be a hazard (they must be water-soluble, non-toxic, non-reactive and non-volatile). • Reduce vehicle speeds – 15 mph is the recommended top speed to minimize dust emissions. • Pave unpaved roads as soon as grading activities are complete and preferable prior to hot, dry or windy seasons. 	<ul style="list-style-type: none"> • Disruption to minimal surface area is incorporated into the Design of the Project. • A requirement of the Construction Dust Control specification for the Project. • A requirement of the Construction Dust Control specification for the Project. • A requirement of the Construction Dust Control specification for vehicles in the construction zone. • This is a NYCT standard practice.

Construction, Demolition, Renovation and Landscaping Sites –

EPA recommended best practices	NYCT practices
<ul style="list-style-type: none"> • Minimize disrupted areas – (see above). • Use water sprays – (see above). • Use chutes and dumpster covers – use chutes to transport materials from buildings down to dumpster and cover dumpsters when not in use. • Prompt removal of debris – limiting residence time of debris can eliminate this source of emissions. • Reduce effect of wind – use silt fences and other wind screens at site perimeter and especially around dust producing activities (such as concrete mixing). • Alter activities during periods of high winds – reschedule activities on particularly windy days. • Limit vehicle traffic – keep non-essential vehicles off-site and limit the number of site access points. • Reduce vehicle speed – (see above). • Pave – (see above). 	<ul style="list-style-type: none"> • See above. • See above. • Closed chutes shall be used for the handling of debris. Dropping or throwing of debris is prohibited • A requirement of the Construction Dust Control specification for the Project. • A requirement of the Construction Dust Control specification for the Project. • A requirement of the Construction Dust Control Specification for the Project. Requires dust control at high winds . • This is a NYCT standard practice. • See above. • See above.

Materials Storage, Handling and Transportation –

EPA recommended best practices	NYCT practices
<ul style="list-style-type: none"> • Use water sprays – (see above). • Apply dust suppressants – (see above). • Use wind impervious covers – cover soil and material piles with fabric or plastic. • Clean up spills and tracked dust/dirt promptly – on-site spills of soil or dusty material should be cleaned up quickly as should material tracked off-site or onto paved surfaces. • Minimize truck load size – ensure adequate freeboard capacity on haul trucks. • Cover haul truck cargo – use dust covers over cargo area when traveling to or from site. • Set up vehicle wash stations – remove dust from vehicles upon exiting the site. • Use crushed stone at site access points – reduces dust tracking onto paved areas. 	<ul style="list-style-type: none"> • See above. • See above. • A requirement of the Construction Dust Control Specification for the Project. • A requirement of the Construction Dust Control Specification for the Project. • A requirement of the Construction Dust Control Specification for the Project requires freeboard space to be maintained • A requirement of the Construction Dust Control Specification for the Project. • The size of the project does not warrant wheel washing stations, however dust removal from vehicles exiting the site is a requirement of the Construction Dust Control Specification. • Construction Dust Control Specification requires vehicles leaving the site to be free of dirt.

Lot and Road Cleaning Activities –

EPA recommended best practices	NYCT practices
<ul style="list-style-type: none"> • Use water sprays – (see above). • Use leaf vacuums or street vacuums – remove dust from sidewalks and road surfaces. 	<ul style="list-style-type: none"> • See above. • Construction Dust Control Specification requires wet spray and street sweeper to clean surfaces daily.

“Best Practices” Comment 126-G:

Develop a dust control field inspection program – conduct regular inspection to assess compliance and effectiveness of use of fugitive emission control measures.

“Best Practices” Response 126-G:

A dust control plan will be developed and implemented by the contractor for the FSTC. The plan will include a measurement and verification process for quality assurance/quality control.

“Best Practices” Comment/Response 126-H:

Best Practices to Reduce Emissions from the Application of Architectural Coatings (efforts to reduce volatile organic compound (VOC) emissions:

Use compliant coatings only – require contractors to provide evidence that all coatings used meet applicable state requirements, and require that they:

EPA recommended best practices	NYCT practices
<ul style="list-style-type: none"> • Maintain a surface coating list and chemical inventory, including a list of all coatings, solvents and adhesives. • Maintain daily surface coating logs with monthly summaries that record the use of paint, solvents and adhesives. • Minimize disposal of excess materials, reuse when applicable, dispose of waste properly. • Maintain a file of Material Safety Data Sheets for all of the above products. • Practice safe storage to prevent fire or spills. • Have a Health and Safety Program (HASP) that identifies proper ventilation, protective clothing and personal protective equipment, and emergency response actions, including telephone numbers for emergency response personnel, and the address and telephone number of the nearest hospital emergency room. • Identify a point of contact that will maintain the above information and conduct periodic site inspections and who can coordinate with emergency personnel and regulatory staff. • Restrict application method – ensure the use of high transfer efficiency methods to reduce over spray or excess application. • Require adherence to all applicable rules and regulations. 	<ul style="list-style-type: none"> • A requirement of the draft specification for the Project. • Appropriate records will be maintained and summarized on a quarterly basis • A requirement of the draft specification for the Project. • A requirement of the draft specification for the Project. • A requirement of the draft specification for the Project. • This is a NYCT standard practice. • This is a NYCT standard practice. • Application will be done in accordance with manufacturer’s recommendation. Low VOC coatings will be used. • This is a NYCT standard practice.

“Best Practices” Comment 126-I:

Best Practices to Reduce Impact to Adjacent Businesses and Residences:

- Provide air purifiers - offer to install air purifiers on local building and window air intakes.
- Provide dust curtains - offer to install dust curtains on street-level doorways to buildings, businesses and residences.

“Best Practices” Response 126-I:

All efforts will be made to reduce emissions at the source. If, however, source control is limited, efforts will be made to protect receptor sites such as adjacent businesses and nearby residences. If necessary, dust curtains are a low-cost option that could be implemented; air purifier installation may not be practical

and would require further study. These measures, if implemented would also help reduce particulate matter (PM).

“Best Practices” Comment 126-J:

Best Practices to Reduce Odor:

- Follow all above measures to reduce fugitive dust emissions – a certain amount of odor is associated with fugitive dust emissions and off-gassing of excavated materials.
- Follow all above measures to reduce emissions from diesel engines – diesel exhaust odor is a nuisance that is often associated with construction activities.
- Maintain proper construction site drainage – this can reduce the amount of odor associated with stagnant water.
- Promptly remove construction debris and other trash/garbage from site.

“Best Practices” Response 126-J:

Dust control measures and off-road diesel emission control are included in the contract documents, and would reduce odor arising from these sources. Construction sites will also be required to be maintained at all times to reduce fugitive dust.

Comment 127:

Regarding the emissions of NO₂, the draft EIS discusses the emissions of NO₂ from both the project and in consideration of the other Lower Manhattan transportation and recovery projects. The draft EIS indicates that at certain modeled receptor locations the air quality will approach the NO₂ National Ambient Air Quality Standards (NAAQS) threshold, but that the standard will not be exceeded at those locations. The receptor locations were chosen based upon where traffic was expected to be most congested. While these receptor locations may be appropriate for modeling of PM₁₀ and CO, they may not be so for other pollutants, and particularly for a cumulative impacts assessment. We believe that in addition to these locations, receptor locations that would experience an overlap of emissions from the other Lower Manhattan projects should be modeled as well. Two possible locations are along Dey Street east of Broadway, considering that a cut and cover tunnel is proposed for Dey Street, or a receptor location at Church Street and Dey Street, given all of the underground work that would occur at the **N** and **R** lines along with the cut and cover tunnel. Also we would consider the Millennium Hotel to be a receptor worthy of evaluation given its proximate location to this project and the projects at World Trade Center. Nonetheless, we have some indications and concerns that the NO₂ NAAQS could be either met or exceeded in Lower Manhattan in the peak construction years 2005/2006. We request the project sponsors provide for review the emission factors, technical background data, and the assumptions used for the air pollutant modeling, in both the No Action condition and in the with project condition for the years analyzed. L23-A-6.

Response 127:

Selection of sites for air quality emission impact analysis were based on a screening analysis of traffic as well as construction conditions, with a focus on locations most likely to be affected by project construction activities and traffic congestion. A screening analysis was used to determine how far out the emission effects of the project would extend and where the locations would be with the greatest potential for impact, taking into consideration the emissions from the FSTC, as well as those of other projects in the vicinity. A detailed description of the air quality analysis methodology, including the screening analysis, is included in Appendix I: Air Quality.

From a cumulative impact analysis perspective, the selected receptor locations already reflect an overlap of emissions from the other Lower Manhattan Recovery projects, as the emissions from other projects, including the Permanent WTC PATH Terminal and the WTC Memorial and Redevelopment Plan, were also taken into consideration to establish the receptor locations and analyze the pollutant concentrations.

A screening analysis was conducted first to evaluate the potential impacts of FSTC construction and to identify appropriate receptor locations for detailed analysis. The screening analysis analyzed a series of receptors at distances of 200-, 300-, 400-, and 500-meter from the FSTC construction sites and assumed that the receptors would be at locations downwind from FSTC construction. The screening results indicated that the predicted maximum ambient NO₂ contribution resulting from FSTC construction activities would decrease to 2.7 µg/m³ at a distance of 200 meter downwind from the most intense construction activities (Broadway and Fulton Street); 0.8 µg/m³ at 300 meter downwind; 0.5 µg/m³ at 400 meter downwind; and 0.3 µg/m³ at 500 meter downwind from FSTC construction sites. These contributions take into account all FSTC work zones, including all nearby construction activities and emission sources. The intersection of Dey Street and Church Street is located approximately 200 feet downwind and the screening results indicated that the contribution of FSTC construction emissions to the pollutant concentrations at Dey Street would be approximately 2.7 µg/m³, without assuming the use of retrofit technologies. Against a background level of 70 µg/m³, and considering an NAAQS of 100 µg/m³, FSTC was not considered to contribute substantially to NO₂ concentrations at this location such that it would warrant a detailed analysis.

During the preparation of the environmental analyses, MTA/NYCT coordinated with the sponsors of other Lower Manhattan Recovery Projects. The emissions and analysis data of the FSTC project were provided to these projects for inclusion in their cumulative effects analyses, including in cases where the pollutant contribution from FTSC construction was relatively minor. The DEIS for the Permanent WTC PATH Terminal project, for example, included in its cumulative effects analysis receptor locations at Church Street and Dey Street, including near the Millenium Hotel. The analysis conducted for the environmental review of that project included the emissions from construction of the FSTC, based upon construction information provided by NYCT, including construction of the Dey Street Passageway between Dey Street and Church Street. As described above, the emissions from FSTC construction at Church and Dey Street are relatively minor. These emissions would be further reduced with the implementation of the Tier 2 / 50% reduction scenario. Nevertheless, FSTC construction equipment at this location will still be subject to NYCT's emission-reducing requirements to only use modern Tier 2 engines, as well as retrofit technologies. It should also be noted that the cumulative emissions predicted for screening purposes did not assume the use of retrofit technologies by the other Lower Manhattan Recovery Projects and therefore reflect conservative predictions.

Furthermore, the predicted pollutant concentrations reflect highly conservative conceptual construction scenarios. Since the air quality analysis was conducted, the Lower Manhattan Recovery Projects participating in the Lower Manhattan Construction Coordination Group have continued to coordinate their refined construction schedules. As a result of this process, the extent of overlap of construction activities (and associated emissions) is being reduced from that originally assumed for the analysis, when few details on the projects' design were available and highly conservative assumptions had to be made to account for uncertainty. MTA NYCT will continue this construction coordination process during actual construction to avoid logistical interference. For example, recognizing the limited space available for actual construction at Dey Street and Church Street, MTA NYCT and PANYNJ are actively coordinating to minimize interference of construction activities, resulting in a reduced overlap compared to that originally assumed for analysis purposes and thus cumulative emissions lower than those predicted by the environmental analysis.

In response to this comment, FTA has provided EPA with technical analysis data regarding emission factors, technical background data, including the screening analyses and the assumptions used for the air pollutant modeling, in both the No Action condition and in the with project condition for the years analyzed.

Comment 128:

Since the unacceptable air quality impact would not occur until the next project adds its increment, it could be argued that the impact does not need to be mitigated until that time. However, based on the early premise signed on to by the lead and cooperating agencies, it was agreed that measures would be implemented, to the extent practicable, to minimize the emissions of each project such that mitigation would not be the total burden of those projects whose analysis and implementation occurred later. Therefore the commitment to additional mitigation measures for this project is appropriate. L23-A-7.

Response 128:

NYCT is committed to implementing the Environmental Performance Commitments (EPCs) to minimize potential air quality impacts. EPCs will be included in the construction contract specifications for the FSTC and in the Construction Environmental Protection Program (CEPP) for the project.

The Construction Environmental Protection Program (CEPP) describes the environmental requirements to be met by the contractor for the FSTC. The CEPP assigns specific responsibilities for environmental compliance and communication, addresses monitoring procedures, and provides an overview of the types of mitigation measures and coordination necessary to limit potential impacts to the environment, protected resources, and communities within and abutting the construction area. This includes site inspections, environmental compliance meetings, non-compliance reporting, resolution procedures, emergency and complaint procedures, mitigation techniques, and training. The objectives of the CEPP are to:

- Define specific requirements for compliance with federal, state, and local conditions, permit conditions, the Environmental Impact Statement (EIS), and environmental aspects of the contract documents;
- Define the responsibilities and actions required to maintain compliance with environmental requirements and to effectively respond to problem situations or agency/public concerns;
- Establish the necessary procedures for communication, documentation and review of environmental compliance activities; and,
- Describe the protected resources within the project area and the kinds of mitigation measures needed to protect them.

The overall goal of the CEPP is to help ensure that the project proceeds as scheduled, while protecting environmental resources and communities within the project area.

The Contractor involved in construction will be required to comply with the relevant environmental compliance requirements in this plan. Samples of construction specifications and an outline of the CEPP under development are included in Appendix C of the FEIS.

Comment 129:

While the draft EIS addresses the cumulative impacts from particulate matter, both PM₁₀ and PM_{2.5}, it does not provide an equally detailed discussion of nitrogen oxides (NO_x) as another pollutant of concern. Given that the New York Metropolitan Region is a Nonattainment area for ozone, a direct and cumulative inventory of the emissions of NO_x and volatile organic compounds (VOC), precursors to ozone formation, would have been appropriate. The final EIS should contain such analyses. This analysis should also discuss other projects outside of Lower Manhattan that will have an impact on regional air emissions. L23-A-8.

Response 129:

A discussion of the issues associated with NO_x and NO₂ is provided in Chapter 12 of the DEIS, including the cumulative impact analysis of NO₂ emissions during construction. This analysis includes background levels, and adds to those not only the construction emissions of the FSTC, but also the emissions of

construction of other relevant projects, such as the Permanent WTC PATH Terminal and the WTC Memorial and Redevelopment Plan. Detailed modeling was conducted to determine local concentrations. Detailed information regarding the assumptions for this and other analyses is included in Appendices to the DEIS (Appendix C: Construction Methods and Activities and Appendix I: Air Quality). In response to this comment, additional backup data have been provided to EPA.

Implementation of EPCs and the use of Tier 2 compliant equipment would result in the reduction of localized emissions of NO_x, which would also beneficially affect regional NO_x and ozone levels. Tier 2 compliant equipment also results in lower emissions of Volatile Organic Compounds (VOCs) and hydrocarbons (HCs), which are further reduced by the use of Diesel Particulate Filters (DPF). As for NO_x, the localized reduction of VOC and HC emissions would also have regional air quality benefits. Other retrofit technologies that may be applied when DPFs are not practicable, such as Diesel Oxidation Catalysts (DOCs) would substantially reduce local emission of VOCs, HCs and to a lesser degree CO, which would also have benefits for regional air quality.

To improve ozone levels, both New York State and City have implemented measures to reduce levels of hydrocarbons and nitrogen oxides in an effort to attain the National Ambient Air Quality Standards (NAAQS) ozone standard. Conformity is intended to ensure that transportation plans, programs, and projects do not produce new air quality violations, or delay timely attainment of NAAQS. Following the events of September 11, 2001, procedures to ensure concurrence with the region's air quality goals were established by the New York Interagency Consultation Group (ICG). As described in Section 12.5.5 of the DEIS, the project was reviewed by the ICG to ensure concurrence of the project with the region's air quality goals. On March 3, 2004, the New York ICG notified MTA/NYCT that the project is classified as "exempt" for the purposes of transportation conformity under 40 CFR Part 93.126, "Reconstruction or renovation of transit buildings and structures." An emission inventory of ozone precursors is not, therefore, warranted. The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) approved the State Transportation Improvement Plan (TIP), which includes this project for air emissions modeling purposes, on December 22, 2003.

Comment 130:

The draft EIS contains some slight errors regarding references for air quality. The draft EIS states that as part of the Analysis approach regional emissions of NO₂ will be examined. NO₂ is not a regional pollutant, whereas NO_x is. We would assume that the draft EIS intended to analyze NO_x as a regional pollutant. Also, on page 12-13 the draft EIS states that New York State submitted an Ozone State Implementation Plan (SIP) revision in 1997, however, there have been two other additions to the ozone SIP subsequent to 1997 that are more appropriate for reference. *L23-A-9*.

Response 130:

References to NO_x and NO₂ and the references to revisions to the SIP have been corrected as appropriate in the FEIS.

Comment 131:

We appreciate that the draft EIS states that the Environmental Performance Commitments (EPCs) will be employed and recommend that those commitments be memorialized in the final NEPA document in addition to any of the mitigation measures mentioned above. These EPCs will be imperative to ensure that this project does not have a significant impact to the environment. *L23-A-10*.

Response 131:

FTA and NYCT are committed to implement the EPCs and construct the FSTC in accordance with the provisions of the Coordinated Construction Act for Lower Manhattan. The final environmental document will reflect those commitments.

25.3.12 NOISE AND VIBRATION

Comment 132:

The DEIS reduces the estimated noise impact of stationary construction equipment by employing an “average distance method” (page 13.2). While we appreciate the intent of this method, we reject its use as inappropriate, since the Proposed Action will be built directly adjacent to residential housing. We request that the final EIS use only the “minimum distance method” in calculations. *L17-C-30*.

Response 132:

Both noise impact estimating methods are used in the FEIS. The “minimum distance method” provides a worst case scenario that discloses the closest possible distance a piece or pieces of equipment may be to receptor locations discussed in the EIS. Since construction is anticipated to occur within a designated construction zone, pieces of equipment will be moved throughout the construction activities noted in the EIS.

Comment 133:

We were supportive of the mayor at the press conference yesterday to describe the new noise standards the city is developing, which are standards that will require there be a noise program for every site so you can in fact apply best practices to noise mitigation on construction sites in the City of New York. I think even an advance of that legislation projects such as the Fulton Transit Center should adopt that as a standard. So in fact we have a set of best practices with respect to noise reduction. *H17-I-3*.

Response 133:

Although NYCT as a state agency is not bound by City regulations, NYCT will seek to comply with the intent of City regulations to the greatest extent practicable, where those regulations are more stringent than noise control specifications to be contained in the environmental performance specifications of the construction contracts. In the construction of the FSTC, NYCT is cognizant of the emerging City noise legislation and will continue to comply with all applicable laws and regulations as well as Environmental Performance Commitments agreed upon by Lower Manhattan recovery project sponsors.

Comment 134:

It should also be noted that there are residential buildings in close proximity to the project. Soundproof windows and all other practical mitigation measures should be made available for occupants of these buildings who request them. *L7-I-5*.

The DEIS states that a proposed Noise and Vibration Plan may include a Community Liaison and Complaint Hot Line (page 13.3). We support this initiative and request a detailed description of how this number will be disseminated to the Lower Manhattan community and how the plan will be implemented. *L17-C-29*.

The DEIS indicates that FTA noise and vibration standards may be exceeded in some circumstances but that the Action area is within a Central Business District which “already experiences high ambient noise levels.” We urge that given the large number of residences and businesses in close proximity to the site of the Proposed Action, every effort is made to keep the noise and vibration within applicable standards. *L17-C-31*.

Response 134:

Mitigation measures are described in Chapter 13: Noise and Vibration. Appendix C includes a working draft of specifications that NYCT will implement during actual construction. NYCT will continue to consider a range of mitigation measures to minimize noise impacts, including noise impacts on

neighborhood residences that will be included in a noise and vibration control plan. The plan is expected to include a number of measures including establishing and maintaining public dialogue and receptor noise control measures.

Comment 135:

I am concerned about the impact the noise and vibration will have on the Century 21 building as well as it functioning as a deterrent to customers. The DEIS states that there will be high levels of noise at two of the main entrances. The Cortlandt St entrance (ES-36) is said to experience a Passenger Car Equivalent (PCE) traffic volume increase of almost 400 percent resulting in a substantial increase of 6.8 dBA during the AM peak hour. Using a three (3) dBA increase as the discernable threshold there would be adverse airborne noise impacts from mobile sources at Site 4 (22 Cortlandt Street) during the AM peak hour. The one receptor that would experience large increases in construction traffic, with a corresponding increase in traffic-related noise levels, is the Century 21 Department Store on Church St. The projected construction traffic-related noise level increase at this receptor is 4.7 DBA, which represents a significant increase. In order to minimize the disruption and inconvenience to our customers, we request that as much work as possible should be scheduled at night. *L16-I-9*.

Response 135:

NYCT will continue to work with the other Recovery Project Sponsors to assure a coordinated approach such that noise, vibration and other effects of construction are minimized. Included among those methods/practices/procedures to be considered are work practices coordinated with community and business activities based on the results of project community outreach to be implemented by NYCT.

Noise from construction equipment is regulated by EPA noise emission standards and also specified in the New York City Noise Code. These mandate that certain classifications of construction equipment, e.g. air compressors, pavement breakers, and heavy trucks, meet specified noise emission standards. NYCT would ensure that this regulation would be carefully followed. Specific provisions to reduce noise emissions will be included in the NYCT construction contract. The noise reduction specifications are as follows:

1. Measure additional sound levels for noise due to construction at the street line of the structure adjacent to and along the area of the Contractor's operations and plant. Sound levels measured at the street line shall not exceed the following:

- Residential structures:
 - 75 dBA: Daily, except Saturday and Sunday, 7:00 a.m. to 11:00 p.m.
 - 60 dBA: At all other times.
- Business-Commercial structures:
 - Daily, including Saturday and Sunday, all hours, a maximum of 85 dBA, unless otherwise permitted by the Engineer.
 - Factory-Commercial structures:
 - Daily, including Saturday and Sunday, all hours, a maximum of 90 dBA.

2. Provide equipment and sound-deadening devices and take such noise abatement measures necessary to comply with the requirements of the Contract, consisting of, for example, the following:

- Shields or other physical barriers to restrict the transmission of noise.
- Soundproof housings or enclosures for noise producing machinery.
- Use of electrically operated hoists and compressor plants, unless otherwise permitted by the Engineer.
- Silencers on air intakes of equipment.
- Maximum sized intake and exhaust mufflers on internal combustion engines.
- Gears on machinery designed to reduce noise to a minimum.
- Line hoppers and storage bins with sound deadening material.

- The prohibition of the use of air or gasoline driven saws, unless otherwise permitted by the Engineer.
- Conducting the operation of dumping rock or other materials and carrying it away in trucks so that noise is kept to a minimum.
- Routing of construction equipment and vehicles carrying rock, concrete or other materials over streets that will cause the least disturbance to residents in the vicinity of the work.

Comment 136:

CB I supports the guidelines established by MTA and NYCT to mitigate noise disruption. However, we request that the final EIS specify precisely how these guidelines will be enforced among the many contractors required for this construction. *L17-C-28.*

Response 136:

NYCT will enforce all commitments made in this FEIS and the Record of Decision by including them in the construction documents and specifications to ensure contractors are aware and accountable for noise levels throughout the construction period. NYCT routinely monitors the construction activities of contractors to ensure compliance. In addition, other compliance initiatives are currently being explored with regard to working with other Lower Manhattan recovery project sponsors.

25.3.13 CONTAMINATED MATERIALS AND WASTE MANAGEMENT

Comment 137:

We recommend the use of dust suppression techniques so that lead-based paint in the station is handled according to relevant removal and disposal protocols, especially since children use the FSTC on a daily basis to commute to school. *L17-C-38.*

Response 137:

NYCT has strict protocols and extensive successful experience in the proper handling of structural elements that contain lead paint. These procedures include a variety of dust containment/suppression measures as well as monitoring and oversight components. The NYCT construction contract specifications will direct the contractors to follow appropriate NYCT-established procedures during all lead paint removal, storage and disposal work.

Comment 138:

In addition, the buildings in the area of the Proposed Action may have been subjected to the potentially contaminated fallout of dust and debris resulting from the events of September 11. *L17-C-39.*

Response 138:

The nature and extent of potential contamination from the events of 9/11 is recognized by NYCT. Appropriate testing, construction and monitoring measures will be employed before, during and after deconstruction/demolition/construction to assure compliance with all appropriate regulations, standards and good practice standards. Additionally, NYCT will develop a series of related plans as part of their Construction Environmental Management Program for this project. These plans will be followed to protect public health and the environment. The plans include a Health and Safety Plan, a Soil and Contaminated Materials Management Plan, a Soil Gas Management Plan, and a Groundwater Management Plan.

25.3.14 NATURAL RESOURCES

Comment 139:

We have completed our review of DEIS and offer the following determinations:

- No federally listed, endangered, or threatened species under the jurisdiction of the National Marine Fisheries Service (NOAA Fisheries) are present in the proposed construction zone.
- Portions of the study area have been designated as essential fish habitat (EFH) pursuant the MSFCMA. We have determined that the present proposal will not affect EFH adversely and find that no EFH conservation recommendations are necessary for the present proposal.
- Project authorization and conduct will not have unacceptable impacts on other resources for which this agency is responsible. Accordingly, we will offer no objections or further comments on this matter pursuant to the FWCA. *L12-A-1*.

The above comments are predicated on the assumption that the final project will be developed and operated as described in the DEIS. Accordingly, unless project plans change or new information becomes available to change the basis for this determination, no further coordination with NOAA Fisheries is necessary pursuant to the above authorities. *L12-A-2*

Response 139:

The comments are acknowledged. The regulatory agencies charged with protecting natural areas, habitats and threatened and endangered species have been contacted for their input, and have not identified adverse impacts on these resources.

25.3.15 COORDINATED CUMULATIVE EFFECTS ANALYSIS

Comment 140:

Because the Proposed Action is one of the driving forces for the economic revitalization of Lower Manhattan and a catalyst for development in areas beyond the boundaries of the site of the Proposed Action, a thorough assessment of the aggregate impact of all other Lower Manhattan Recovery Projects that are expected to occur during the period of construction of the Proposed Action, including the redevelopment of the World Trade Center (WTC) site, construction of the new PATH Terminal, reconstruction of the South Ferry Terminal, construction of the proposed LIPS rail link, the Second Avenue Subway line, the reconstruction of Route 9A, the deconstruction of 130 Liberty Street, the reconstruction or replacement of Fiterman Hall, and other commercial and civic projects such as the proposed construction of the new Goldman Sachs and Verizon buildings and renovation of the Post Office building should all be included as part of the Final Environmental Impact Statement. *L17-C-8, H1-C-3*.

Response 140:

The FSTC is intended to contribute to the restoration and rebuilding of Lower Manhattan by enhancing the existing NYCT service in Lower Manhattan. All relevant projects were factored into the appropriate analyses so cumulative impacts could be assessed. Potential impacts on residents, including construction methods and activities, are analyzed in the FEIS, and cumulative impacts of construction are detailed in Chapter 20.

Comment 141:

The use of different methodologies for key impacts such as traffic or noise among these separate environmental impacts for the various projects preclude an apples to apples comparison of any meaningful and aggregate of the cumulative effects of the various different projects. Merely adding up to effects specifically attainable, attributable to each different project we feel fails to take into account this economic and gross stimulation of action and other plans project that can be expected to have on Lower Manhattan. *H1-C-4, L17-C-9.*

Response 141:

The sponsors of Lower Manhattan Recovery Projects developed common methodologies and data sets for the analysis of cumulative environmental impacts. In some cases, different methodologies were applied for different projects, where such different methodologies would provide more detail on the type of impact associated with a particular project. Any such methodologies, while different, were mutually compatible and allowed for aggregation of data and results to be used by each of the recovery projects. During the preparation of the environmental analyses, Recovery Project sponsors continued to coordinate analysis methodologies and exchanged data. For example, the traffic data in Lower Manhattan and the construction data were shared extensively among the project sponsors to enable each project to include the effects of the other projects in its cumulative effects analysis. The coordination among the projects is continuing with the detailed development of mitigation measures as each project proceeds through its design process.

Comment 142:

The cumulative effects of other redevelopment and other reconstruction projects in Lower Manhattan will also have a significant effect on the retail action by existing retailers and prospective retailers are to remain in Lower Manhattan and we need to ensure that mitigation techniques address these concerns. *H1-C-6.*

Response 142:

The cumulative effects of other redevelopment and reconstruction projects in Lower Manhattan are addressed in Chapter 20: Coordinated Cumulative Effects Analysis.

Comment 143:

We also recommend that the consulting parties be able to comment on the construction environmental protection plan that will be prepared as a result of the 4(f) evaluation. The Lower Manhattan Emergency Preservation Fund (LMEPF) is concerned about the cumulative impact on the nearby historic properties due to the numerous projects anticipated in Lower Manhattan. These include projects outlined in the World Trade Center memorial and redevelopment plan, the MTA's Fulton Street project itself, anticipated projects resulting from the Lower Manhattan development corporations, Fulton Street retail and art entertainment study and all the private market including new building and conversions. We are specifically concerned about vibrations from these cumulative construction projects and recommend that the Fulton Street Transit Center DEIS include sufficient standards that take into account these multiple projects affecting historic resources. These standards can be used in the preparation in the CEPP. *H11-I-4.*

Response 143:

The CEPP will take into account potentially sensitive conditions in the area: existing and those potentially created by other projects. Vibration monitoring, both before and during construction, will ensure that vibration impacts are minimized and/or avoided. NYCT is coordinating with the other Lower Manhattan Recovery Project Sponsors within the Lower Manhattan Construction Coordination Group to develop

measures to minimize vibration impacts. NYCT is also coordinating with the NYC Department of Buildings to minimize potential impacts to potentially fragile structures, including historic buildings. In this regard, NYCT will conduct a preconstruction structural survey of buildings potentially affected by construction and will share this information with appropriate parties to enable them to manage their construction accordingly. All consulting parties have reviewed the Section 106 Programmatic Agreement and will be able to review the Cultural Resources CEPP. The LMEPF, a coalition of five preservation groups – Municipal Art Society, National Trust for Historic Preservation, New York Landmarks Conservancy, Preservation League of New York State, and the World Monuments Fund, has requested and will be a consulting party in the Section 106 review process.

Comment 144:

Noise, air pollution, and traffic congestion are inevitable consequences of construction, and although there are ways to mitigate these impacts, I feel that the DEIS is overly optimistic. As there will be numerous simultaneous construction projects in Lower Manhattan, the negative effects of these projects will be cumulative. While it is conceivable that, were this project the only one, traffic could be mitigated using construction sequencing and land closure management measures, I find it hard to believe that these problems can be so easily solved when all of downtown will be under construction at the same time. *L-11-E-7.*

Response 144:

Minimizing construction impacts will require a highly coordinated effort among the sponsors of Lower Manhattan Recovery Projects as well as City agencies customarily tasked with the coordination of construction in the City of New York. NYCT recognizes this and has been participating in coordination efforts among the various parties since September 11, 2001. The coordination efforts that have emerged since September 11 have been the basis for a sustained effort by the agencies and other entities to ensure that Lower Manhattan can and will be rebuilt and its environmental conditions improved over the long term with minimal short-term environmental impacts. Chapter 20: Coordinated Cumulative Effects Analysis addresses the cumulative effects of Lower Manhattan projects.

Comment 145:

On behalf of the Coalition to Save West Street, I note that, at several points in the Fulton Street Transit Center Draft Environmental Impact Statement, the MTA assumes, either explicitly or implicitly, the construction on West Street / Route 9A of an automobile tunnel (the so-called “short bypass” alternative), with no acknowledgement of the “no action” and “at-grade” alternatives for West Street Route 9A that the New York State Department of Transportation claims also to be considering; to wit: Please be advised that, to the extent that the DEIS is dependent upon the construction of a West Street tunnel, the DEIS is improper. We fully expect that no West Street tunnel will be built, as a result of the illegalities in the Draft Supplemental Environmental Impact Statement for the Route 9A Project. *L15-I-1.*

Response 145:

The FSTC and the DEIS/FEIS are not dependent on the West Street Project (Route 9A). Where Route 9A was part of the background conditions in the construction or operational impact analysis of the FSTC, the Route 9A “short bypass alternative” was used. This was the Route 9A alternative considered to have the greatest potential for environmental impacts during construction (such as the generation of construction traffic) and thus reflected a conservative basis for analysis. The results of those analyses are presented in the DEIS and the FEIS.

Comment 146:

Merely adding up the effects specifically attributable to each different project fails to take proper account of the synergistic economic and growth stimulation that the Proposed Action and other planned projects can be expected to have on Lower Manhattan. *L17-C-10*.

The cumulative effect of other redevelopment and reconstruction projects in Lower Manhattan will also have a significant effect on the retail currently in the neighborhood. *L17-C-17*.

Response 146:

Coordination occurred among the various relevant agencies and interested parties on which projects will be developed simultaneously with the Proposed Action. All relevant projects were factored into all appropriate analyses (e.g. socio-economics, air quality, noise, etc.) so that the cumulative impact of construction and operation of the Proposed Action were identified and fully considered by the project sponsor and reviewing agencies. Chapter 20: Coordinated Cumulative Effects Analysis presents the result of such analyses.

Comment 147:

The DEIS states that “traffic projected to use Dey and Fulton Streets is expected to use alternate routes in the study area. None of the intersections analyzed would experience an impact as a result of truck traffic generated by the construction or related lane and roadway closures. Delay increases would be relatively minor and all would be within the established threshold.” We are concerned about the accuracy of the preceding statements in the context of the overall MPT for the area and the cumulative effect of construction activities relating to the Proposed Action and other projects in the study area and surrounding neighborhoods. *L17-C-25*.

Without an overlay of all the transportation projects (e.g. the World Trade Center Transportation Hub, Route 9A, the extension of Fulton and Greenwich Streets), it is difficult to know if the projects will mesh. It would be advisable to produce a composite plan and include it in the review documents for all Lower Manhattan projects. Ideally, the connection between the Fulton Street Transit Center and the World Trade Center Transportation Hub would be seamless. *L20-I-2*.

Response 147:

Estimates of traffic generated during construction were developed by each Recovery Project sponsor and aggregated as explained in Chapter 2: Analysis Framework, Chapter 6: Traffic and Transportation, and Chapter 20: Coordinated Cumulative Effects Analysis. The analyses presented in the DEIS and the FEIS reflects an integration of assumptions and actual plans of the project sponsors.

25.3.16 EPC AND MITIGATION

Comment 148:

Several comments expressed support for the implementation of Environmental Performance Commitments (EPCs), and recommended that these commitments, and other mitigation measures outlined in the EIS, be strengthened, implemented, memorialized in the final NEPA document, and strictly enforced. The EPCs will be imperative to ensure that this project does not have a significant impact to the environment. *H5-I-2, H20-I-3, L23-A-10*.

Response 148:

The implementation component of the EPCs will be included in the environmental performance specifications for the construction contracts for NYCT's Lower Manhattan Recovery projects. Working

draft environmental specifications are included in Appendix C of the FEIS and in relevant technical chapters (e.g. air quality, noise, contaminated materials). NYCT is responsible for ensuring that all commitments in this FEIS are implemented. FTA and NYCT are committed to implement the EPCs. The final environmental document will reflect those commitments.

Comment 149:

CB #1 strongly supports the adoption of strict Lower Manhattan Federal Transportation Recovery Projects Common Environmental Performance Commitments (EPCs) as well as a Construction Environmental Protection Program (CEPP) and related plans with respect to the Proposed Action that would reflect environmental protection commitments made in the EIS, permit requirements, and NYCT's registration and commitment to ISO 14001. The site of the Proposed Action is in a heavily populated mixed-use area in which both residential and commercial buildings are located directly adjacent to the site of the Proposed Action. Adherence to the strictest possible environmental standards is essential to protect residents and workers in the area from further adverse environmental effects and to avoid or mitigate air pollutant and noise emissions associated with truck trips, onsite construction equipment, vehicular emissions and dust generation. *L17-C-33*.

Response 149:

As indicated in the technical chapters of the FEIS (e.g. air quality, noise, contaminated materials) and Appendix A, NYCT is committed to developing EPCs for specific potential impacts. The implementation component of the EPCs will be included in the environmental performance specifications for the construction contracts for NYCT's Lower Manhattan Recovery projects. NYCT is fully committed to using strict measures that protect human health and the environment and is responsible to ensure contractor conformance with project specifications.

Comment 150:

On-going air quality and contaminated materials monitoring during the years of construction around the FSTC and other WTC related redevelopment is essential to insure that proper steps are actually taken to minimize mobile and stationary sources. We also support on-site emissions testing of diesel machinery to ensure compliance with applicable law. Air quality and emissions testing data should be posted on a website and frequently updated. *L17-C-34*.

Response 150:

NYCT is committed to developing EPCs for air quality from equipment and vehicles. The implementation component of the EPCs will be included in the environmental performance specifications for the construction contracts for NYCT's Lower Manhattan Recovery projects. NYCT is responsible for assuring that the construction contractor complies with EPCs throughout all phases of construction.

Comment 151:

We urge strict enforcement of the idling law and required use of ultra low sulfur diesel fuel and retrofitting of non-road diesel engines as well as moving vehicles including concrete and waste removal trucks as well as implementation of certification requirements to ensure that all trucks and construction vehicles use ultra low sulfur diesel fuel and have been properly retrofitted. *L17-C-36*.

Response 151:

NYCT is responsible for assuring that all commitments in this FEIS are implemented. As appropriate, vehicle idling times and other commitments will be monitored and enforced in the field during construction.

25.3.17 MISCELLANEOUS

Comment 152:

And I said that and I am strongly for this project but it is something I want to mention very briefly and that is that number one. The stadium should not be put, built in Manhattan, has no place. Congestion and the fact that what we need is housing. We are desperately in need of housing in this city. But it should be done. The housing should go there, we only need competition between the Javits Center and the stadium, but what we would like to have and I support Congress Williams 100 percent the stadium should be taken back to Queens. The jets were in Queens, we want them back and we want them at the Willis Point. We got plenty of room to do this thing and plenty of car space. These are problems we have in Manhattan. Please bring the stadium back to Queens. *H7-I-2.*

Several years ago a Lower Manhattan access study was done and in one of the things proposed which is the project here, and it is terrific and I approve of it almost wholeheartedly. But it also included some things to do in Grand Central to speed up the transfer of Metro-North riders to the Lexington Avenue subway. And I would like to see you get cracking on that one, too. *H8-I-2.*

When last I spoke at a Route 9A reconstruction project hearing last fall I detailed how the world would have to come down to a second World Trade Center attack and this would be Bankers Trust Deutsche Bank would collapse. Yet again for the third year in a row nothing has happened. *H26-I-1.*

Before we spend I believe 750 million dollars is the figure on implementing a new, wonderful transit center here in Lower Manhattan we should consider alternatives to the existing monopoly franchise transit system particularly with regard to buses. The situation with the buses is so bad that not only are we wasting a billion dollars a year in subsidizing them but the fact we maintain a monopoly franchise bus system together with a restricted entry taxi medallion system causes a loss of potential benefit to the people of New York City on the order of five billion dollars a year. Only one billion dollars of which is tax subsidiary for the local buses. In effect we are losing twice as much as the entire cost of the local bus service. This is not an anti government program that I am involved in. Before we implement policies such as monopoly franchise bus systems in closed taxi medallion systems we should evaluate the cost of these different things not only in terms of what shows up on your own books but as peoples' time as well. I suggest we open up the market for surface transit and under those conditions we have largely owner driven vans in many cases zero pollution vans providing many times of frequency of existing buses drawing people out of cars and taxis, reducing congestion and pollution and so forth, saving a billion dollars a year in subsidizing in this city and producing net worth all together over a trillion dollars a year nationwide. Anyone who wants additional details can take a press release and if they request I will send them a complete report. *H28-I-1.*

Response 152:

These comments do not pertain to the Proposed Action. Therefore, no response is required nor provided.

Comment 153:

Two comments suggested that it would be very important for the MTA to coordinate closely with the LMDC's efforts on the Fulton Street corridor and the arts and entertainment district plan. The plan, while not yet released for public review, is predominantly concerned with retail, housing, and streetscape issues along the Fulton Street Corridor. Although the LMDC and MTA plans may focus on different aspects of the Fulton Street Corridor, there is still significant overlap between their subjects. Coordination between the retail program and overall design elements of the two plans is imperative to define the Fulton Street corridor as a major destination point within Lower Manhattan. *H12-I-5, L4-I-5.*

Response 153:

The comment is acknowledged. NYCT intends to coordinate with the LMDC regarding its plans for Fulton Street, depending on available information.

Comment 154:

I think the MTA should be complemented on the commitment to the environment with the clean bus program. I think that is going to be an excellent thing and I think that will be extended to all the construction going on in Manhattan over the next couple of years. I want to thank the MTA for agreeing to take over the private bus service. That is about 1250 buses that are going to come under the MTA, the MTA will take over, because that will be immediately fueled by lower, ultra low sulfur diesel fuel and be replaced by environmentally friendly buses. I would encourage the MTA, I know they are going to buy 300 MCI cruisers and about 260 articulated buses. As I understand these articulated bus are high floor straight diesel currently and the New Flyer Corporation which supplies our articulated buses and our low floor 40-foot C and G buses just sold 235 low floor articulated highbred buses to Seattle. And I would encourage MTA New York City Transit to look at purchasing some low floor hybrid articulated buses. I talked to New Flyer Corporation just today and they are very interested in talking to the MTA about highbred articulated low floor buses. I have also talked to Steve Justice at GLMS Transmission and they are very interested in talking to the MTA about buying highbred MCI cruiser coaches. *H19-I-2*.

Response 154:

The comment is acknowledged.

Comment/Response 155:

Joe Garofalo, Tribeca resident, read a poem into the record at the public hearing on June 8, 2004. Specific comments on the FSTC project and environmental document are not readily discernable in the poem. Therefore, the poem is acknowledged and no specific responses are warranted. *H26-I-1*.

Comment/Response 156:

Steven Adler distributed a press release with his spoken testimony at the public hearing on June 8, 2004. Specific comments on the FSTC project and environmental document are not readily discernable in the press release. Therefore, it is acknowledged and no specific responses are warranted. *L9-I-1*.

Comment 157:

I'm writing on behalf of Transportation Alternatives to strongly recommend that the Metropolitan Transportation Authority include secure indoor bicycle parking in its plans for the new Fulton Street Transit Center. Secure bike parking, an increasingly standard feature of modern transit centers, would improve customer service and compliment MTA New York City Transit's nationally recognized "bikes aboard policy". Secure bike parking at the new transit center would connect some of the most heavily traveled transit lines in the country to the bike lanes and paths that serve the country's largest business centers, Downtown and Midtown Manhattan. The Hudson River Greenway – the most popular bike path in the U.S. – and the East River Greenway are less than a half mile from the future transit center. *L27-I-1*

Response 157

The design of the Fulton Street Transit Center does not include secure bike parking as bicycles can be taken on all MTA NYCT train services and the FSTC will be designed to allow convenient access to platforms for bike users. ★