

Attachment B

KEY ENVIRONMENTAL PERFORMANCE COMMITMENTS, MITIGATION, AND PERMIT CONDITIONS:

The Environmental Performance Commitments (EPC) were developed to address concerns for the cumulative effects resource areas of concern which are during construction: air quality, pedestrian and vehicular access and circulation, noise and vibration, cultural and historic resources, and business and economic factors. EPCs are measures adopted by individual Lower Manhattan Federal Transportation Recovery Project sponsors to lower the potential of each project to have adverse environmental impacts, and thus lessen the potential for each project to contribute to overall adverse cumulative effects in Lower Manhattan. Below is the mitigation for the South Ferry Terminal, including EPCs, for each resource area. These measures will be included in contract documents and specifications, as well as in the Construction Environmental Protection Plan (CEPP) that will be developed during final design of the South Ferry Terminal project. This mitigation was developed based on construction staging locations for this project to be in the median of Battery Place and in Peter Minuit Plaza.

Air Quality:

- Use of ultra-low sulfur diesel (ULSD) fuel (maximum 15 parts per million of sulfur) in off-road construction equipment with an engine horsepower (HP) rating of 50 HP or above.
- Use of Tier II diesel engines in all off-road construction equipment with an engine HP rating of 50 or above with diesel particulate filters (DPF) retrofit technology, where commercially reasonably available, or Diesel Oxidation Catalysts (DOCs) where DPFs are not reasonably available. The use of Tier II equipment on the project site and DPFs or DOCs, as applicable, will be validated by MTA/NYCT when equipment is first brought on site. MTA/NYCT will document that all manufacturer maintenance recommendations for all equipment and technology is adhered to by the contractor(s).
- Limit unnecessary idling times on diesel-powered engines to three minutes. Exceptions on mobile sources include, but are not limited to the following:
 - When 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 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.
 - When the mobile source is being repaired.
- Locate diesel-powered exhausts away from fresh air intakes, air conditioners, and windows.
- Control dust related to the construction site through a Dust Control Plan and a Soil Erosion and Sediment Control Plan that details sources and measures to reduce dust, as well as monitoring and enforcement provisions, and includes,

among other things, spraying of a suppressing agent (non-hazardous, biodegradable), containing fugitive dust through windscreens and barriers, prevention, cleanup, and other measures, and adjusting construction activities to respond to meteorological conditions, as appropriate.

Pedestrian and Vehicular Access and Circulation:

- Establishment of a project-specific pedestrian and vehicular traffic maintenance and protection plan. MTA/NYCT has committed to the establishment of a Maintenance and Protection of Traffic (MPT) Plan that will maintain traffic on all streets in the area and accommodate traffic flow in each direction on both Battery Place and State Street. The Plan will also permit continuous access for buses to Greenwich Street from Battery Place. Access to all nearby businesses and residential buildings will also be maintained throughout the construction period.
- Promotion of public awareness through mechanisms such as signage; telephone hotlines; and web site updates.
- Ensure sufficient alternate street, building, and station access during construction period.
- Regular communication with the New York City Department of Transportation (NYCDOT) and participation in its construction coordination efforts.

Noise and Vibration:

- Where practicable, schedule individual project construction activities to avoid or minimize adverse impacts. MTA/NYCT will coordinate construction activities with special events that may be scheduled at Battery Park, Bowling Green Park, the U.S. Custom House, and the Church of Our Lady of the Rosary. A noise and vibration complaint response procedure will be implemented to promptly address community concerns and implement additional control methods where necessary.
- Coordinate construction activities with projects under construction in adjacent and nearby locations to avoid or minimize impacts by sequencing and scheduling construction activities to avoid concurrent utilization of heavy equipment.
- Consider condition of surrounding buildings, structures, infrastructure, and utilities, where appropriate. See contingency measures below and the Section 106 Programmatic Agreement.
- Prepare contingency measures in the event established noise limits are exceeded. To ensure that construction levels for noise remain below FTA threshold criteria, the following specification, among others, will be included in the construction contract for the South Ferry Terminal project:
 - 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. Sound levels measured at the street line shall not exceed the following:
 - Residential structures (including the Church of Our Lady of the Rosary): 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 85dBA, unless otherwise permitted by MTA/NYCT.
 - 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 MTA/NYCT.
 - 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 MTA/NYCT;
 - Conducting trucking operations, including loading and unloading, in a manner that noise is kept to a minimum;
 - Routing of construction equipment and vehicles carrying materials over streets that will cause the least disturbance to residents in the vicinity of the work.
- Prepare contingency measures in the event established vibration limits are exceeded. To ensure that construction levels for vibration remain below FTA threshold criteria, the following specification, among others, will be included in the construction contract for the South Ferry Terminal project:
 - If high vibration equipment/techniques are used during construction, for example, controlled blasting for excavation, clam shell drop, etc., then vibration monitoring of adjacent historic structures will be conducted as incorporated into the CEPP;
 - Adherence to the vibration monitoring plan per the Section 106 PA, to be included in the CEPP, for One Broadway Building (also known as the International Mercantile Marine Building);
 - CEPP vibration monitoring plan will include initial, interim, and post-construction surveys of the structures with ongoing vibration monitoring. Vibration control plans will be developed and best management practices to limit vibration will be employed in sensitive areas, depending on the construction method required.

Cultural and Historic Resources:

- Establish coordination among projects to avoid or minimize interruption in access to cultural and historic sites.
- Initiate public information and involvement outreach with sensitivity to local cultural resources.

- Identify public information outlets that will receive and provide current information about access during construction.
- Monitor noise and vibration during construction at such sites as appropriate.
- Consult SHPO and the New York City Landmarks Preservation Commission and other parties as required under the Section 106 Programmatic Agreement (PA) and Archaeological Resource Management Plan (ARMP) that are incorporated into this FONSI. See Attachment C for the PA and ARMP. Historic Properties and Archaeological Resources identified as being adversely affected or that may be affected by the project are:
 - South Ferry Station—regarding any changes to the existing station, including a new door to connect to the new station;
 - One Broadway Building (a.k.a. International Mercantile Marine Building)—underground vaults will be affected by the project;
 - Archaeological resources—throughout the project excavation areas.

The ARMP addresses archaeological resources and details the construction approach, identification and excavation of any archaeological resources found and how construction work will or will not proceed upon such discovery, and the role of the Cultural Resource Management Team that will be on-site while the project is under construction in areas of archaeological sensitivity (as identified in Exhibit 1 to the PA). Recovery and curation of archaeological artifacts is also addressed.

Business and Economic Factors:

- Coordination with the Lower Manhattan Development Corporation (LMDC), the Downtown Alliance, and other entities to minimize residential and retail impacts.
- Appropriate signage for affected businesses and amenities to maintain their visibility, when obscured as a result of construction activities.
- Maintenance of pedestrian and vehicular access as described above and in the Maintenance and Protection of Traffic (MPT) Plan to be developed.

Park and Open Space:

Listed below is the construction mitigation for Battery Park and Peter Minuit Plaza as outlined in the EA and Memorandum of Understanding (MOU) between the NYCDPR and MTA. See Attachment D for the NYCDPR MOU for more detailed information and drawings, and NYCDPR design review process is outlined, that is incorporated into the FONSI.

- Work shall be scheduled in a manner to minimize impact on the use of and access to Battery Park. Active construction within Battery Park shall be performed during September through May time frames or as otherwise agreed by MTA and the City of New York.
- MTA shall restore or move certain trees in a manner that is consistent with the “Study of Trees in Battery Park Affected by Tunnel Excavation”
- MTA shall undertake the restoration of construction related impacts of soil, grass, and landscaping in the Town Green Oval and Great Lawn areas of the park in a manner that is consistent with the NYCDPR Master Plan for Battery Park.

- MTA shall construct the new bikeway in areas in and adjacent to Battery Park according to New York State Department of Transportation (NYSDOT) plans that will be carried out by MTA/NYCT in accordance with an MOU between MTA/NYCT and NYSDOT. See attachment to NYCDPR MOU regarding Battery Park improvements. This bikeway is to link to the NYSDOT Route 9A Project.
- MTA shall, in cooperation with the NYCDPR, undertake a “Park is Open” campaign to promote the continued access and use of Battery Park during construction that will include signage indicating alternate access points should access points need to be closed during construction.
- MTA shall remove the existing MTA/NYCT vents along State Street sidewalk as indicated on the annexed drawing to the MOU.
- MTA shall provide NYCDPR the opportunity to comment on the designs for the South Ferry Terminal’s project head house structures on State Street and in Peter Minuit Plaza during both the preliminary and final design phases.
- MTA shall move monuments in Battery Park, as needed, within the construction area and replace them in their original location or per the NYCDPR Battery Park Master Plan upon construction completion.
- The *Sphere for Plaza Fountain*, that was previously located in the World Trade Center complex plaza and is temporarily located in Battery Park, will remain in its current location through underpinning and other means and methods during excavation and construction.
- Peter Minuit Plaza will be restored in accordance with the plan agreed to under the Whitehall Ferry Terminal project. Under an MOU between NYCDOT, NYCEDC, and MTA/NYCT, certain finishing work and restoration of the Plaza areas will be completed by MTA/NYCT to coincide with the completion of construction of the South Ferry Terminal project.
- MTA shall remove, store, and then reinstall the memorial Jewish Tercentenary Flagpole in Peter Minuit Plaza upon construction completion.

Key Permits

Approval/Permit/ Coordination	Resource Agency	Description
Parkland Use Permits	NYCDPR	Permit for construction in parkland (excavation, staging, etc.)
Water Discharge (Construction)	NYCDEP	During construction, this permit will allow Contractor to discharge the water from his activities after appropriate treatment, including dewatering of excavation, wheel washing.
Water Discharge (Operation), new or modification	NYCDEP	During operation, this permit will allow MTA/NYCT to discharge the water from the terminal and tunnel.
SPDES (State Discharge Pollutant Elimination System)	NYSDEC	General permit (and plan) for stormwater management for construction site over 1.0 acre. Covers erosion control, storage of materials, best practices to avoid releases.