JUNE 12, 2001 NEPA RECORD OF DECISION FEDERAL HIGHWAY ADMINISTRATION PROJECT IDENTIFICATION NUMBER P.I.N. X103.27 MILLER HIGHWAY PROJECT WEST 59th STREET TO WEST 72ND STREET NEW YORK COUNTY, NEW YORK

A. DECISION

1. Introduction

The Draft Environmental Impact Statement (DEIS) for the Miller Highway Project was made available for public review on May 21, 1999. A public hearing on the DEIS was held June 30, 1999, and the comment period remained open for receipt of public comments until July 31, 1999. The FEIS for the Miller Highway Project was prepared upon review of comments received and provided a detailed assessment of the impacts of the preferred alternative, recommended measures to mitigate its anticipated adverse effects, and compared the impacts of the preferred alternative with other reasonable alternatives. It was made available for public review on January 19, 2001, and public comments on the document were accepted until February 27, 2001.

This ROD has been prepared in accordance with NEPA and Council on Environmental Quality (CEQ) regulations (40 CFR 1500 et sequen) and FHWA regulations (23 CFR 771) implementing NEPA.

2. Project Description and Background

The Miller Highway is a portion of the southern end of New York State Route 9 A, which begins at the Brooklyn-Battery Tunnel at the southern tip of Manhattan Island and extends northward for approximately 76.5 kilometers (47.5 miles), where it merges with U.S. Route 9 in Peekskill, New York, in northern Westchester County. The Miller Highway Project evolved from coordinated public sector and private sector planning for the development of the New York City waterfront and, specifically, the Penn Central Rail Yards site (currently known as the Riverside South Development site), a 30-hectare (74-acre) privately held parcel of land fronting the Hudson River between West 59th and West 72nd Streets in Manhattan. In March 1991, the City of New York, the State of New York, Penn Yards Associates (the owner of the site), and a

consortium of civic and planning groups announced an agreement on a plan for the site. The plan included:

- approximately 734,000 square meters (7.9 million square feet) of new mixed use development housed in 16 buildings;
- thirteen new public streets;
- an extension of Riverside Drive (Riverside Boulevard) from its current southern terminus at West 72nd Street to a new terminus at West 59th Street;
- the closure of the off-ramp from the northbound lanes of the Miller Highway to eastbound West 72nd Streets to permit the construction of Riverside Boulevard;
- a new waterfront park (Riverside South Park) (City approvals identified two alternative open space plans for the park, one in which the Miller Highway remains in its current easement, and one in which the Miller Highway is relocated to a defined public place); and
- an area (public place) reserved for the potential relocation of the Miller Highway.

As part of the City approval process, an environmental impact statement evaluating the plan was completed under City Environmental Quality Review (CEQR) requirements, and approved by the City in October 1992. The plan was approved in December 1992 by the New York City Council, pursuant to the New York City Uniform Land Use Review Procedures (ULURP).

Concurrent with the completion of the City-mandated land use and environmental reviews for the Riverside South Development Project, ESDC (then doing business as the New York State Urban Development Corporation (UDC), in consultation with the New York Metropolitan Transportation Council (NYMTC), NYSDOT, New York City Department of Transportation, New York City Department of City Planning, the Governor's Office of the State of New York, and the Riverside South Planning Corporation (composed of Penn Yards Associates and a number of civic and environmental organizations) prepared the *Relocated Miller Highway Planning Study* (RMHPS). The RMHPS acknowledged the planning that had been completed for the site, and established lists of preliminary goals and objectives and alternatives for the project.

Subsequent to the completion of the RMHPS, ESDC, in cooperation with FHWA and NYSDOT, initiated the Miller Highway Project, which culminated with the completion of the FEIS for the project in October 2000. The environmental and preliminary design studies documented in the FEIS fulfilled the requirements of the first four phases (Phases I through IV) of the NYSDOT project development process. Phases V and VI (final design) cannot begin until completion of the environmental process.

3. Selected Alternative

The decision by FHWA is to select the alternative identified as the Preferred Alternative in the October 2000 FEIS for the Miller Highway Project as the selected alternative for implementation. The selected alternative was Alternative A (Highway Passes Above the Pedestrian Underpass), modified to incorporate a less costly ventilation system. That alternative would relocate the Miller Highway from its current location to the public place identified for its potential relocation in the New York City approvals for the Riverside South Development

Project. With relocation, the centerline of the Miller Highway would, for most of its length, be under the western curb line of Riverside Boulevard, currently under development as an element of the Riverside South Development Project. The termini of the selected alternative would be the same as the termini of the existing Miller Highway: West 59th Street on the South, and West 72nd Street on the north. Total length of the selected alternative would be approximately 1,233 meters (approximately 4,044 feet).

The selected alternative would be a lane-for-lane replacement for the existing elevated six-lane Miller Highway, which would be demolished. The Miller Highway would continue to have three lanes in each direction. Its use would continue to be restricted to automobiles; trucks and buses would be prohibited.

Total construction cost of the selected alternative would be approximately \$178 million (Year 2005 dollars, based on a Year 2002 start of construction date). Annual operating costs for the selected alternative, including ventilation-related electrical costs, would be less than \$170,000 per year. No acquisition of private land or displacement of private land uses would be required to construct the selected alternative. Construction of the selected alternative would require approximately 4.25 years.

The selected alternative would consist of three 3.3-meter (11-foot) travel lanes; 3.0-meter-wide (10-foot-wide) right shoulders; 1.2-meter-wide (4.0-foot-wide) left shoulders; a 1.5-meter-wide (5-foot-wide) center median; and parapets on elevated portions of highway. Shoulders would taper to meet the existing cross-sections of Route 9A on the south, and the Henry Hudson Parkway on the north. At the southern end of the alignment, this transition would begin south of the south portal of the covered section of the roadway. At the northern end of the alignment, the transition would begin north of the north portal of the covered roadway for the northbound roadway and within the covered section for the southbound roadway.

The roadway would be designed in conformance with NYSDOT design criteria for "Other Freeways." The design speed was established based on the results of a spot speed survey conducted during October 1998 at locations along the northbound and southbound lanes of the West Side Highway representative of off-peak travel conditions on the existing Miller Highway. The survey indicated that the speeds that fit the travel desires and habits of nearly all drivers (85th percentile) were approximately 82 kilometers per hour (kph) (82 kph) or approximately 50 miles per hour (mph) in the northbound direction, and approximately 87 kph (approximately 53 mph) in the southbound direction. Based on the results of this survey, the design speed for the Miller Highway Project was fixed at 90 kph (approximately 55mph).

Between approximately West 61st and West 70^{lh} Streets, the north and southbound lanes of the selected alternative would be fully enclosed and ventilated using a mechanical ventilation system. The length of this covered section would be approximately 750 meters approximately 2,460 feet).

Ventilation of the enclosed portions of the roadway would be accomplished through the use of ceiling mounted "jet fans" that would supply sufficient air to maintain safe air quality levels during both normal operation and congested traffic conditions. Ventilation fans would draw

outside air through the tunnel portals an/ supply it to the northbound and southbound roadways. Air pollutant emissions from vehicles passing through the covered portions of the selected alternative would be sufficiently diluted to allow their discharge through the portals without exceeding in-tunnel design criteria and National Ambient Air Quality Standards (NAAQS). Maintenance of the jet fans would be undertaken from the roadway utilizing bucket loaders and other mechanical equipment. In the event of a fire emergency, the jet fans would be used to extract smoke through the portals of the covered roadways, allowing evacuation of motorists and fire fighting operations.

Air pollutant levels within the covered roadways and immediately adjacent to the portals would be monitored with the use of carbon monoxide (CO) detectors that would automatically start the fans when CO levels approach established in-tunnel design criteria and NAAQS. Video cameras would be located along the highway to monitor the flow of traffic. The design would incorporate a fire alarm system composed of both automatic detectors and manual activators for fire emergency monitoring and response. A solid dividing wall would be provided between northbound and southbound roadways to allow the "piston action" of moving vehicles to "self ventilate" the highway during most normal operating conditions, thereby reducing fan operating hours and related energy costs.

Retaining walls would be constructed on both sides of the roadway between the southern end of the covered section of the roadway at approximately West 61^{sl} Street and the southern terminus of the roadway at West 59th Street. The walls would be provided to accommodate grade separation between the selected alternative and the northbound and southbound roadways of Riverside Boulevard. The walls would be approximately 130 meters (approximately 426 feet) in length and would vary in height between approximately 0.5 and 5.0 meters (approximately 1.6 to 16.4 feet).

A 23-meter (75 feet) wide, 353-meter (1,158 feet) long viaduct structure would be constructed between approximately West 70th Street and the northern terminus of the selected alternative at West 72nd Street, where it would transition with the Henry Hudson Parkway. The existing non-standard on-ramp from West 72nd Street to the northbound lanes of the Henry Hudson Parkway would be closed, requiring northbound traffic to divert to either the southern terminus of the Miller Highway at West 59^{UI} Street, or the West 79^{Ih} Street northbound on-ramp.

Three design features of the selected alternative would not meet the 90 kilometers/hour (55 miles/hour) design speed-related NYSDOT design criteria for the project - lane width, profile grade, and stopping site distance. Lane width would be 3.3 meters (11 feet) throughout the alignment, compared to the NYSDOT design criteria of a minimum of 3.6 meters (12 feet). The selected alternative would include a 6.5% downgrade in the southbound direction at the northern end of the roadway, compared to the NYSDOT design criteria of a maximum of 4.0%. Minimum vertical stopping site distance would be approximately 120 meters (approximately 400 feet) at the northern end of the roadway in both the northbound and southbound directions, compared to the NYSDOT design criteria (approximately 467 feet). Justification for these non-standard features is provided in Section III.C.2.d of the FEIS.

The selected alternative includes the closure of the West 72nd Street on-ramp to the Henry Hudson Parkway. Closure of this ramp is warranted as part of the selected alternative since:

- the ramp and locations on the Miller Highway in the vicinity of the ramp have experienced vehicular accidents at a rate greater than the statewide average for similar classification of roadways;
- the radius, acceleration length, maximum attainable speed, and safe stopping site distance of the ramp are substantially below respective NYSDOT design criteria;
- relocation of the Miller Highway and required reconstruction of the ramp would further degrade acceleration length, maximum attainable speed and safe stopping site distance.

Closing of the ramp would result in the diversion of traffic from the ramp to either the southern end of the Miller Highway (i.e., Route 9A and West 57th Street) or the West 79th Street on-ramp, the next on-ramp immediately to the north of the West 72nd Street on-ramp. Detailed traffic studies indicate that this diversion would not result in unacceptable levels of congestion or safety hazards at either location, or within the adjacent neighborhoods, with implementation of the mitigation measures identified in Section IV.B.2.a of the FEIS. As indicated in Section IV.B.2.a of the FEIS, closure of the ramp would also result in safety benefits on the northbound mainline of the Miller Highway.

B. ALTERNATIVES CONSIDERED

1. Alternatives Identification and Initial Evaluation

The selected alternative was identified on the basis of an assessment of its relative benefits and adverse effects compared to a broad range of competing alternatives. These alternatives were identified through a systematic process involving the general public, interest groups, and governmental agencies, designed to consider a wide range of potentially viable and feasible options for achieving the goals and objectives of the Miller Highway Project. A number of alternatives with the potential for meeting the goals and objectives of the Miller Highway Project were identified for preliminary analysis. These included the No Action alternative, against which the effects of other alternatives were compared, seven highway alternatives encompassing a range of alignment, grade and profile changes to the existing Miller Highway, four public transportation alternatives, and three traffic management alternatives.

These 15 preliminary alternatives were evaluated to eliminate those that did not have a reasonable potential to achieve project goals and objectives compared to other competing alternatives, would require substantial additional costs without compensating benefits, or would not meet minimum levels of acceptability. This evaluation, documented in the project DEIS and FEIS, resulted in the elimination of four highway alternatives, all public transportation alternatives, and all stand-alone traffic management alternatives from further consideration. Based on this initial evaluation, the No Action alternative, and two alternative highway alignments were determined to have the potential to best satisfy the goals and objectives of the Miller Highway Project and were retained for further detailed evaluation.

2. Evaluation of Feasible Alternatives and Basis for Identification of Selected Alternative

The feasible alternatives surviving the initial screening process included the No Action alternative, Alternative A - Fully Covered (either passing above or below the pedestrian underpass), and Alternative B - Fully Covered (either passing above or below the pedestrian underpass). These alternatives were evaluated to determine which alternative would best achieve the four goals and related objectives of the Miller Highway Project. This evaluation included detailed assessments of the impact of each alternative, including the No Action alternative, on land use, zoning, community character, community facilities, demographics, economics, traffic and safety, air quality, noise, parks, open space and recreational facilities, visual character, historic and cultural resources, water resources and terrestrial ecology, energy, contaminated materials, construction effects, Environmental Justice, and the designated coastal zone in which they would be located. This analysis identified one of the two build alternative highway alignments as the Environmentally Preferred Alternative for the Miller Highway Project.

The Preferred Alternative identified in the Miller Highway Project FEIS has also been identified as the selected alternative for implementation since it would best achieve the four goals and related objectives of the Miller Highway Project at the lowest capital and operating costs compared to the other feasible alternatives. This is demonstrated by the following assessment:

Goal: Maintain and improve the park environment on the West Side of Manhattan.

The selected alternative would best achieve this goal since it would:

- not adversely impact Riverside Park, Riverside South Park, or Hudson River Park;
- improve conditions within Riverside South Park by decreasing noise levels, eliminating shadows from the existing Miller Highway viaduct, eliminating the nuisance of pigeons and other birds roosting on the viaduct, eliminating disruptions in park use during periods of roadway maintenance, and eliminating the potential hazard of debris falling from the viaduct; and
- allow the unimpeded and free movement of park users between Riverside Boulevard and the Hudson River waterfront.

Goal: Maintain or enhance safe and efficient transportation along the West Side Highway corridor in the study area.

The selected alternative would best achieve this goal since it would:

- be the least costly alternative to construct, maintain and operate;
- eliminate accidents associated with the non-standard West 72nd Street On-Ramp; and
- reduce the potential for accidents due to the application of full-width shoulders on the mainline of the Miller Highway.

Goal: Achieve physical compatibility between the highway and surrounding existing and proposed development.

The selected alternative would best achieve this goal since it would:

- substantially improve views of the Hudson River and the New Jersey Palisades due to elimination of the Miller Highway viaduct;
- conform to the Manhattan and New York City Comprehensive Waterfront Plans;
- be constructed entirely within the Public Place designated for its potential relocation as part of the City approvals for the Riverside South Development Project; and

• allow the development of additional parkland within Riverside South Park.

Goal: Minimize adverse social, economic, and/or environmental consequences to the surrounding community.

The selected alternative would best achieve this goal since it would:

- not cause or exacerbate violations of the National Ambient Air Quality Standards at any location, including locations within Riverside Park, Riverside South Park or Hudson -River Park;
- reduce noise levels within Riverside South Park;
- not require the acquisition of privately held land or displace any permanent private use of land;
- not generate large quantities of excavation for disposal; and
- limit construction period impacts on the surrounding community by employing suitable impact abatement measures and minimizing the need for diversion of through traffic to the local street network from the mainline of the Miller Highway.

C. SECTION 4(F)

1. Requirements

Section 4(f) of the Department of Transportation Act of 1966, as amended (49 USC 303, 23 USC 138), and its implementing regulations state that the FHWA cannot approve the use of any resource protected under Section 4(f) unless it determines that there is no feasible and prudent alternative to using the resource and that the proposed action includes all possible planning to minimize harm to the affected resource. Resources protected under Section 4(f) include public parkland, public recreation areas, public wildlife or waterfowl refuges, and public or private historic resources of national, state, or local significance. An alternative is not considered feasible and prudent if it fails to meet the goals and objectives of the proposed action; or results in excessive cost of construction, severe operational or safety problems; unacceptable adverse social, economic, or environmental impacts; serious community disruption; or an unacceptable accumulation of lesser impacts of the forgoing types. A Section 4(f) Statement must be prepared if it is anticipated that a proposed action 4(f) Statement is not required if there are impacts on a resource protected under Section 4(f), but the transportation project and the resource are concurrently planned or developed.

2. Assessment

A detailed assessment was completed and documented in the project FEIS to determine the potential impact of the identified alternatives on the resources protected by Section 4(f). The result of that assessment is that the selected alternative would not require the use of any Section 4(f) protected resource:, and that a Section 4(f) Statement is not required as indicated by the following:

- The New York City Department of Parks and Recreation has determined that the Miller Highway Project would not use any public parkland or recreational facility as defined under Section 4(f);
- The New York State Historic Preservation Officer (i.e., the Office of Parks, Recreation and Historic Preservation) has determined that the Miller Highway Project would not result in any adverse effect on significant historic or archaeological resources;
- The United States Department of the Interior, the United States Department of Commerce, and the New York State Department of Environmental Conservation have determined the Miller Highway Project would not result in any adverse effect on any wildlife or waterfowl refuge since there are no known wildlife or waterfowl refuge areas, endangered or threatened species, or essential fish habitats in the vicinity of the project;
- Riverside South Park and the Miller Highway Project were concurrently planned and a corridor (Public Place) within Riverside South Park was identified for relocation of the Miller Highway as part of that joint planning process;
- All reasonable measures to avoid harm on resources protected under Section 4(f) have been incorporated into the planning for the project.

In addition, an assessment was completed to determine if the selected alternative could be constructed in conformance with the Blumenthal Amendment, which was enacted as State legislation in 1975 in Section 349-f of the State of New York Highway Law, and severely limits both temporary and permanent intrusion into Riverside Park as a consequence of roadway improvements.

D. MEASURES TO MINIMIZE HARM

Practical measures to minimize adverse impacts of the selected alternative are related primarily to measures to minimize effects on:

- public parks, particularly Riverside Park and Riverside South Park, through which the selected alternative would pass;
- access to the Marine Transfer Station operated by the New York City Department of Sanitation at West 59th Street;
- residential, commercial, industrial, and other neighborhoods on the Upper Westside of Manhattan.

These include the following measures:

- Construction of the selected alternative in accordance with the Blumenthal Amendment.
- Construction of the selected alternative within the Public Place identified for the potential relocation of the Miller Highway as part of the City approvals of the Riverside South Development Project.
- Restoration of portions of Riverside Park and Riverside South Park temporarily affected during construction of the selected alternative. At a minimum, this will include regrading and replacement, in coordination with the New York City Department of Parks and Recreation, of plantings affected by construction activities.
- Development and implementation of measures to mitigate temporary impacts on public park resources during construction of the selected alternative to the satisfaction of the New York

City Department of Parks and Recreation. At a minimum, this will include development of provisions to maintain safe access to unaffected portions of Riverside Park and Riverside South Park, and the implementation of measures to reduce the generation of fugitive dust, limit construction-related noise levels, protect selected existing plantings, and minimize erosion and sedimentation of soil.

- Development of temporary (construction period) and permanent means of access to the West 59th Street Marine Transfer Station to the satisfaction of the New York City Department of Sanitation.
- Coordination with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation during the final design of the selected alternative to precisely characterize the nature, level and extent of contamination of excavation and to identify the final measures to be used to remediate onsite contaminated materials.
- Coordination with New York City Department of Transportation to implement needed changes to signal timing or other measures to mitigate traffic impacts on local streets that will occur as a consequence of the closure of the West 72nd Street On-Ramp to the Henry Hudson Parkway.
- Coordination with the New York City Department of Transportation to develop and implement detailed plans to maintain and protect traffic during construction of the selected alternative. These plans will minimize diversion of traffic from the mainline of the Miller Highway to local streets during construction of the selected alternative.
- Coordination with the New York State Department of Environmental Conservation and the New York City Departments of Transportation and Environmental Protection to develop final plans for the monitoring and control of air pollutants, and maintaining National and State Ambient Air Quality Standards in the vicinity of the portals of the covered sections of the selected alternative.
- Coordination with Manhattan Community Board #7 and the local community to respond to community concerns related to the construction, operation and maintenance of the selected alternative.
- Coordination with the Riverside South Development Corporation to develop final construction phasing and staging plans to minimize impacts on the Riverside South Development Project, including existing and planned residential buildings, Riverside Boulevard and Riverside South Park.
- Coordination with the Hudson River Park Trust to develop final plans to reduce potential effects on Hudson River Park.

E. MONITORING AND ENFORCEMENT PROGRAM

Monitoring and enforcement of project commitments, including needed coordination with other public agencies, Manhattan Community Board Number 7, the Riverside South Development Project, and other affected parties will be managed by the Federal Highway Administration and the Empire State Development Corporation, in coordination with the New York State Department of Transportation.

The Federal Highway Administration will be responsible for

- review of scope of services for all design consultant agreements to determine if environmental concerns are adequately addressed;
- review of design products (i.e., plans, specifications, cost estimates, etcetera) to confirm that environmental commitments have been properly considered;
- development and review of a system to track the implementation and enforcement of environmental commitments;
- development and review of required reevaluations of analyses included in the FEIS and/or updates during the design process; and
- on-site review of construction activities to confirm compliance with impact mitigation plans and other environmental commitments.

The Empire State Development Corporation will be responsible for:

- incorporation into the scope of services for all design consultant agreements of services undertaken to adequately address environmental concerns;
- review and approval of design products to confirm that environmental commitments have been properly considered, including review at preliminary, advanced and final (PS&E) development stages;
- establishment and implementation of a tracking and monitoring system for incorporating all environmental mitigation measures and commitments into the roadway design during the roadway design and construction phases;
- coordination with the New York City Department of Parks and Recreation to develop needed final plans to minimize impacts on public park resources, including methods to minimize construction period impacts, to maintain access to unaffected portions of the parks, and to restore all public park resources to their existing state prior to the initiation of construction activities;
- coordination with the New York City Department of Transportation to develop final plans to maintain and protect traffic during construction of the selected alternative and to implement changes to signal timings at local intersections affected by closure of the West 72^{nd} Street On-Ramp to the Henry Hudson Parkway;
- coordination with the New York City Department of Sanitation to develop temporary (construction period) final plans to maintain access to the West 59th Street Marine Transfer Station.
- coordination with Manhattan Community Board Number 7 to identify plans to address identified community concerns;
- preparation, in coordination with the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection, of final plans for the monitoring and control of carbon monoxide, and for maintaining National and State Ambient Air Quality Standards in the vicinity of the portals of the covered portions of the selected alternative;
- preparation, in coordination with the New York State Department of Environmental Conservation and the United States Environmental Protection Agency, of plans to characterize and remediate contaminated materials.
- coordination with the Hudson River Park Trust to identify plans to minimize potential impacts on Hudson River Park.
- review by FHWA to identify any betterments for private interest as ineligible for Federal aid.

F. COMMENTS ON FINAL EIS

1. **Comment:** We have serious concerns regarding some of the design assumptions and the traffic impacts related to the elimination of the 72nd Street on-ramp. (CB7-1)

Response: See response to Comments Numbers 2, 3, 4, 6, 8, 9, 11, 12, 13, and 14.

2. Comment: The FEIS is incorrect in saying on page ES-5 that the safe and efficient transportation goal is achieved because the Preferred Alternative would "not result in the permanent diversion of vehicular traffic from the Westside Highway corridor to the local street network". Obviously, the closure of the 72nd Street on-ramp does cause such a diversion. (CB7-2)

Response: Closure of the West 72nd Street on-ramp to the Henry Hudson Parkway would cause a redistribution of local street traffic currently destined to the on-ramp, but would not result in an increase in traffic volume currently using the local street network. An estimate of the volume of traffic currently using the West 72nd Street on-ramp is provided in Appendix B: Traffic and Safety to the FEIS, as are estimates of the proportion of this traffic that would be diverted to either the West 57th Street entrance to the northbound Miller Highway or the West 79th Street on-ramp to the northbound Henry Hudson Parkway. There would be no increase in total traffic volume using local streets or any permanent diversion of vehicular traffic from Route 9 A/ Westside Highway to the local street network due to the closure of the West 72nd Street on-ramp. (**FEIS Pages: IV-23 to IV-28, B-11 to B-12**]

3. Comment: Now that the Route 9A project is basically complete in the northern section and in its connection to the Miller Highway, it appears that the traffic shifts that the FEIS is predicting for the no-action scenario may not have occurred. Updated counts should be undertaken to verify this critical assumption, especially since the base counts and modeling inputs are older than the New York City EIS rules allow. If the Route 9A project does not shift traffic back to the West Side Highway as its model predicted, then the impacts of closing the 72nd Street on-ramp could be much more severe and could not be mitigated as the FEIS predicts. (CB7-3)

Response: The traffic impact analysis included in the FEIS was completed using the Cityapproved traffic assessment model used to estimate traffic impacts for the Route 9A Project. In addition, traffic counts were taken at critical locations in the Miller Highway traffic study area in June 1994, June 1995, November 1997, and January 2000. These additional counts were used to characterize traffic conditions in portions of the Miller Highway Project traffic study area not covered by the Route 9A model, and to confirm that Miller Highway base year estimates developed using the Route 9A traffic analysis model were consistent with actual counts. The results of these efforts indicate that the Route 9A traffic analysis model provides reasonable estimates of Miller Highway base and future year traffic conditions, and that Route 9A construction activities have not resulted in a significant diversion of traffic from Route 9A to the local street network in the Miller Highway Project study area. **[FEIS Pages: IV-20 to IV-22, B-2 to B-6]**

4. Comment: Closure of the West 72nd Street on-ramp would result in the most significant, unmitigated, negative impact of the preferred alternative as outlined in the DEIS: substantial increases in traffic volumes in portions of the Upper West Side, particularly near the on-ramps at West 79th Street and West 57th Street. These effects are inadequately analyzed. (CB7-4; SSNE-5; TKD-2)

Response: Estimates of the number of vehicles that would be diverted from the West 72nd Street on-ramp to the West 79th Street on-ramp to the Henry Hudson Parkway and to the 57th Street entrance to the Miller Highway were completed based on a review of the origins of trips of vehicles predicted by the Route 9A Model to use the West 72nd Street on-ramp. Those trips originating below West 66th Street were assigned to the West 57th Street entrance to the Miller Highway, while those trips originating above West 66th Street were assigned to the West 79th Street on-ramp to the Henry Hudson Parkway. These estimates indicated that closure of the West 72nd Street on-ramp would worsen traffic conditions at one intersection in the local street network during the AM peak hour and at three intersections during the PM peak hour. The estimates also indicated that traffic conditions would improve at one intersection in the local street network during the AM peak hour and at three intersections during the PM peak hour. A total of 33 critical intersections were analyzed in the local street network. Signal timing adjustments and the addition of right-turn lanes at adversely affected intersections along West 57th and 79^{lh} Streets were recommended to mitigate the impact of increased traffic levels on these two streets. These measures are commonly accepted for implementation by the New York City Department of Transportation to mitigate the impact of proposed development projects on local street networks. [FEIS Pages: IV-23 to IV-28, **B-11 to B-12**]

5. Comment: The proposed measures to mitigate the traffic impacts of closing the West 72nd Street on-ramp (retiming signals and adding right-turn lanes) may not be effective since they are not under the control of the applicant and are rarely implemented. (CB7-5; CLWS-11)

Response: See response to Comment Number 4. [FEIS Pages: IV-23 to IV-28, B-11 to B-12]

6. Comment: There is an acceptable design alternative available that would allow for maintaining the West 72nd Street on-ramp. (CB7-6)

Response: A design alternative that would allow for maintaining the West 72nd Street onramp was considered but rejected for the reasons identified on pages 111-45 and 111-46 of the FEIS. In addition to the reasons stated in the FEIS, the resulting site distance (approximately 150 feet) would be substantially less than the safe stopping site distance for the highway (i.e., 460 feet) and somewhat less than the safe stopping site distance for the ramp (i.e., 197 feet).

The alternative design to maintain the on-ramp would require that the mainline of the roadway be widened between approximately West 70th Street (i.e., NB 10+906.5) and West

76th Street (i.e., NB 11+397). The widening would be supported by a cantilever approximately 490 feet in length, and between approximately 5 feet and 18 feet in depth.

The depth of the cantilever between approximately West 73rd and West 76th Streets would range between approximately 5 feet and 11 feet, and overhang Amtrak maintained ventilation grates, and landscaped areas within Riverside Park. Its construction would require the removal and replacement of approximately 23 trees in Riverside Park.

The depth of the cantilever at the pedestrian underpass at West 73rd Street would be approximately 11.5 feet, and would overhang the pedestrian walking path in the park to the west of the underpass. Part of Riverside Park, the pedestrian underpass is protected by the same statutes as is the entire park, which has been designated as a New York City Landmark and is listed on the National Register of Historic Places.

South of the pedestrian underpass, the depth of structure would range between approximately 5 feet and 15 feet and overhang a series of abandoned two-story and three-story steel structure (i.e., the historic arches) that once supported the original southbound lanes of the Miller Highway. These arches have also been identified as significant elements contributing to the designation of Riverside Park as a historic landmark.

Construction of the design alternative would require review under Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)), and Section 106 of the National Historic Preservation Act (Section 106) due to its potential impact on parkland and designated historic resources. The FHWA is responsible for determinations under Section 4(f), and is required to select an alternative that meets project needs that would not use protected resources, including parklands and significant cultural resources. Approvals under Section 4(f) would require coordination with the New York City Department of Parks and Recreation to confirm that all measures have been incorporated into the design of the alternative to minimize impact on park resources. The New York State Office of Parks Recreation and Historic Preservation (OPRHP) is responsible for determination of effects on historic resources listed on or eligible for listing on the National Register of Historic Places. Both FHWA and OPRHP expressed concerns regarding the potential impact of the project alternatives on the pedestrian underpass, the historic arches, and Riverside Park during preparation of the Draft and Final Environmental Impact Statements/Section 4(f) Statement.

In addition, the Blumenthal Amendment, enacted as State legislation in 1975 in Section 349f of the State of New York Highway Law, stipulates that "...no portion of (the West Side Highway) from West 72nd Street to the Cross Bronx Expressway shall be constructed or reconstructed so as to encroach in any way on or over land mapped or used for park purposes except for such temporary encroachment of no more than ten feet in width from 73rd Street to 76th Street as may be essential during and for the purpose of reconstruction or repair of the existing roadway following which there shall be full restoration of park land...".

Together, the requirements of Section 4(f), Section 106 and the Blumenthal Amendment would represent a major impediment to the potential development of the design alternative, since alternatives that satisfy the need for the project currently exist that would avoid the use

of any historic resource or public parkland. Elimination of the West 72nd Street on-ramp would also have the benefit of providing additional parkland to a major entry point to Riverside Park. **[FEIS Pages: ES-7,III-22 to III-23, III-28, V-3 to V-4]**

7. Comment: The cost of retaining and improving the (West 72nd Street) on-ramp was estimated at \$4.6 million, a small portion of a project estimated to cost several hundred million dollars. The cost estimate is low because it assumes the improvements are included as part of the larger Miller Highway reconstruction; done by itself, the on-ramp improvement would cost more. (CB7-7)

Response: Noted.

8. Comment: The argument that the redesigned ramp would not conform to national highway design standards (for the project's 55 mph design speed) is something of a canard, since most design elements of the Henry Hudson Parkway do not satisfy the design criteria for a 55 mph design speed. (CB7-8)

Response: Non-standard features on other segments of the Henry Hudson Parkway cannot be used as justification for continued use of a non-standard ramp that is a proven high accident location.

9. Comment: Any responsible and adequate discussion of the safety and viability of a redesigned (West 72nd Street) on-ramp must consider a design speed that is specific to the roadway in question: 45 or 50 mph. (CB7-9; TKD-3; TKD-6)

Response: See response to Comment Number 12. In addition, conceptual design studies indicate that even if the design speed of the mainline roadway were decreased from 90 kph (55 mph) to either 85 kph (50 mph) or 80 kph (45 mph), the redesigned ramp would still not meet applicable design criteria for lane width, auxiliary lane length, and safe site stopping distance. **[FEIS Pages: ES-7, III-22 to III-23, III-28, V-3 to V-4]**

10. Comment: We do not consider the on-ramp improvements to result in any significant adverse impacts on Riverside Park, the pedestrian underpass at West 73rd Street, or the historic arches between West 70th and West 76th Streets. Any trees adversely affected by the on-ramp improvement could be easily replanted. -We also cannot foresee the existence of a cantilevered roadway having any significant effect on the exhaust capabilities of Amtrak's grates located way below the cantilever. (CB7-10)

Response: See Response to Comment Number 6. [FEIS Pages: ES-7, III-22 to III-23, III-28, V-3 to V-4]

11. Comment: The FEIS should have included additional technical analysis, including available simulations and engineering studies describing the available design alternative for maintaining the West 72nd Street on-ramp. (CB7-11)

Response: The results of these referenced studies are summarized on page 111-46 of the

FEIS. See response to Comment Number 6. [FEIS Pages: ES-7, III-22 to III-23, III-28, V-3 to V-4]

12. Comment: More justification is needed to support the 55 mph design speed or at least a lower design speed option should have been evaluated in more detail, particularly given the guidance provided in the Federal Highway Administration publication "Flexible Highway Design". (CB7-12)

Response: The physical designs of the Miller Highway alternatives were developed with the objective of attaining the highest operational speed consistent with operations on adjacent highway sections arid with proper functioning of the highway within the tunnel section. The design criteria for the Miller Highway alternatives, including the Preferred Alternative, were based on a functional classification of "Other Freeways", since it is anticipated that the Miller Highway would continue to operate as a six lane, divided facility with access control and no commercial traffic, similar in section and function to the Henry Hudson Parkway, which is classified as "Other Freeways".

The project design speed was based on the result of a spot speed survey conducted during October 1998 at locations along the north and southbound lanes of the West Side Highway representative of off-peak travel conditions on the existing Miller Highway. In conformance with the New York State Department of Transportation Highway Design Manual, the survey was designed to provide an estimation of a speed that fits the travel desire and habits of nearly all drivers (85th percentile) for the anticipated off-peak conditions. Speed and traffic volume data was collected during a typical afternoon off-peak period (12 Noon to 2:00 PM). Data were collected at three northbound and three southbound locations, including north and southbound locations on the Miller Highway viaduct. The result of the survey indicated that calculated 85th percentile speeds were generally higher in the southbound direction compared to comparable locations in the northbound direction. Calculated 85th percentile speeds on the Miller Highway viaduct were approximately 82 kph (50 mph) in the northbound direction, and 87 kph (53 mph) in the southbound direction. NYSDOT Region 11 staff reviewed the results of these surveys, and indicated that the project design speed should be conservatively established at 90 kph (55 mph).

The New York State Department of Transportation Highway Design Manual provides an alternative method for determining design speed (85th percentile speed) based on existing posted speed plus 10 kph (5 mph). The posted speed limit on the existing Miller Highway is 80 kph (50 mph). This would result in a design speed of 90 kph (55 mph) (posted speed plus 10 kph).

A lower design speed of 85 kph (50 mph) was considered but rejected, since the higher design speed best represented the observed habits of drivers currently using the Miller Highway and would provide for the highest degree of safety and transportation efficiency.

The FHWA document, *Flexibility in Highway Design*, is intended to encourage highway designers to consider aesthetic, historic, scenic and other factors, in the development of roadway designs, in addition to the design criteria specified in *A Policy on the Geometric Design of Highways and Streets* published by the American Association of State Highway

and Transportation Officials. However, this "guide" does not establish any new or different geometric design standards or criteria for highways and streets, nor does it imply that safety and mobility are less important design considerations. The design of the Preferred Alternatives is consistent with the guidance provided in the FHWA guide in that it would allow for the direct and sensitive integration of the roadway into the proposed planning for Riverside South Park, would not impact Riverside Park, and would provide for the maximum safe speed that can be maintained over the Miller Highway. (FEIS Pages: III-I to III-2]

13. Comment: The traffic data and simulation model are outdated and do not meet the requirements of CEQR manual. (CB7-13; CLWS-6)

Response: The Miller Highway Project Preliminary Design Report/FEIS meets the requirements of NEPA, SEQRA, Section 4(f) of the Department of Transportation Act of 1966, and regulations implementing NEPA and SEQRA promulgated by the FHWA and NYSDOT. As a State and Federal document it does not have to meet CEQR procedures or requirements. **[FEIS Pages: IV-20 to IV-22, B-2 to B-6]**

14. Comment: Now that the Route 9A Project is substantially completed, it is essential to verify the assumed traffic diversions included in the traffic analysis. Updated traffic counts should be taken in the spring of 2001 to directly determine the effect of the Route 9A project. (CB7-14)

Response: See Response to Comment Number 3. [FEIS Pages: IV-20 to IV-22, B-2 to B-6]

15. Comment: The FEIS should include specific provisions for maintenance and upkeep of the ventilation system. Inclusion of the protocols in the FEIS, a public document, would have allowed city and state agencies, as well as the public, to assess the viability of the protocols in advanced of their eventual implementation. (CB7-15)

Response: Detailed protocols for the maintenance and upkeep of the ventilation, lighting, communications, drainage, and fire/life/safety systems are not generally included as part of a preliminary design effort for roadway projects. The final design of the system and protocols for its maintenance and upkeep will be developed during the final design of the Preferred Alternative. Development of these designs and protocols will be completed in consultation with the NYCDOT, the New York City Fire Department, and other affected local agencies. **[FEIS Page: PA-3]**

16. Comment: The FEIS should have developed and analyzed an alternative with either the Alternative A or Alternative B alignment with a lower design speed of 45 or 50 mph) that includes a redesigned West 72nd Street on-ramp. (CB7-16)

Response: An alternative with either alignment with a ^{lr}>wer design speed of 45 or 50 mph that includes a redesigned West 72" Street on-ramp is not considered to be reasonable and prudent. See Response to Comment Numbers 6, 8, 9,10, and 12. **[FEIS Pages: ES-7, III-22 to III-23, III-28, V-3 to V-4]**

17. **Comment:** The delay in the detailed design for Phase 2 of (Riverside South) park means that questions remain on how the completed portion will relate and connect to the south. As noted in our consultants' memorandum of June 11, 1999 "...a detailed design of the overall 21.5-acre park that embraces the existing construction should be viewed as a priority." (CB7-17)

Response: Development of Riverside South Park is not an element or the responsibility of the Miller Highway Project. The Preferred Alternative would permit the development of Riverside South Park in conformance with the Open Space Plan for Riverside South Park included in the City-approved plan for the Riverside South Development Project. **[FEIS Page: IV-70]**

18. **Comment:** The selection of the preferred alternative violates the central goal of any highway, to provide for safe and efficient transportation, since the FEIS indicates that it will not "maintain or enhance safe and efficient transportation along the West Side Highway corridor in the study area", as per Table ES-2. (CLWS-1)

Response: As indicated in Table ES-2, the preferred alternative provides for safe and efficient transportation in that it would provide for safe highway operations, would provide efficient access to and eggress from the Manhattan core, and would minimize traffic flow on local streets. It does not meet the objective of minimizing capital, operational and maintenance costs when compared to the No-Action since it would require the expenditure of capital funds. However, as detailed on pages V-1 through V-8 of Chapter V: Evaluation and Comparison of Alternatives of the. FEIS, the Preferred Alternative would best achieve all goals and objectives of the project at the lowest capital and operating costs compared to other competing alternatives. **[FEIS Pages: ES-8, V-1 to V-8]**

19. **Comment:** The FEIS clearly shows that the No-Action alternative is the only alternative that meets safe and efficient transportation goals, as per Table ES-2. (CLWS-2)

Response: As indicated in Table ES-2, the No-Action alternative meets all of the objectives in support of the goal of maintaining and enhancing safe and efficient transportation along the West Side Highway Corridor in the study area. However, the No Action alternative fails to meet other project goals and objectives. See response to Comment **18.** [FEIS Pages: ES-8, V-1 to V-8]

20. **Comment:** Moving the Miller Highway to under Riverside Boulevard would save Donald Trump and the developers of Riverside South millions of dollars, since if the preferred alternative were constructed before Riverside Boulevard, the relocated Miller Highway would provide structural support to Riverside Boulevard. (CLWS-3)

Response: No source of funds has been identified for construction of the Preferred Alternative. Funds for the planning and design of the project are provided through a combination of Federal and New York State funds. The Miller Highway Project was a designated urban mobility project under Section 1106(b) of the Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). It is also a designated project under Section 1601, High Priority Projects Program of the Transportation Equity Act for the 21^{sl} Century (TEA 21). Federal funding for the project is authorized under Section 1602, Project Authorization, of the same act. Total funds for the project available under both of these sections of TEA 21 are \$6.0 million. An additional \$15 million is allocated to the project under Section 1212 of TEA 21. Under the terms of the City-approved Builders Pavement Plan for the Riverside South Development Project, the City of New York may require the developer to construct portions of Riverside Boulevard on structure rather than fill. Should a structure be built, it would be utilized as a component of and savings to the relocated Miller Highway. The developer may build Riverside Boulevard, either on fill or structure, as part of the City approved ULURP plan for Riverside South Development. The Federal Record of Decision will include a provision for FHWA review of final design to identify any betterments for private interest as ineligible for Federal-aid.

21. Comment: The cost of the Preferred Alternative does not include the cost of removing the fill under constructed portions of Riverside Boulevard. (CLWS-4)

Response: The cost of removing fill under constructed portions of Riverside Boulevard was included in the cost estimate for the Preferred Alternative. **[FEIS Pages: ES-11, V-8, III-42, A-16 to A-23]**

22. Comment: The Preferred Alternative fails to meet many New York State Department of Transportation design criteria and would not provide for safe and efficient transportation. (CLWS-5; SSNE-2)

Response: The Preferred Alternative meets all but three of the New York State Department of Transportation design criteria. Chapter III of the FEIS identifies the nonstandard features of the Preferred Alternative and provides justification of why inclusion of these features in the design of the Preferred Alternative would continue to provide for safe and efficient transportation on the Miller Highway. **[FEIS Pages: III-19, III-44]**

23. Comment: Closure of the West 72nd Street off-ramp should be included as part of the No Action alternative, since its closure would require discretionary approval by the State of New York. (CLWS-7)

Response: As noted on page 11-10 of the FEIS, the Miller Highway is owned by the City of New York and all ordinary maintenance is or will be performed by the City. No discretionary actions by the State of New York would be required for the closure of the West 72nd Street off-ramp. The impacts of closing the off-ramp were studied as part of the City Environmental Quality Review-required EIS for the Riverside South Development Project. **[FEIS Page: II-10]**

24. Comment: The FEIS mistakenly indicates that there are no exits in either direction between its termini at West 59th and West 72nd Streets (i.e., the West 72nd Street northbound off-ramp was overlooked). (CLWS-8)

Response: Noted.

25. Comment: The FEIS fails to include an analysis of the impact of the proposed closure of the West 72nd Street on-ramp on safety conditions on the local street network. (CLWS-9)

Response: Although traffic would be diverted from West 72nd Street to other streets in the local street network, available measures have been identified that would mitigate traffic impacts back to No-Action conditions at all affected intersections, including intersections along West 79th Street. All intersections would continue to operate at the same level of service with the preferred alternative as with the No-Action alternative after implementation of the identified mitigation measures. In addition, the preferred alternative would not affect the geometry of any local street intersection. Consequently, although the volume of traffic would change at individual intersections, the preferred alternative would not be expected to affect the overall accident rate at any given intersection, since accident rates are dependent on the specific combination of conditions at each specific location in the local street network, not just volume. Individual analyses would be required to determine the specific causes of accidents at each intersection in the local roadway network to identify whether an increase or decrease in traffic volume would effect the rates of severity at a particular location. This is not appropriate to assess the impacts of the preferred alternative, which is limited to modifications to the mainline of the Miller Highway and associated ramps, nor is it required to assess the impact of proposed development projects in New York City under the procedures specified in the CEQR Manual. [FEIS Pages: IV-23 to IV-28]

26. Comment: Closure of the West 72nd Street off-ramp should have analyzed either through a separate EIS, or as part of any of the build alternatives, since they would all require closure of the exit ramp. (CLWS-10)

Response: Closure of the West 72nd Street off-ramp was studied as part of the CEQR-required EIS for the Riverside South Development Project. The effect of closure of the ramp is incorporated in the assessment of traffic impacts of the No-Action alternative for the Miller Highway Project. See response to Comment Number 23. **[FEIS Page: II-10]**

27. Comment: The 12' vertical clearance does not meet the New York State Department of Transportation design criteria of 14'6", would represent a safety hazard, and would not allow use of the Miller Highway by trucks or busses, as requested by the Metropolitan Transportation Authority. (CLWS-12; SSNE-2)

Response: The preliminary design for the Preferred Alternative places the jet fans within the headroom originally established for the overhead signs. The current design shows a minimum vertical clearance of approximately 4.4 meters (approximately 14 feet 5 inches), substantially in conformance with NYSDOT design criteria. It is not anticipated that busses will use the limited access Miller Highway since busses are intended to provide service on local streets and since busses are prohibited from using the Henry Hudson Parkway to the immediate north of the Miller Highway. Trucks are currently prohibited on both the Miller Highway and Henry Hudson Parkway. There are no plans to ease this restriction. Necessary warning, including the use of variable message signs, will be provided prior to each tunnel

portal to safeguard against trucks or busses using the Miller Highway. [FEIS Page: VI-28, comment D4]

28. **Comment:** The preferred alternative does not identify a back-up source of power; in the event of loss of electricity the tunnel would become a death trap due to the build up of air pollutants or fire. (CLWS-13)

Response: A back-up source of power **is** a standard component of all modem mechanically ventilated covered roadway systems and would be included to provide power to light and ventilate the covered portions of the Preferred Alternatives. The ventilation system is specifically designed and sized to allow for safe egress in the event of a fire. **[FEIS Pages: PA-1, III-39]**

29. **Comment:** The FEIS does not include an analysis of the impact of proposed jet fans on noise levels in Riverside South Park. (CLWS-14; SSNE-3)

Response: The noise analysis summarized in Section IV.B.2.C of the FEIS included an estimate of noise levels within Riverside South Park, including in the vicinity of tunnel portals: This analysis indicated that noise levels within Riverside South Park with the Preferred Alternative would be substantially lower than noise levels within Riverside South Park with the Miller Highway in its current location. Noise at tunnel portals would be dominated by noise generated by motor vehicles entering and leaving the tunnels. Necessary silencers will be incorporated into the design of the jet fans to minimize noise impacts at the tunnel portals. **[FEIS Pages: IV-49 to IV-6]**

30. **Comment:** The FEIS falsely claims that there is a danger of falling debris from the newly reconstructed Miller Highway. (CLWS-15)

Response: As clarified in the response to Comment Number ENV2 on the DEIS, **it is** not anticipated that debris would fall from the deck **or** structural members of the newly rehabilitated Miller Highway. However, litter from vehicles traveling on the viaduct along with snow and deicing materials would have the potential to fall from the viaduct. **[FEIS Page: VI-32]**

31. **Comment:** The FEIS misuses traffic accident data to make the build alternatives seem safer than the No-Action alternative. (CLWS-16; SSNE-4)

Response: The accident analysis provided in the FEIS follows standard State procedures for evaluating the benefits of proposed highway improvements. It is appropriate to include non-reportable accidents since, although of limited cost, they do constitute vehicular accidents requiring some level of inconvenience and repair. **[FEIS Pages: IV-29 to IV-36]**

32. Comment: The FEIS should not have used non-reportable accidents in its accident analysis. (CLWS-17)

Response: See Response to Comment Number 31. [FEIS Pages: IV-29 to IV-36]

33. Comment: The FEIS fails to include a letter from New York State Department of Transportation (New York regional office) to the Empire State Development Corporation that states that there is no money for the implementation of the Miller Highway project, and that relocation of the highway is not a priority. (CLWS-18)

Response: Noted. See response to Comment Number 43.

34. Comment: The FEIS fails to indicate if the New York City Department of Transportation has approved the proposed traffic control system. (CLWS-19)

Response: The traffic control system described in the FEIS has been developed to a preliminary design level, but represents the systems commonly used in modem roadway tunnels. The final design of the traffic control system will be developed in consultation with the New York City Department Transportation. See response to Comment Number 15. **[FEIS Page: PA-3]**

35. Comment: The FEIS fails to estimate the cost of staffing the proposed traffic control center. (CLWS-20)

Response: The final staffing levels and related costs will be determined as part of the final design effort. See Response to Comment Number 3. **[FEIS Page: PA-3]**

36. Comment: The FEIS fails to indicate if the New York City Fire Department has approved the proposed ventilation and fire protection plans. (CLWS-21)

Response: A meeting was held in June 1995 with the New York City Fire Department (NYCFD), including Chief of Operations, Chief of Transportation Safety, and Chief of Planning to review the conceptual plans for the project fire and life safety systems and to identify NYCFD concerns and requirements. The NYCFD provided guidance concerning system requirements and indicated that it generally concurred with the proposed fire and life safety system. The project committed to continue to coordinate with the NYCFD during subsequent design stages. See response to Comment Number 15. [FEIS Page: PA-3]

37. Comment: The FEIS fails to include all the costs of operating the tunnel. (CLWS-22)

Response: The costs of ventilation represent the majority of tunnel operating costs. Final operating cost estimates will be developed during the final design of the Preferred Alternative. See response to Comments Numbers 15, 34, and 35. **[FEIS Page: PA-3]**

38. Comment: The FEIS fails to provide support for the statement that "impacts on-existing railroad (Amtrak) signal, communication, and other active railroad are not anticipated" with the Preferred Alternative. (CLWS-23)

Response: The determination was based on a detailed survey of the Amtrak tunnel under Riverside Park in the vicinity of the project, review of the structural plans for the deck on which Riverside Park is supported, a review of the existing Amtrak ventilation system, and an evaluation of the potential effect of build alternatives on Amtrak operations. The alignment of the Preferred Alternative is entirely to the west of the Amtrak rail lines and relocation would not interfere with rail operations. **[FEIS Page: 11-15]**

39. Comment: The FEIS should provide an estimate of the cost of rerouting traffic during the construction period. (CLWS-24)

Response: It is not anticipated that traffic will require rerouting to local streets during the construction period. The cost estimate for the Preferred Alternative includes the cost of maintaining and protecting traffic on the mainline of the Miller Highway. **[FEIS Pages: A-16 to A-23]**

40. Comment: The FEIS fails to provide an evaluation of the costs and impact of relocating existing telephone lines on the community. (CLWS-25)

Response: Necessary arrangements will made during the project final design and construction process to maintain existing telephone service in the project area. The cost estimate included a "miscellaneous" category and a 12% contingency factor to account for the cost of utility relocation and other costs not currently known with a high degree of certainty. **[FEIS Page: II-15]**

41. Comment: The FEIS fails to detail the potential impact of relocating Con Edison electrical service between West 57th and West 59th Streets. (CLWS-26)

Response: The need for relocating Con Edison electrical service at the southern end of the Miller Highway alignment will be confirmed during final design of the preferred alternative. If these studies confirm the need to relocate service, necessary arrangements will be made in consultation with Con Edison to maintain service during the construction period and thereafter. **[FEIS Page: 11-15]**

42. Comment: The FEIS fails to thoroughly evaluate Alternative D. (CLWS-27)

Response: Several variations of Alternative D identified by the Coalition for a Livable Westside were developed and evaluated to a level of engineering detail sufficient to permit evaluation against other competing alternatives. The results of these studies were documented in a number of technical memoranda and drawings not included in the FEIS. The results of these studies indicated that none of the variations of Alternative D merited further analysis or development due to the reasons provided on pages III-11 and III-12 of the FEIS, and in the response to Comment Number ALT11 to the Draft Environmental Impact Statement. [FEIS Pages: III-11 to III-12, VI-20]

43. Comment: No State or federal monies should be used to implement the Miller Highway Project. Limited public funds should be used for more critical projects. (SSNE-1 ;TKD-1)

Response: No source of funds has been identified for construction of the Preferred Alternative. Funds for the planning and design of the project are provided through a combination of federal and New York State Funds. The Miller Highway Project was a

designated urban mobility project under Section 1106(b) of the Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). It is also a designated project under Section 1601, High Priority Projects Program of the Transportation Equity Act for the 21st Century (TEA 21). Federal funding for the project is authorized under Section 1602, Project Authorization, of the same act. Total funds for the project available under both of these sections of TEA 21 are \$6.0 million. An additional \$15 million is allocated to the project under Section 1106(b) of TEA 21. **[FEIS Page: ES-1]**

44. **Comment:** There is no community consensus that the Miller Highway should be torn down; the strongest support for the project comes from the Trump Organization, which hopes to use this massive expenditure of taxpayer resources to enhance the value of its Riverside South Development Project. (TKD-4)

Response: As documented in Volume III of the FEIS, and Chapter VI of Volume I of the FEIS, public comments on the project received during the public review of the DEIS indicated a diversity of opinion on whether or not the existing Miller Highway should be replaced. Of the over 200 sets of oral and written comments received on the DEIS, approximately 45% indicated support for the proposed relocation. Commenters supporting the relocation of the Miller Highway included a number of civic associations, labor and business organizations, and unaffiliated citizens, in addition to the Trump/New World Organization. [FEIS Pages: ES-2, Chapter VI, Appendix M]

45. **Comment:** The traffic analysis fails to adequate account for the effect of the Riverside South Development Project on traffic conditions. (TKD-5)

Response: The traffic analysis was completed using the Route 9A traffic analysis model, and included the effects of an assumed full build out of the Riverside South Development Project as part of the No Action alternative. See response to Comment Number 3. **[FEIS Pages: IV-20 to IV-22]**

46. **Comment:** The Record of Decision for the project should include a commitment to more precisely characterize the extent and degree of contamination during later project phases in consultation with the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (USEPA). (EPA-1)

Response: The ROD will incorporate the commitment to more precisely characterize the extent and degree of contamination through additional testing and analysis, and that necessary consultation will be undertaken with the NYSDEC and the USEPA to establish the procedures to be followed and the methods to be implemented to remediate on-site contaminants.

- 47. **Comment:** Although one of the stated goals of the project is to "minimize traffic flow on local streets," the EIS fails to address:
 - Traffic capacity limitations and projected increased traffic flow on West 72nd Street, West 79th Street, West End Avenue, and Riverside Drive.

- Rush hour congestion on West End Avenue, West 79^{,h} Street, the West 79^{,h} Street on-and off-ramps and throughout the West 79th Street Corridor.
- Other traffic and pedestrian patterns, including the large senior citizen population residing in the Lincoln Towers area, the illegal use of West End Avenue by trucks and buses, and increased traffic relating to the recently renovated American Museum of Natural History. (MAL-1)

Response: As described in Section IV.B.2.a and Appendix B: Traffic and Safety of the FEIS, the traffic impact analysis accounted for the capacity limitations of Route 9A, the Miller Highway, the Henry Hudson Parkway, and the local street network, including limitations in intersection capacity, and was based on traffic volume estimates for the AM-peak and PM-peak periods. Future year projections assumed full build out of the Riverside South Development Project, completion of the Route 9A Project, and the completion of other planned and programmed improvements in the study area identified in consultation with the New York City Department of City Planning (See Table IV-1 of the FEIS). An additional traffic growth factor was also applied to account for probable growth not associated with specific development projects. The analysis resulted in reasonable estimates of traffic impacts due to the closure of the West 72nd Street on-ramp on the local street network. See Responses to Comments Numbers 2, 3, 4, 6, 8, 9, 11, 12, 13, and 14. [FEIS Pages: IV-20 to IV-36]

48. Comment: In its air quality analysis, the EIS projects increased traffic volumes of up to 69% at the major intersections in the 79' Street corridor. Strangely enough, the EIS concludes that there will only be minor increases in carbon monoxide levels at those intersections. (MAL-2)

Response: As described in Section IV.B.2.b and Appendix C: Air Quality of the FEIS, the air quality analysis was completed using standard mandated assessment procedures based on assumed reasonable worst-case conditions (slow wind speeds, stable atmospheric conditions, cold temperatures, etc.) that tended to maximize anticipated carbon monoxide concentrations at affected intersections in the local street network. Motor vehicle emissions estimates were based on the most recent version of "MOBILE" series of emissions estimations programs developed by the USEPA. Traffic estimates were developed using the Route 9A traffic analysis model and accounted for the full build out of the Riverside South Development Project and anticipated diversion of traffic to West 79th Street as a consequence of the proposed closure of the West 72nd Street on-ramp. The air quality analysis was provided to the USEPA, the NYSDEC and the New York City Department of Environmental Protection for review. None of these agencies commented on the procedures, assumptions or results of the air quality analysis. The air quality analysis provides conservative (i.e. reasonable worstcase) estimates of the potential impact of closure of the West 72nd Street on air pollutant concentrations on West 79th Street and other locations on the local street network. **[FEIS** Pages: IV-37 to IV-48]

49. Comment: The EIS fails to consider any noise pollution effects in the West 79th Street corridor or any other location north of West 72nd Street. (MAL-3)

Response: Increases in traffic volumes that would occur on certain sections of West 79¹* Street would not result in perceptible changes in noise levels. As indicated in Appendix D: Noise, a perceptual change in noise level (i.e., 3 dBA) would require a doubling in traffic volume. At locations where traffic volumes and noise levels are already high, a large change in traffic volume would be required to cause a perceptual change in noise levels. As indicated in Appendix B: Traffic and Safety, closure of the West 72nd Street on-ramp would result in less than a 10% change in traffic volumes on West 79th Street during the PM peakhour, and a 35% change in traffic volumes on West 79th Street during the AM peak-hour. Neither of these changes would result in a perceptual change in noise levels along West 79th Street or other streets in the West 79th Street corridor. **[FEIS Pages: IV-49** to **IV-63]**

50. Comment: The EIS fails to consider options "C" and "D", although Community Board 7 specifically requested further consideration of these options. (MAL-4)

Response: Alternative C and several variations of Alternative D identified by the Coalition for a Livable Westside were developed and evaluated to a level of engineering detail sufficient to permit evaluation against other competing alternatives. The results of these studies, summarized on pages III-11 through 111-12 of the FEIS, and further documented in the response to Comment ALT11 of the DEIS, indicated that neither Alternative C nor any of the variations of Alternative D merited further analysis or development. **[FEIS Pages: III-11 to 111-12, VI-20]**

51. Comment: The EIS fails to consider any public transit options, such as light rail or commuter rail service, connecting to the Port Authority Bus Terminal and/or the Javits Center, with links to fast ferry service for destinations in Northern New Jersey, Westchester and Rockland Counties. (MAL-5)

Response: A broad range of transit and transportation systems management alternatives were evaluated as documented on page III-10 of the FEIS. Transit alternatives evaluated included light rail transit, commuter rail, bus, and ferry options. The results of these studies indicated that none of the transit options merited further development or analysis due to the reasons provided on pages 111-12 and 111-13 of the FEIS. [FEIS Pages: 111-12 to 111-13]

Notes:CB7:Manhattan Community Board Number 7CLWS:Coalition for a Livable WestsideSSNE:Assembly member Scott Stringer/State Senator Eric Schneiderman/United States
Congress member Jerrold Nadler/ Council member Ronnie EldridgeTKD:New York State Senator Thomas K. DuaneEPA:United States Environmental Protection AgencyMAL:Marc Andrew Landis

G. CONCLUSION

Based on the analysis and evaluation of this project's Final Environmental Impact Statement, and after careful consideration of all the social, economic and environmental factors and input from the public involvement process, it is my decision to adopt the selected alternative, Alternative A (Highway Passes Above the Pedestrian Underpass), modified to include a less costly ventilation system, as the proposed action for this project.

6/14/01

Date

Graham Bailey

Assistant Division Administrator .

New York Division Office Federal Highway Administration