Metropolitan Transportation Authority
State of New York

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

THE PORT AUTHORITY OF NY & NJ

September 3, 2003

Susan E. Schruth
Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green
New York, NY 10004

Re: Lower Manhattan Transportation Recovery Projects

Dear Ms. Schruth:

In the aftermath of the September 11th attacks and the destruction visited on the transportation infrastructure of Lower Manhattan, we appreciate the Federal Transit Administration's ("FTA") commitment of funding and other resources to the transportation recovery projects in Lower Manhattan described by Governor George E. Pataki in his letter dated February 6, 2003. As these projects advance in development, the Metropolitan Transportation Authority ("MTA"), the Port Authority of New York and New Jersey, and the New York State Department of Transportation are working together with the FTA's Lower Manhattan Recovery Office to demonstrate their commitment to the environment and communities of Lower Manhattan. The attached Environmental Analysis Framework represents the fruits of that collective commitment.

We also acknowledge the opportunity to proceed with these important projects provided by the temporary waiver of transportation conformity requirements as enacted by Public Law 107-230. It is important to meet the commitments made by the State in order to obtain the waiver and we recognize the benefits of an enhanced interagency consultation process as we go forward with these transportation recovery projects.

As the first of these priority projects – MTA's Fulton Street Transit Center and the Permanent WTC PATH Terminal – have begun the environmental process incorporating this Framework, we mark the beginning of the environmentally-conscious contribution that the transportation recovery projects will make to the revitalization of Lower Manhattan. We look forward to working together with you as each of the other projects progresses in development and look

forward to the state-of-the-art restoration and enhancement of the transportation systems to and from Lower Manhattan.

Sincerely,

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ENVIRONMENTAL ANALYSIS FRAMEWORK FOR FEDERAL TRANSPORTATION RECOVERY PROJECTS IN LOWER MANHATTAN

In the aftermath of the September 11, 2001 attacks, a common framework of environmental analysis for reconstruction and redevelopment projects in Lower Manhattan can produce substantial benefits for each project, including the avoidance or minimization of environmental impacts and an increase in public understanding. The initiation of transportation recovery projects that are to be undertaken with the $4.55 billion in federal funding to restore and enhance functionality of the infrastructure and support the recovery of the area ("Federal Transportation Recovery Projects") will likely precede non-infrastructure projects. These projects therefore present an early opportunity for implementing a framework for evaluating and minimizing potentially adverse environmental effects, particularly cumulative effects, from other projects in Lower Manhattan that are constructed and put into operation during similar time frames and may affect the same resources (the "Framework"). As such, this Framework, which features a coordinated cumulative effects analysis approach, is offered to assist sponsors of Federal Transportation Recovery Projects ("Project Sponsors") in their environmental analyses.

The Framework for the Federal Transportation Recovery Projects was developed by a group of governmental entities involved with recovery in Lower Manhattan: the Metropolitan Transportation Authority ("MTA"), the Port Authority of New York and New Jersey ("Port Authority"), the New York State Department of Transportation ("NYSDOT"), and the Lower Manhattan Development Corporation ("LMDC"), in cooperation with the Federal Transit Administration ("FTA") and interested federal agencies. It is anticipated that at a minimum, this Framework, as applicable and where appropriate, will be used by the MTA, the Port Authority, and NYSDOT in connection with each of their proposed Federal Transportation Recovery Projects. This Framework will be introduced to additional local Project Sponsors, as appropriate, as additional Federal Transportation Recovery Projects are identified and prioritized. It is intended that, when completed, each Federal Transportation Recovery Project will result in an overall positive impact on the environment.

The temporary waiver of most transportation conformity requirements provided by Public Law 107-230 allows for these projects to proceed with out the need for a full conformity determination. To meet obligations set forth with the conformity waiver, the framework recognizes the need and value of interagency consultation and is consistent with the enhanced interagency consultation procedures during the transportation conformity waiver period.

In light of other reasonably foreseeable transportation and non-transportation actions in Lower Manhattan, this Framework for analyzing Federal Transportation Recovery Projects will establish a consistent set of information and commitments to be fulfilled in each Project Sponsor's project-specific environmental review and documentation. The Framework considers the regulations set forth by the Council on Environmental Quality ("CEQ") and takes into account the guidance in State Environmental Quality Review Act ("SEQRA") regulations, the City Environmental Quality Review ("CEQR") Technical Manual, industry best practices, and public input.

This ***Environmental Analysis Framework*** consists of the following components:

1. ***Green Design, Green Construction, and Sustainability Principles;***
2. ***Construction Environmental Protection Plan;***
3. ***Public Involvement and Governmental Entities Coordination Plan; and***
4. ***Baseline Assessment of Resources & Coordinated Cumulative Effects Analysis Approach***

1. Green Design, Green Construction, and Sustainability Principles

Each Project Sponsor cooperating with the FTA, and other interested federal agencies, recognizes the importance of avoiding and minimizing adverse impacts. Project Sponsors will address their advance commitment to undertake such avoidance efforts. In this regard, Project Sponsors have agreed to develop a common set of Environmental Performance Commitments ("EPCs") that they will each undertake. EPCs are items such as design elements, construction techniques, or operating procedures that will be implemented to lower the potential for adverse environmental impacts. This proactive approach is incorporated into this Framework and will diminish the likelihood of adverse cumulative effects. In addition, each Project Sponsor will undertake additional EPCs appropriate to its project based on the project's particular nature, timing, and scope.

Each Project Sponsor will describe the green practices that will be followed during construction for the following resources/areas of potential impact:

- Air Quality
- Pedestrian and Vehicular Access and Circulation
- Historic and Cultural Resources
- Noise and Vibration
- Business/Economic Interests

Project Sponsors will also set forth the green practices, high performance, and sustainable design features to be evaluated during design of the structures and facilities that will avoid or minimize adverse impacts and enhance overall environmental performance during operation.

2. Construction Environmental Protection Plan

Each Project Sponsor will provide a detailed outline of the EPCs and any other procedures to be implemented during the construction phase to protect sensitive resources that may be affected during construction. This plan will discuss how the initial condition of the resource will be assessed, where applicable; how the construction work will actually be implemented to avoid or minimize impacts; and how the environmental performance of the project will be monitored during construction. This plan will be based on the best available information and the ongoing construction coordination process in Lower Manhattan and a shared Lower Manhattan projects inventory being developed by LMDC. The plan will also provide an effective means for disseminating appropriate current information to the public and other developers.

3. Public Involvement and Governmental Entities Coordination Plan

Each Project Sponsor will describe how the environmental community, relevant governmental entities, and the general public will be involved as the Project Sponsor proceeds with its Federal

Transportation Recovery Project. Each Project Sponsor will develop a public and governmental entity involvement plan that will be coordinated with the public and governmental entity involvement plans for other Lower Manhattan projects. A key goal of the coordination will be to avoid or at least minimize adverse effects on the environment, particularly during construction. In addition, this plan will identify a protocol by which comments received during the construction phase will be addressed; appropriate current information will be provided to the public, including Project Sponsors' project implementation schedules; and coordination with other projects will occur. The process will build on an existing construction coordination protocol among parties already involved in rebuilding Lower Manhattan.

4. *Baseline Assessment & Coordinated Cumulative Effects Analysis Approach.*
The components of the baseline assessment and coordinated cumulative effects analysis approach to be used by the Project Sponsors in Federal Transportation Recovery Projects are as follows:

- Each Project Sponsor will address cumulative effects, as applicable, as part of its independent project-specific environmental review process.
- The "baseline" to be used for the "No Build" comparison required under NEPA will be pre-September 11, 2001 conditions.
- The "baseline" for environmental review of construction-related impacts for each project will be adjusted to reflect, where appropriate, conditions anticipated to be in effect at the time of construction.
- Project Sponsors will share appropriate information, databases and documentation of the baseline and forecasted conditions.
- Each Project Sponsor will apply a consistent approach for the evaluation of cumulative effects focused on the five following "resources":
  - Air Quality (including the Enhanced Procedures during the Transportation Conformity Waiver Period);
  - Pedestrian and Vehicular Access and Circulation;
  - Historic and Cultural Resources
  - Noise and Vibration; and
  - Business/Economic interests
- The geographic area for analysis will be the area of Lower Manhattan south of Canal Street, but where appropriate, the geographic area may be adjusted for the specific resources.
- Each Project Sponsor will adhere, at a minimum, to the attached set of common EPCs to lower the potential for adverse environmental impacts as listed in Section 1 and above, thereby lessening the potential for each project to contribute to overall adverse cumulative effects.
- As each project matures through the NEPA process, the findings of the project will be incorporated into the cumulative effects analyses for the projects that follow it. As such, the project on which findings have been issued will constitute an "existing condition" for the cumulative effects analysis of the next project.

LOWER MANHATTAN FEDERAL TRANSPORTATION RECOVERY PROJECTS
COMMON ENVIRONMENTAL PERFORMANCE COMMITMENTS

These common environmental performance commitments are made by the Project Sponsors accepting the Environmental Analysis Framework for Federal Transportation Recovery Projects in Lower Manhattan. As noted in the Environmental Analysis Framework, actual requirements and specifications implementing the commitments will be set forth in each Project Sponsor's public involvement and governmental entities coordination plan, construction environmental protection plan, design documents and contracts.

Air Quality:

Proposed Commitments
Use ultra low sulfur diesel fuel in off-road construction equipment with engine horsepower (HP) rating of 60 HP and above.
Where practicable, use diesel engine retrofit technology in off-road equipment to further reduce emissions. Such technology may include Diesel Oxidation Catalyst / Diesel Particulate Filters, engine upgrades, engine replacements, or combinations of these strategies.
Limit unnecessary idling times on diesel powered engines to 3 minutes.
Locate diesel powered exhausts away from fresh air intakes.
Control dust related to construction site through a Soil Erosion Sediment Control Plan that includes, among other things: a. spraying of a suppressing agent on dust pile (non-hazardous, biodegradable); b. containment of fugitive dust; and c. adjustment for meteorological conditions as appropriate.

Noise and Vibration:

Proposed Commitments
Where practicable, schedule individual project construction activities to avoid or minimize adverse impacts.
Coordinate construction activities with projects under construction in adjacent and nearby locations to avoid or minimize impacts.
Consider condition of surrounding buildings, structures, infrastructure, and utilities where appropriate.
Prepare contingency measures in the event established limits are exceeded.

Cultural and Historic Resources:

Proposed Commitments
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.
Consult with the New York State Office of Historic Preservation and the New York City Landmarks Preservation Commission regarding potentially impacted, culturally significant sites. Monitor noise and vibration during construction at such sites as appropriate.

Access and Circulation:

Proposed Commitments
Establish a project-specific pedestrian and vehicular maintenance and protection plan.
Promote public awareness through mechanisms such as: a. signage; b. telephone hotline; and c. Web site updates.
Ensure sufficient alternate street, building, and station access during construction period.
Regular communication with New York City Department of Transportation and participation in its construction coordination efforts.

Economic Effects:

Proposed Commitments
Coordinate with LMDC, Downtown Alliance or other entities to minimize residential and retail impacts as required through: a. relocation assistance, as applicable, to persons or businesses physically displaced by the project; and b. focus on essential businesses and amenities to remain in Lower Manhattan.
Add appropriate signage for affected businesses and amenities.

Design for the Environment:

Proposed Commitments
Energy Efficiency/Renewable Energy
Enhanced Indoor Environmental Quality (IEQ)
Conserving Materials and Resources
Environmentally-friendly Operations & Maintenance
Water Conservation and Site Management
Waste Management and Recycling (including during construction)