Chapter 23: Environmental Justice

A. INTRODUCTION

OVERVIEW

This environmental justice analysis has been prepared under the standards set forth in *CP-29 Environmental Justice and Permitting* (the Policy), issued by the New York State Department of Environmental Conservation (DEC) on March 19, 2003, to identify and address any potential adverse impacts on minority or low-income populations that could result from the Proposed Actions.

The Policy provides guidance for incorporating environmental justice concerns into DEC's environmental permit review process and DEC's application of the State Environmental Quality Review Act (SEQRA). As set forth in the Policy, "Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences." This environmental justice analysis will serve to assist DEC in its environmental permit review process as may be necessary should a major DEC permit be required in connection with the Proposed Actions.

In order to provide the information necessary for such DEC review, this analysis identifies minority and low-income populations that could be affected by the Proposed Actions, and determines whether those populations would be disproportionately affected by a significant adverse impact resulting from the Proposed Actions. This analysis also summarizes the public outreach activities being conducted in connection with the Proposed Actions.

PRINCIPAL CONCLUSIONS

Overall, the Proposed Actions would not result in disproportionate a significant adverse impact on environmental justice populations. However, certain portions of the study area have been determined to be a potential environmental justice area, because of the presence of low-income and minority populations higher than the thresholds provided in DEC's Policy. The Proposed Actions would mitigate significant adverse impacts to the extent practicable. The Proposed Actions would be expected to have significant adverse impacts that cannot be fully mitigated in the following areas: child care, open space, shadows, traffic, and pedestrians. Many impacts may not fall within a potential environmental justice area. In addition, these impacts would affect environmental justice populations as well as non-environmental justice populations.

In addition to the significant adverse environmental impacts discussed above, the Proposed Actions would also result in substantial benefits for residents and workers in the environmental justice study area. Among other benefits, these would include the addition of open space and a substantial number of units of affordable housing.

B. METHODOLOGY

This environmental justice analysis follows DEC's guidance and methodology for incorporating environmental justice concerns into environmental permit review, consistent with the Policy. The Policy is intended to encourage meaningful public participation by minority or low-income communities in the environmental review process and to assist DEC in addressing any adverse impacts on minority and low-income communities.

Following DEC guidance, this environmental justice analysis involved identifying potential significant adverse environmental impacts and determining whether potential adverse environmental impacts are likely to affect a potential environmental justice area (i.e., assessing whether low-income and/or minority populations are present in the study area). In addition, in accordance with the Policy, existing sources of pollution or similar facility types in the study area were analyzed in order to establish the baseline conditions against which project impacts were assessed. Further, the assessment of potential impacts from the Proposed Actions involved a determination of whether the significant adverse impact that would result from the Proposed Actions, in combination with existing environmental burdens in the study area, would affect minority and low-income populations. In addition, a summary of public outreach activities conducted in connection with the Proposed Actions is provided at the end of this chapter.

DELINEATION OF STUDY AREA

In accordance with DEC methodology, the study area for this environmental justice analysis was defined to include all census block groups substantially within the socioeconomic study area,[1] or the area where any potential significant adverse impacts resulting from the Proposed Actions could occur. Figure 23-1 depicts the 22 census block groups in the environmental justice study area, which includes block groups falling within ½ mile of the Development Site as well as block groups falling within 400 feet of the Additional Housing Sites. This study area is considered as a whole and, where relevant, the portion of the study area around the Development Site and Additional Housing Sites are described separately.

IDENTIFY POTENTIAL ENVIRONMENTAL JUSTICE AREAS

The next step in the analysis was to determine whether low-income or minority communities ("potential environmental justice areas") are present in the study area. Following DEC's methodology, to identify significant minority and low-income populations within the study area, demographic information was obtained from the U.S. Census Bureau's *Census 2000*. Demographic data such as total population, race and ethnicity, and poverty status were compiled at the census block group level for each census block group in the environmental justice study area. In addition, data were compiled for Manhattan and New York City as a whole to allow for a comparison of study area characteristics to a larger reference area.

According to the Policy, potential environmental justice areas include minority or low-income communities. Those communities are defined as follows:

- *Minority communities*: DEC's Policy defines minorities to include Hispanics, African-Americans or Black persons, Asian Americans and Pacific Islanders, and American Indians.

[1] The socioeconomic study area includes all census tracts that have at least 50 percent of their area within a ½-mile of the Development Site and within 400 feet of each of the Additional Housing Sites.

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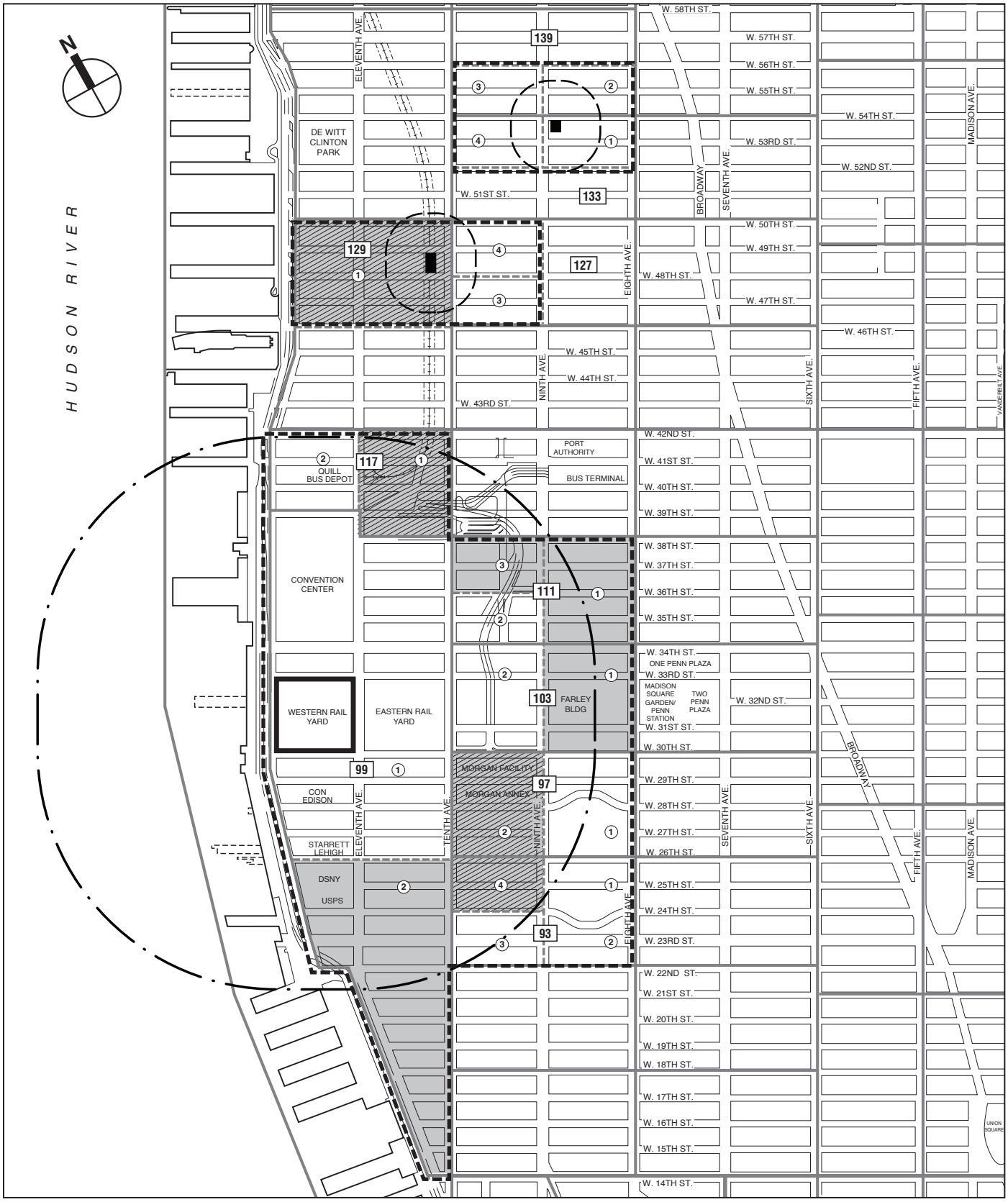

Project Site
Additional Housing Site
Study Area Boundary
1/2-Mile Perimeter
400-Foot Perimeter
Census Tract Boundary
89 Census Tract Number
Block Group Boundary
① Block Group Number
Minority Communities
Low-Income Communities

0 600 1500 FEET
SCALE

WESTERN **RAIL YARD**

Environmental Justice Study Area
Figure 23-1

This environmental justice analysis also considers minority populations to include Alaskan Natives as well as persons who identified themselves as being either "some other race" or "two or more races" in *Census 2000*. Following DEC guidance, a minority community is a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population in an urban area and 33.8 percent of the total population in a rural area. The environmental justice study area is within an urban area, as established by the U.S. Census Bureau. Therefore, any census block group with a minority population equal to or greater than 51.1 percent was considered to be a potential environmental justice area.

- *Low-income communities*: The Policy defines a low-income population as a population with an annual income below the poverty threshold as defined by the U.S. Census Bureau. For each census block group in the study area, data were compiled on the percentage of persons living below the poverty threshold. In accordance with the Policy, this environmental justice analysis defines a low-income community to be any area where the low-income population (i.e., persons living below the poverty threshold) is equal to or greater than 23.59 percent of the total population.

C. IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS WITHIN THE STUDY AREA

Population for the census tracts in the study area are provided in Table 23-1. Using the methodology described above, eight census block groups within the study area are considered potential environmental justice areas, including both minority and low-income communities, as shown in Figure 23-1 and as shown in bold type in Table 23-1. These are: Census Tract 93 Block Group 4, Census Tract 97 Block Group 2, Census Tract 99 Block Group 2, Census Tract 103 Block Group 1, Census Tract 111 Block Group 1, Census Tract 111 Block Group 3, Census Tract 117 Block Group 1, and Census Tract 129 Block Group 1.

The study area as a whole is not considered a potential environmental justice area, with a total minority population of 42.9 percent and a low-income population of 17.77 percent. In comparison, both Manhattan and New York City have greater minority and low-income population percentages than the study area as whole. In Manhattan, the minority population percentage is 54.2 percent and the low-income population is 20 percent. The minority and low-income population percentages in New York City are 65 and 21.25 percent, respectively.

As discussed above, this environmental justice analysis identifies minority communities where the total minority population exceeds DEC's 51.1 percent threshold for identifying minority communities in urban areas. All of the potential environmental justice areas in the study area are considered minority communities, with minority population percentages ranging from 51.5 to 93.5 percent. Of the minority populations in the study area, Hispanic populations account for the greatest proportion of the total population in the study area (23.2 percent).

In addition, as discussed above, low-income communities were identified where the low-income population exceeds DEC's 23.59 percent threshold. Low-income communities in the study area include Census Tract (CT) 93 Block Group (BG) 4, CT 97 BG 2, CT 117 BG 1, and CT 129 BG 1, with low-income population percentages ranging from 28.26 to 67.57 percent.

The Tenth Avenue Site is located within a minority and low-income community (CT 129, BG 1). The Development Site and the Ninth Avenue Site are not within potential environmental justice areas.

Table 23-1
Study Area Population and Economic Characteristics

Census Block Groups	2000 Total	Race and Ethnicity (2000)*										Total Minority (%)	Individuals Below Poverty Level (1999) (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%		
CT 93 BG 1	1,693	1,386	81.9	67	4.0	46	2.7	37	2.2	157	9.3	18.1	4.28
CT 93 BG 2	1,409	1,147	81.4	52	3.7	59	4.2	31	2.2	120	8.5	18.6	8.97
CT 93 BG 3	2,970	2,589	87.2	80	2.7	94	3.2	56	1.9	151	5.1	12.8	6.61
CT 93 BG 4	**2,642**	**754**	**28.5**	**368**	**13.9**	**162**	**6.1**	**52**	**2.0**	**1,306**	**49.4**	**71.5**	**35.23**
CT 97 BG 1	3,592	2,460	68.5	184	5.1	312	8.7	118	3.3	518	14.4	31.5	12.78
CT 97 BG 2	**1,260**	**105**	**8.3**	**358**	**28.4**	**112**	**8.9**	**26**	**2.1**	**659**	**52.3**	**91.7**	**52.29**
CT 99 BG 1	366	220	60.1	25	6.8	26	7.1	14	3.8	81	22.1	39.9	22.71
CT 99 BG 2	**789**	**279**	**35.4**	**284**	**36.0**	**17**	**2.2**	**16**	**2.0**	**193**	**24.5**	**64.6**	**4.75**
CT 103 BG 1	**951**	**461**	**48.5**	**54**	**5.7**	**172**	**18.1**	**50**	**5.3**	**214**	**22.5**	**51.5**	**21.27**
CT 103 BG 2	512	356	69.5	21	4.1	56	10.9	31	6.1	48	9.4	30.5	9.09
CT 111 BG 1	**1,247**	**406**	**32.6**	**108**	**8.7**	**317**	**25.4**	**54**	**4.3**	**362**	**29.0**	**67.4**	**23.58**
CT 111 BG 2	1,294	769	59.4	105	8.1	177	13.7	63	4.9	180	13.9	40.6	22.58
CT 111 BG 3	**507**	**245**	**48.3**	**30**	**5.9**	**19**	**3.7**	**12**	**2.4**	**201**	**39.6**	**51.7**	**21.67**
CT 117 BG 1	**340**	**22**	**6.5**	**176**	**51.8**	**2**	**0.6**	**2**	**0.6**	**138**	**40.6**	**93.5**	**67.57**
CT 117 BG 2	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
CT 127 BG 3	1,920	1,105	57.6	158	8.2	95	4.9	100	5.2	462	24.1	42.4	14.68
CT 127 BG 4	1,810	940	51.9	78	4.3	93	5.1	111	6.1	588	32.5	48.1	19.88
CT 129 BG 1	**2,277**	**875**	**38.4**	**293**	**12.9**	**79**	**3.5**	**114**	**5.0**	**916**	**40.2**	**61.6**	**28.26**
CT 133 BG 1	1,261	798	63.3	50	4.0	117	9.3	33	2.6	263	20.9	36.7	12.90
CT 133 BG 4	1,137	688	60.5	67	5.9	160	14.1	21	1.8	201	17.7	39.5	10.87
CT 139 BG 2	2,895	2,078	71.8	131	4.5	279	9.6	73	2.5	334	11.5	28.2	7.34
CT 139 BG 3	1,114	586	52.6	81	7.3	96	8.6	37	3.3	314	28.2	47.4	18.50
Study Area	31,986	18,269	57.1	2,770	8.7	2,490	7.8	1,051	3.3	7,406	23.2	42.9	17.77
Manhattan	1,537,195	703,873	45.8	234,698	15.3	143,291	9.3	37,517	2.4	417,816	27.2	54.2	20.00
New York City	8,008,278	2,801,267	35.0	1,962,154	24.5	780,229	9.7	304,074	3.8	2,160,554	27.0	65.0	21.25

Notes:
BOLD denotes potential environmental justice areas.
* The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).
** Percent of individuals with incomes below established poverty level. The U.S. Census Bureau's established income threshold for poverty level defines poverty level.
Sources: U.S. Census Bureau, Census 2000.

D. ANALYSIS OF EXISTING ENVIRONMENTAL BURDENS IN THE STUDY AREA

In accordance with the Policy, existing sources of pollution in the environmental justice study area should be considered in order to establish the baseline conditions against which impacts of a project are assessed. This section identifies existing sources of environmental pollution not related to the Proposed Actions that may be a burden on the community. Potential environmental burdens in the study area are summarized below based on a review of the other technical chapters included in this Draft Environmental Impact Statement (DEIS).

The environmental justice study area is dominated by transportation uses, including those on the Development Site itself as well as other rail-related uses, the Michael J. Quill Bus Depot, parking for Greyhound buses, and the New York City Department of Sanitation's Borough Repair Facility. These uses, which are described in more detail in Chapter 3, "Land Use, Zoning,

and Public Policy," bring fairly heavy bus and truck traffic to the study area. In addition, the study area is notable for several other transportation uses that bring heavy traffic volumes to the study area, including Route 9A, the ramps to the Port Authority Bus Terminal, and the Lincoln Tunnel approach and exit roads. Route 9A, as the westernmost arterial in Manhattan, serves as a heavily traveled principal route through the study area.

The air quality analysis conducted as part of this DEIS and provided in Chapter 19, "Air Quality and Greenhouse Gas Emissions," includes a consideration of pollutant concentrations resulting from vehicular traffic at certain representative locations in the study area. That analysis concludes that in the Future without the Proposed Actions (as well as the Future with the Proposed Actions), neither carbon monoxide nor particulate matter (specifically, PM_{10}) would exceed the relevant standards.

The air quality analysis also sought to identify industrial activities in the study area that have air emissions. This included a review of the following:

- A search was performed to identify DEC Title V permits and New York State air permits listed in the EPA Envirofacts database for the industrial emission sources within the three study areas.
- Air permits for active (currently permitted) industrial facilities within the study areas that are contained in the New York City Department of Environmental Protection's (DEP) Clean Air Tracking System database were acquired and reviewed.
- A field survey was conducted to verify the existence of the identified permitted facilities.
- Industrial sources within the 400-feet radius of each site were located using GIS shapefiles and the Universal Transverse Mercator (UTM) coordinate system.

A number of different permitted facilities were identified in the area around each of the project sites (for more information, see Chapter 19, "Air Quality and Greenhouse Gas Emissions"). The industrial uses identified were then included in the evaluation of air pollutants associated with the Proposed Actions, which concluded that no significant adverse impact would result from the Proposed Actions.

The air quality analysis also included an additional examination to determine if there are any "large" combustion emission source (e.g., power plant, co-generation facility, etc) located within 1,000 feet of the Development Site. No such sources were identified.

E. ANALYSIS OF THE POTENTIAL FOR SIGNIFICANT ADVERSE IMPACTS IN THE STUDY AREA

This DEIS concludes that the Proposed Actions would result in significant adverse impacts in several analysis areas. The identified significant adverse impacts are described below under the corresponding analysis area. Potential mitigation measures are also discussed.

COMMUNITY FACILITIES

PUBLIC SCHOOLS

In 2017, if the PS/IS public school associated with the Proposed Actions is not yet completed, the Proposed Actions would result in a temporary significant adverse impact on public schools. For this scenario, the Proposed Actions would result in an increase in elementary school

utilization rate of 5 or more percent in the study area (increase for elementary schools from 169 to 182 percent) and would result in a significant adverse elementary school impact within the study area, although not for Community School District 2 as a whole.

CHILD CARE CENTERS

The analysis considers the Proposed Actions' impact on publicly funded child care and Head Start facilities within a 1-mile radius of the Development Site and Additional Housing Sites. The Proposed Actions would introduce 105 and 147 children under the age of 6 who would be eligible for publicly funded child care in 2017 and 2019, respectively. Publicly funded child care and Head Start facilities in the area will already be operating above capacity in the Future without the Proposed Actions in both analysis years. The new children from the Proposed Actions would exacerbate the predicted shortage in child care and Head Start slots. These new children represent 24 percent by 2017 and 33 percent by 2019 of the existing collective capacity of publicly funded child care and Head Start centers in the study area. Given that this exceeds the CEQR threshold of a 5 percent increase of the collective capacity, if no new public child care and Head Start facilities or private providers accepting vouchers are created to increase the study area's capacity, significant adverse impacts could occur in 2017 and 2019 as a result of the Proposed Actions.

Mitigation

This potential increase in demand could be offset by a number of factors. Some of the increased child care demand would likely be offset by parents who choose to take their children to child care centers outside of the study area (e.g., closer to work). Some of the Family Day Care Networks serve children residing in the study area and could potentially absorb some of the demand. This new demand may also be considered in future Request for Proposal planning for contracted services. Finally, new capacity could potentially be developed as part of the New York City Administration for Children's Services' (ACS) public-private partnership initiatives. As partial mitigation for this impact, ACS will monitor the demand and need for additional capacity and implement change to the extent practicable.

OPEN SPACE

The Proposed Actions would result in the creation of a total of 5 acres of open space on the Development Site. This new open space would provide a considerable open space amenity for residents and workers in an area that currently lacks open space or parks. The new publicly accessible open space would provide passive recreational opportunities and attractive pedestrian connections between the Development Site, the High Line, the open space planned for the Eastern Rail Yard, surrounding neighborhoods, and Hudson River Park—areas long separated visually and physically by the largely below-grade rail yard. A portion of the proposed open space (approximately 1.6 acres) would be completed in the interim Build year (2017) and the total 5 acres of open space would be completed by the full Build year (2019).

Although the Proposed Actions would provide a substantial amount of open space, the introduction of new residents and workers at the Development Site would increase the demand for open spaces in the surrounding area and would result in a significant decrease in the active and total open space ratios (the amount of active or total open space per 1,000 persons) in 2017 (the interim analysis year) and 2019.

The Proposed Actions would also result in a direct significant adverse impact on open spaces due to shadows (see below).

Mitigation

Potential mitigation measures for the Proposed Actions could include, among others: creating additional open space programming on the Development Site or within the study area; funding for improvements, renovation, or maintenance at existing local parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to the public outside of school hours.

These options will be further explored and evaluated in consultation with the New York City Department of Parks and Recreation, between the DEIS and FEIS. If the proposed mitigation measures are determined to be infeasible, the significant adverse impact would remain unmitigated.

SHADOWS

As discussed in more detail in Chapter 7, "Shadows," the incremental shadows created by the full build out of the Proposed Actions on the Development Site in 2019 would cause a significant adverse shadow impact on the Eastern Rail Yard open space. The analysis determined that incremental shadows would fall across portions of the Eastern Rail Yard open space for over four hours through the late spring and summer, and for two and a half hours on March 21 and September 21. The large areas of new shadow would remove most of the remaining sunlight for much of the affected period, and, therefore, would result in a significant adverse impact to this open space resource.

In addition, shadows from the Tenth Avenue Site would be cast on the future open space adjacent to its east for several hours in all seasons. The design for this open space resource is still in development. However, the analysis conservatively assumed the entire open space would be heavily programmed with passive open space features, such as benches and other sitting areas. The Proposed Actions would result in a significant adverse shadow impact.

Mitigation

As partial mitigation for the shadow impact on the Eastern Rail Yard open space, the design of this open space is still in development, and the design would take into consideration the shadows from the Proposed Actions, thereby partially mitigating the potential significant adverse impact. Such measures could include the use of shade tolerant vegetation for landscaping and the placement of features that may require sunlight in areas of the open space where shadows are not cast or case for a short duration. This requirement would be set forth in a restrictive declaration.

As partial mitigation for the shadow impact on the open space to be developed adjacent to the Tenth Avenue Site, the design and layout for this future open space—to be developed by the New York City Department of Parks and Recreation in coordination with the New York City Department of Environmental Protection—would take into consideration the shadows from the Proposed Actions. Such measures could include the use of active recreation features, the placement of features requiring sunlight to be located in areas of the open space where shadows are cast for a short duration, and the use of shade tolerant vegetation for landscaping.

TRAFFIC

As discussed in more detail in Chapter 17, "Traffic and Parking," an extensive study area was considered in the evaluation of the traffic impacts that might result from the Proposed Actions. This study area included 112 intersections. The analysis concluded that the vehicular traffic introduced by the Proposed Actions would result in significant adverse impacts at many of the study area's intersections, as follows:

SIGNIFICANT ADVERSE TRAFFIC IMPACTS IN 2017

- AM Peak Period: 70 significantly impacted approach movements were identified at 59 intersections, of which 23 intersections are in potential environmental justice areas
- Weekday Midday Peak Period: 64 significantly impacted approach movements were identified at 51 intersections, of which 24 intersections are in potential environmental justice areas
- PM Peak Period: 88 significantly impacted approach movements were identified at 72 intersections, of which 37 intersections are in potential environmental justice areas
- Saturday Midday Peak Period: 42 significantly impacted approach movements were identified at 41 intersections, of which 18 intersections are in potential environmental justice areas

SIGNIFICANT ADVERSE TRAFFIC IMPACTS IN 2019

- AM Peak Period: 81 significantly impacted approach movements were identified at 64 intersections, of which 26 intersections are in potential environmental justice areas
- Weekday Midday Peak Period: 75 significantly impacted approach movements were identified at 60 intersections, of which 29 intersections are in potential environmental justice areas
- PM Peak Period: 96 significantly impacted approach movements were identified at 75 intersections, of which 36 intersections are in potential environmental justice areas
- Saturday Midday Peak Period: 51 significantly impacted approach movements were identified at 47 intersections, of which 21 intersections are in potential environmental justice areas

MITIGATION

Most of the impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Modification of traffic signal phasing and/or timing;
- Elimination of on-street parking within 150 feet of intersections to add a limited travel lane, known as "daylighting";
- Enforcement of existing parking restrictions to ensure that traffic lanes are available to moving traffic;
- Channelization and lane designation changes to make more efficient use of available street widths; and
- Installation of traffic signals at unsignalized intersections if warranted.

Unmitigated Significant Adverse Impacts in 2019

- AM Peak Period: 14 intersection movements would have unmitigated significant adverse impacts at 10 intersections, of which 3 intersections are in potential environmental justice areas
- Weekday Midday Peak Period: 4 intersection movements would have unmitigated significant adverse impacts at 3 intersections, of which 1 intersection is in a potential environmental justice area
- PM Peak Period: 17 intersection movements would have unmitigated significant adverse impacts at 14 intersections, of which 8 intersections are in potential environmental justice areas
- Saturday Midday Peak Period: 6 intersection movements would have unmitigated significant adverse impacts at 4 intersections, of which 2 intersections are in potential environmental justice areas

Unmitigated Significant Adverse Impacts in 2017

- Weekday AM Peak Period: 10 intersection movements would have unmitigated significant adverse impacts at 8 intersections, of which 2 intersections are in potential environmental justice areas
- Weekday Midday Peak Period: 1 intersection movement would have an unmitigated significant adverse impact at 1 intersection. This intersection is not a potential environmental justice area
- PM Peak Period: 14 intersection movements would have unmitigated significant adverse impacts at 11 intersections, of which 6 intersections are in potential environmental justice areas
- Saturday Midday Peak Period: 3 intersection movements would have unmitigated significant adverse impacts at 3 intersections, of which 2 intersections are in potential environmental justice areas

Unmitigated Significant Adverse Impacts for the 2016 Peak Construction Year

- Weekday AM Peak Period: 7 intersection movements would have unmitigated significant adverse impacts at 3 intersections. None of these intersections are in potential environmental justice areas
- Weekday Midday Peak Period: 6 intersection movements would have unmitigated significant adverse impacts at 4 intersections. None of these intersections are in potential environmental justice areas
- PM Peak Hour: 7 intersection movements would have unmitigated significant adverse impacts at 3 intersections. None of these intersections are in potential environmental justice areas

TRANSIT AND PEDESTRIANS

TRANSIT

As a result of the Proposed Actions, demand for bus service in the area around the project sites is projected to increase and existing levels of bus service would not be sufficient to provide adequate supply to meet the projected demand in 2017 or 2019 for most of the bus routes during the AM and PM peak hours. Therefore, the Proposed Actions would result in a significant adverse bus impact during the AM and PM peak hours. These routes would require additional capacity, which could be provided by either increasing the number of standard buses or, where feasible, converting the route to articulated bus service.

The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints. Based on NYCT's ongoing passenger monitoring program and as new development occurs throughout the study area, a comprehensive service plan would be generated to respond to specific, known needs with capital and/or operational improvements where fiscally feasible and operationally practicable. NYCT's capital program is developed on a five-year cycle; through this program, expansion of bus services would be provided as needs are determined, subject to operational and financial feasibility.

For both 2017 and 2019, the Proposed Actions would result in a significant adverse impact at one subway stairway. The stairway impact would be mitigated by widening the stairway.

PEDESTRIAN CONDITIONS

As discussed in Chapter 18, "Transit and Pedestrians," in 2019 the Proposed Actions are expected to result in significant adverse pedestrian traffic-related impacts at a number of sidewalks, crosswalks, and corners in the study area. Significant adverse pedestrian traffic-related impacts would also occur in the 2017 analysis year; however, such impacts would be less than in the 2019 analysis year.

Sidewalk Conditions

Of the 188 sidewalk locations analyzed at 26 intersections, significant adverse impacts as a result of the Proposed Actions are predicted at:

- Two sidewalk locations (at two intersections) during the AM peak period, of which one intersection is in a potential environmental justice area
- One sidewalk location during the midday peak period. This intersection is not in a potential environmental justice area
- Five sidewalk locations at three intersections during the PM peak period, of which two intersections are in potential environmental justice areas

Of the 146 sidewalk locations at 21 intersections studied for the Saturday midday peak period, the Proposed Actions would result in significant adverse impacts at one sidewalk location. This intersection is not in a potential environmental justice area.

Crosswalk Conditions

Of the 95 crosswalks at 26 intersections studied during the weekday peak periods, significant adverse impacts as a result of the Proposed Actions are anticipated at:

- Nine significant adverse crosswalk impacts (at six intersections) are anticipated during the AM peak hour. Two intersections are in potential environmental justice areas.
- Seven crosswalk locations at five intersections during the midday peak hour. No intersections are in potential environmental justice areas.
- Ten crosswalk locations at nine intersections during the PM peak hour. Two intersections are in potential environmental justice areas.
- Eight crosswalk locations at six intersections during the Saturday peak hour. Two intersections are in potential environmental justice areas.

Corner Locations

Of the 90 corner locations studied during the weekday peak periods, the Proposed Actions would result in significant adverse impacts at:

- 13 corner locations at five intersections during the AM peak period. Three intersections are in potential environmental justice areas.
- Six corner locations at three intersections during the midday peak period. None of these intersections are in potential environmental justice areas.
- 12 corner locations at six intersections during the PM peak period. Three intersections are in potential environmental justice areas.
- Seven corner locations at three intersections for the Saturday midday peak period. One intersection is in a potential environmental justice area.

Mitigation

Standard mitigation for projected significant adverse impacts on pedestrian conditions includes relocation or removal of obstacles on sidewalks, construction of wider sidewalks and corners and repainting crosswalks for additional width. Certain pedestrian adverse significant impacts cannot be mitigated without resulting in significant adverse impacts on traffic conditions beyond those identified in the traffic analysis.

Sidewalks

Unmitigated Significant Adverse Impacts in 2019

- AM Peak Hour: One sidewalk unmitigated significant adverse impact. This is not in a potential environmental justice area.
- Midday Peak Hour: One sidewalk unmitigated significant adverse impact. This is not in a potential environmental justice area.
- PM Peak Hour: Four sidewalk unmitigated significant adverse impacts at three intersection locations, of which 2 intersections are in potential environmental justice areas.
- Saturday Peak Hour: One sidewalk unmitigated significant adverse impact. This is not in a potential environmental justice area.

Unmitigated Significant Adverse Impacts in 2017

- AM Peak Hour: One sidewalk unmitigated significant adverse impact. This is not in a potential environmental justice area

- Peak Hour: Three sidewalk unmitigated significant adverse impacts. Two sidewalk locations are in potential environmental justice areas.

Crosswalks

Unmitigated Significant Adverse Impacts in 2019

- AM Peak Hour: Five unmitigated significant adverse crosswalk impacts at four intersection locations, of which three intersection locations are in potential environmental justice areas
- Midday Peak Hour: Eight unmitigated significant adverse crosswalk impacts at five intersection locations, of which one intersection location is in a potential environmental justice area.
- PM Peak Hour: Three unmitigated significant adverse crosswalk impacts at three intersection locations. None of these intersection locations are in potential environmental justice areas.
- Saturday Peak Hour: One unmitigated significant adverse crosswalk impacts. This intersection is not in a potential environmental justice area.

Unmitigated Significant Adverse Impacts in 2017

- AM Peak Hour: Five unmitigated significant adverse crosswalk impacts at four intersection locations. One intersection location is in a potential environmental justice area.
- Midday Peak Hour: Seven unmitigated significant adverse crosswalk impacts at five intersection locations. One intersection location is in a potential environmental justice area.
- PM Peak Hour: Two unmitigated significant adverse crosswalk impacts at two intersection locations. These intersection locations are not in potential environmental justice areas.
- Saturday Peak Hour: One unmitigated significant adverse crosswalk impact. This intersection location is not in a potential environmental justice area.

Corners

Unmitigated Significant Adverse Impacts in 2019

- AM Peak Hour: Three unmitigated significant adverse corner impacts at two intersection locations, of which one intersection location is in a potential environmental justice area.
- Midday Peak Hour: Seven unmitigated significant adverse corner impacts at six intersection locations. None of these intersection locations are in potential environmental justice areas.
- PM Peak Hour: Three unmitigated significant adverse corner impacts in two intersection locations. None of these intersection locations are in potential environmental justice areas.

Unmitigated Significant Adverse Impacts in 2017

- AM Peak Hour: One unmitigated significant adverse corner impact. This is in a potential environmental justice area.
- Midday Peak Hour: Three unmitigated significant adverse corner impacts at three intersection locations. None of these intersections are in potential environmental justice areas.
- PM Peak Hour: Two unmitigated significant adverse corner impacts at two locations. None of these corners are in potential environmental justice areas.

CONSTRUCTION IMPACTS

As discussed in Chapter 21, "Construction Impacts," construction of the Development Site would result in some significant adverse construction-related traffic impacts in late 2016. In terms of intersection movements, 72 movements were assessed during the weekday AM; and 71 were evaluated under midday and evening conditions. As a result of construction activities under 2016 conditions with construction, 15, 11, and 17 intersection movements would be significantly impacted during the AM, midday, and PM peak hours, respectively. Of the approximately 70 intersection movements evaluated for the 2016 peak construction year, seven intersection movements would have unmitigated significant adverse impacts during the weekday AM peak hour, six intersection movements would have unmitigated significant adverse impacts during the weekday midday peak hours, and seven intersection movements would have unmitigated significant adverse impacts during the weekday PM peak hour.

F. SUMMARY OF POTENTIAL BENEFITS OF THE PROPOSED ACTIONS

In addition to the significant adverse environmental impacts discussed above, the Proposed Actions would result in substantial benefits. The Proposed Actions would not displace existing land uses on the Development Site—a platform would be constructed over the rail yard and the existing LIRR train yard and associated uses would remain. Therefore, the Proposed Actions would preserve the existing transportation use, and redevelop the Development Site to include land uses that would support and complement future development trends within the surrounding study area. These would include the development of new residential, commercial, public school, and open space uses within a largely underutilized area of Far West Midtown. The Proposed Actions would enhance the vitality of the Hudson Yards area, and create a new 24-hour neighborhood that complements the adjacent areas of Midtown and Chelsea and the emerging development in West Chelsea and the Hudson Yards area.

The Proposed Actions would also provide a substantial number of new affordable housing units, and would help meet the need for increased affordable housing for New York City residents and workers. The Proposed Actions would also provide approximately five acres of new publicly accessible open space in an area that is underserved with open spaces. This open space would be connected to and integrated with the surrounding neighborhoods and open space networks, including the High Line Park, Hudson River Park, the future open space on the Eastern Rail Yard, and the future Hudson Park and Boulevard. In addition, the Proposed Actions' adaptive reuse of a portion of the High Line as open space would preserve this historic resource and open it up to public access.

The Proposed Actions would provide access to the currently inaccessible site through the creation of two roadways. The creation of the proposed new roadways would partially break up the superblock on which the Development Site is located, and would better integrate the Development Site into the surrounding communities. The Proposed Actions would help to revitalize Eleventh Avenue with ground floor retail and transparency. In addition, the streetscape in the Development Site will be active through the creation of ground-floor retail, transparency, street trees, and outdoor seating areas.

The Proposed Actions would also enhance the City's tax base. The net proceeds from the disposition of the Development Site would be an important source of funds to support the MTA's mission of providing safe, reliable, and convenient public transportation in a cost

effective manner. Further, as discussed above, the Proposed Actions would require the construction of a platform over the operating LIRR rail yard in order to erect the commercial and residential buildings and parking planned for that platform and to create the linked open space necessary to transform the Development Site into a viable mixed-use community with publicly accessible open space. The development that would be introduced by the Proposed Actions would contribute substantially to the extraordinary cost of the platform and to MTA's capital budget for transportation improvements.

Many of the recommendations, goals, and initiatives of PlaNYC, a comprehensive and integrated approach to planning for New York City's future, are at the core of the Proposed Actions. These include: pursuing transit oriented development, providing new housing to meet the needs of current and future residents while making housing more affordable and sustainable, utilizing land already owned by the public, improving and capitalizing on transit access, and providing for improved open spaces.

G. CONCLUSIONS ON ENVIRONMENTAL JUSTICE

Based on the Policy and the methodology described above, certain portions of the environmental justice study area have been determined to be a potential environmental justice area, because of the presence of low-income and minority populations higher than the thresholds provided in DEC's Policy. As discussed above and detailed more fully in Chapter 24, "Mitigation," the Proposed Actions would mitigate significant adverse impacts to the extent practicable. The Proposed Actions would be expected to have significant adverse impacts that cannot be fully mitigated in the following areas: child care, open space, shadows, traffic, transit, pedestrians, and construction-related traffic. These impacts would affect both the environmental justice populations and the non-environmental justice populations.

In addition to the consideration of the Proposed Actions' significant adverse impact, these conclusions include consideration of other existing pollutant sources located in the area (as described above in section D). The analysis of existing environmental burdens did not identify a disproportionate concentration of sites that present an environmental burden (e.g., significant air emissions) within the environmental justice study area. Moreover, the technical analyses included in this DEIS analyze the potential impacts of the Proposed Actions in combination with conditions expected in the surrounding area in the Future without the Proposed Actions, including the existing environmental burdens. These analyses therefore consider the cumulative, or combined, effects of the Proposed Actions together with the baseline condition, which includes existing sources of pollution in the study area. This is consistent with the requirements of DEC's environmental justice policy, which notes that under existing regulations, DEC must consider other sources of pollution or similar facility types in order to establish the baseline conditions against which project impacts will be assessed.

In addition to the significant adverse environmental impact discussed above, the Proposed Actions would also result in substantial benefits, as detailed above, for residents and workers in the environmental justice study area. Among other benefits, these would include the addition of a substantial number of units of affordable housing.

Overall, based on the analyses in this chapter, the Proposed Actions would not result in a disproportionate significant adverse impact on environmental justice populations.

H. PUBLIC PARTICIPATION

The Proposed Actions have been and will continue to be the subject of extensive public meetings, including those held during the early planning process for the development as well as those that will occur during the land use and environmental reviews of the DEIS and those related to potential permits from DEC.

Before MTA issued the request for proposals (RFP) for development over the Development Site, MTA and the Hudson Yards Development Corporation (HYDC) held workshops, forums, presentations, and meetings in consultation with various City and State agencies, civic groups, and other organizations. This consultation took place for over a year and included such groups as a Community Advisory Committee, a Technical Advisory Committee, New York City Police Department, New York City Fire Department, New York City and New York State Departments of Transportation, New York City Department of Parks and Recreation (DPR), Community Board 4, the Manhattan Borough President, the Hell's Kitchen Neighborhood Association, the Real Estate Board of New York, Friends of the High Line, Friends of the Hudson River Park Trust, the American Institute of Architects, the American Planning Association, the Regional Plan Association, and the Convention Center Development Corporation. Additional public outreach was conducted after the RFP was issued, to ensure that public input informed the developer selection process. This included a public exhibition of the five proposals received in response to the Western Rail Yard RFP, followed by a public comment period. For more information on this public outreach, see Chapter 1, "Project Description."

The Proposed Actions are also subject to extensive public review in accordance with the requirements of SEQRA, CEQR, and the City's Uniform Land Use Review Procedure (ULURP). As described in Chapter 2, "Framework for Analysis," this includes public review of the draft scoping document for the DEIS as well as public review of the DEIS and ULURP applications. Scoping and design notices were published in several local newspapers: the Chelsea Clinton News, New York Post, El Diario, Amsterdam News, Environmental Notice Bulletin, and City Record. During the public review of the DEIS, public hearings will be held by the affected Community Board (Manhattan Community Board 4); the co-lead agencies and City Planning Commission; and the City Council. Public comments will also be accepted by the Manhattan Borough President and the Borough President may also hold a public hearing.

If permits are required from DEC, in addition to the extensive public participation process being undertaken as part of the Proposed Actions' environmental review, public participation will also be sought throughout the DEC permit review process, in accordance with the Policy. To the extent required, a public outreach program to the affected communities will be implemented, including minority and low-income populations in the study area, providing these groups with ample opportunity to have any of their concerns addressed. A Public Participation Plan will be developed and submitted to DEC in conjunction with any required permit applications. With implementation of the Public Participation Plan, the Proposed Actions will be consistent with the public participation requirements of the Policy. ✷