U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

As lead Federal Agency pursuant to the National Environmental Policy Act of 1969

RECORD OF DECISION

LAGUARDIA AIRPORT (LGA) ACCESS IMPROVEMENT PROJECT
LaGuardia Airport
Queens, New York

For further information:

Mr. Andrew Brooks U.S. Department of Transportation Federal Aviation Administration Office of Airports – Eastern Region 159-30 Rockaway Boulevard Jamaica, New York 11434 Telephone: (718) 553-2511	Ms. Marie Jenet U.S. Department of Transportation Federal Aviation Administration Office of Airports – New York Airports District Office 159-30 Rockaway Boulevard Jamaica, New York 11434 Telephone: (718) 995-5777

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1. INTRODUCTION

This Record of Decision (ROD) announces final agency findings and determinations for the federal actions of the Federal Aviation Administration (FAA) for the proposed LaGuardia Airport (LGA or the Airport) Access Improvement Project requested by the Port Authority of New York and New Jersey (Port Authority). These federal actions are necessary to support construction and operation of a new automated people mover (APM or AirTrain) system to provide a reliable transit alternative for air passenger and employee access to LGA. The Port Authority's proposal is hereinafter referred to as the Proposed Action.

The federal actions are described in Section 4 of this ROD. This ROD completes a thorough and careful environmental and decision-making process, including the FAA's public disclosure and review by the FAA decision makers, of the analyses of impacts and views of the public described in the Final Environmental Impact Statement (EIS) dated March 2021, the availability of which EPA announced on March 19, 2021 (86 FR 14908).

This ROD is based on the Final EIS, hereby incorporated by reference, which was prepared and issued by the FAA as the lead federal agency[1] in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] §§ 4321 to 4335) and the Council on Environmental Quality (CEQ) implementing regulations[2] for NEPA (40 Code of Federal Regulations [CFR] parts 1500–1508), and by using FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*,[3] the FAA Order 1050.1F Desk Reference,[4] and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*[5] as guidance.

This ROD documents FAA's compliance with the procedural and substantive requirements of environmental, program, and related statutes and regulations that apply to the FAA's decision. The FAA has made specific determinations and findings pursuant to special purpose laws and other applicable laws, as documented in Section 11 of this ROD.

The FAA decision to make the findings and determinations requested by the Port Authority is consistent with the FAA's statutory mission and policies. Congress has articulated a number of directives and policies that guide the FAA and the nation's transportation policy and the FAA considered these as part of the FAA's decision-making process, including:

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[1] The FAA served as lead federal agency for preparation of the EIS; however, the EIS was developed in consultation with 6 cooperating agencies and 11 participating agencies, as discussed in Section 2 of this ROD below.

[2] The NEPA review documented in the Final EIS was conducted under the regulations at 40 CFR parts 1500-1508 in effect as of the issuance of the Notice of Intent on May 3, 2019. The Council on Environmental Quality issued a final rule to update the regulations implementing NEPA on July 16, 2020 (see 85 Federal Register 44303). These regulations, which take effect on September 14, 2020, apply to any NEPA process begun after that date. Pursuant to 14 CFR 1506.13 of the September 2020 regulations, an agency may apply the updated regulations to ongoing activities and environmental documents started before September 14, 2020. The FAA determined that the Final EIS would be completed under the regulations in effect as of the issuance of the Notice of Intent on May 3, 2019. All citations in this ROD are to the CEQ regulations that were in effect at the time of the issuance of the Notice of Intent on May 3, 2019.

[3] US Department of Transportation, Federal Aviation Administration, Order 1050.1F, *Environmental Impacts: Policies and Procedures*, July 16, 2015.

[4] US Department of Transportation, Federal Aviation Administration, *Order 1050.1F Desk Reference*, Version 2, February 2020.

[5] US Department of Transportation, Federal Aviation Administration, Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, April 28, 2006.

- The safe operation of the airport and airway system is the highest aviation priority (49 U.S.C. § 47101(a)(1) and 49 U.S.C. § 40101);
- Under the PFC program, FAA is authorized to review and approve applications developed and submitted by sponsors to impose and use passenger facility charges for eligible airport-related projects (49 U.S.C. § 40117(d));
- Intermodality and flexibility are paramount issues in developing an integrated transportation system, and it is the policy of the United States to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers efficiently and effectively and promote economic development (49 U.S.C. §§ 47101(a)(5), (a)(7), (a)(9)(A), (b)(5), (b)(6), (b)(8));
- Airport development projects should provide for the protection and enhancement of the quality of the environment (49 U.S.C. § 47101(a)(6)); and
- To promote intermodal planning, FAA is instructed to cooperate with State and local officials in airport plans based on overall transportation needs (49 U.S.C. § 47101(g)(1)).

These factors were considered throughout the EIS process, including in the FAA's determination of the purpose and need for the project, selection of the preferred alternative, and finding that there is a substantial need for the Proposed Action based on the overall public interest. The FAA also considered the paramount importance of aviation safety throughout the EIS, including when considering the design of alternatives with the potential to interfere with safe aircraft operations. Finally, the need to protect and enhance the quality of the environment guided the FAA to ensure all practicable means to avoid or minimize environmental harm from the alternative selected were included and incorporate those mitigation requirements as conditions of this ROD.

The FAA arrived at these findings and determinations by reviewing the environmental analyses in the Final EIS and all other relevant documents in the record. The Final EIS discloses and evaluates all reasonably foreseeable actions; it does not present or analyze purely hypothetical or speculative situations. The FAA's federal actions identified in Section 4 of this ROD are necessary to implement the Proposed Action because the Port Authority has identified the need for funding subject to future federal approval as necessary to partially finance the Proposed Action. The Proposed Action is summarized in Section 3 of this ROD and described in detail in Section 1.6 of the Final EIS.

2. BACKGROUND

Opened in 1939, LGA has been operated by the Port Authority under a lease agreement with the City of New York since 1947.[6] LGA is a 680-acre airport situated in the northern part of the borough of Queens (Queens), New York City, New York. The Airport is located approximately 6 miles northeast of Midtown Manhattan in a densely developed metropolitan area consisting of airport, commercial, and residential areas. Other transportation facilities in the area include a parkway, interstate highways, rapid transit, and commuter rail facilities. LGA is bordered to the north by the East River (separating the Airport from Rikers Island and the borough of the Bronx); to the east by Flushing Bay (separating the Airport from the College Point neighborhood of Queens); to the south by the Grand Central Parkway (GCP) and the East Elmhurst, Jackson Heights, and North Corona neighborhoods of Queens; and to the west by Bowery Bay and the Ditmars-Steinway neighborhood of Queens. The Airport's proximity to the East River and densely developed environs, as well as limited land availability in the area, pose challenges for Airport development.

As traffic levels, congestion, and delays increase on the roadway network around the Airport, travelers to the Airport will experience increased and more uncertain travel times, as discussed in Section 5 of this ROD. Furthermore, LGA is the only major commercial New York City area airport without a direct connection to the local rail system. Therefore, over the past 30 years, various agencies have conducted multiple studies to improve transit access to LGA. Agency reports include those directed by the Port Authority, FAA, New York City Department of Transportation (NYCDOT), and Metropolitan Transportation Authority (MTA). These studies have included transit alternatives such as subway extensions, Long Island Rail Road (LIRR) spurs, people mover alternatives, bus transit, and ferry service. However, due to major obstacles, including issues raised during the environmental review process,[7] concern over community impacts,[8] financial constraints, and the September 11 terrorist attacks on the World Trade Center, several of the studies were discontinued. Nonetheless, an examination of all these studies demonstrates a continued regional interest in improved access to LGA.

In January 2015, New York Governor Andrew Cuomo convened an Airport Advisory Panel to address the deficiencies of LGA as a major transportation facility.[9] In its report, the Airport Advisory Panel recommended that the redevelopment of LGA include "new ways to access the airport" including a future AirTrain.[10] Consequently, one of

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[6] Airport Advisory Panel, *A 21st Century Airport for the State of New York: The New LaGuardia— A Report to the Governor from the Airport Advisory Panel: Guiding Principles for a Comprehensive Airport Master Plan*, July 2015.

[7] In 1994, a Draft Environmental Impact Statement (EIS) was prepared for the Airport Access Program, which encompassed a new automated guideway transit line with service between Midtown Manhattan, LGA, and John F. Kennedy International Airport. After publication of the Draft EIS, the Port Authority concluded that due to issues raised during the environmental review process as well as financial constraints, construction of the entire proposed project was infeasible.

[8] In 1998, the MTA initiated the LaGuardia Airport Subway Access Study; however, major obstacles arose, including concern over community impacts and challenges in integrating subway service that would be compatible with both New York City Transit (NYCT) system operating requirements and on-Airport constraints. Efforts to resolve these issues were suspended after the September 11 terrorists' attacks on the World Trade Center; therefore, the Study was discontinued without confirming a constructible or operable alternative.

[9] Tishman, Dan et al., *A 21st Century Airport for the State of New York: The New LaGuardia, Guiding Principles for a Comprehensive Airport Master Plan*, Report by the Governor's Airport Advisory Panel, July 27, 2015, www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Airport_Advisory_Panel_Final_Report_LGA.pdf (accessed April 4, 2018).

[10] *Ibid.*

the guiding principles of the report is a "future rail connection" in response to LGA being the only major airport in the New York City region that is not accessible directly by rail.[11]

In accordance with the recommendation of Governor Cuomo's Airport Advisory Panel, the Port Authority, as operator of the Airport, proposed the LGA Access Improvement Project to construct and operate a new APM system to provide a reliable transit alternative for air passenger and employee access to the Airport. The Proposed Action would connect two on-Airport stations at LGA with a transfer station at Willets Point. The off-Airport station would provide connections to the Mets–Willets Point stations of the LIRR Port Washington Branch and the New York City Transit (NYCT) Subway Flushing Line (7 Line). The off-Airport station would also provide a connection to a new off-Airport employee parking option located at Willets Point.

The Port Authority intends to fund components of the Proposed Action in part by using Passenger Facility Charges (PFCs), which are funds collected directly from airport passengers as part of their airfare ticket purchase. Per 14 Code of Federal Regulations (CFR) 158.25(a), the Port Authority can apply to impose PFCs and use the revenue, subject to the approval of the FAA, for project at any airport it controls. Thus, the Port Authority combines the collection of PFCs and uses those collections for FAA-approved projects across the four commercial service airports it operates: LGA, John F. Kennedy International Airport (JFK), Newark Liberty International Airport (EWR), and New York Stewart International Airport (SWF).[12] In order to utilize the PFC revenue, an application to use PFCs must first be approved by the FAA[13] via the issuance of a Federal Agency Decision. The Federal Agency Decision, (that is, the review and approval of a future PFC application for the Proposed Action) is a major federal action subject to the provisions of NEPA and the CEQ implementing regulations for NEPA (40 CFR parts 1500–1508). Environmental review under NEPA must be completed prior to approval of the PFC use application (14 CFR 158.25 (c)(ii)(B)).

NEPA requires federal agencies to consider the environmental consequences of major federal actions in the decision making-process and to disclose to decision-makers and the interested public a clear and accurate description of the potential environmental impacts of major federal actions and reasonable alternatives to those actions, including a no action alternative (assessing the potential environmental effects of not implementing the proposed action). In addition to applicable FAA Orders, the EIS was conducted to comply with applicable special purpose laws, Executive Orders (EOs), and agency orders, including, but not limited to: Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations, *Protection of Historic Properties* (36 CFR part 800); Section 7 of the Endangered Species Act; the Magnuson-Stevens Fishery Conservation and Management Act; Sections 10 and 14 of the Rivers and Harbors Act; Sections 401 and 404 of the Clean Water Act; Section 4(f) of the US Department of Transportation (DOT) Act; Section 6(f) of the Land and Water Conservation Fund Act; DOT Order 5610.2B, *Environmental Justice in Minority and Low -Income Populations*; EO 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*; EO 11990, *Protection of Wetlands*; DOT Order 5660.1A,

[11] Airport Advisory Panel, *A 21st Century Airport for the State of New York: The New LaGuardia— A Report to the Governor from the Airport Advisory Panel: Guiding Principles for a Comprehensive Airport Master Plan*, July 2015.

[12] Since 1992, the FAA has approved 45 separate PFC applications for the Port Authority totaling over $5.5 billion.

[13] The PFC program allows the collection of PFCs for every eligible passenger at commercial airports controlled by public agencies. PFCs must fund FAA-approved projects that preserve or enhance safety, security, or capacity; reduce noise; or increase air carrier competition. The FAA may grant authority to impose a PFC only if the FAA finds, on the basis of an application submitted by the public agency, that the amount and duration of the PFC will not result in excess revenues. As of April 2006, the FAA has approved a PFC of $4.50 per passenger (the maximum amount possible) at LGA, allowing up to approximately $1.5 billion to be collected for, among other projects, the Central Terminal Building modernization planning and engineering, rehabilitation of Runway 4-22, and security enhancement projects for the physical protection of terminal building frontages.

Preservation of the Nation's Wetlands; EO 11988, *Floodplain Management*; and DOT Order 5650.2, *Floodplain Management and Protection*.

The FAA has also identified and invited agencies with an interest in the project to serve as either cooperating or participating agencies through the EIS process.[14] The Cooperating Agencies[15] for the Final EIS are the National Park Service,[16] US Army Corps of Engineers, US Environmental Protection Agency, New York State Department of Transportation, New York State Department of Environmental Conservation, and New York State Office of Parks, Recreation, and Historic Preservation. The Participating Agencies[17] for the Final EIS are Federal Emergency Management Agency, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, National Marine Fisheries Service, US Department of Interior, Metropolitan Transportation Authority,[18] New York City Department of City Planning, New York City Department of Environmental Protection, New York City Department of Parks and Recreation, and New York City Department of Transportation.

[14] Cooperating and participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the Proposed Action or any alternatives that could substantially delay or prevent an agency from granting a permit or other approval.

[15] According to the Council on Environmental Quality (CEQ) regulations (specifically 40 CFR 1508.5), "Cooperating Agency" means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a federally recognized Native American tribe may, by agreement with the lead agency, also become a Cooperating Agency. CEQ also states that an agency may request the lead agency to designate it a Cooperating Agency (40 CFR 1501.6).

[16] The National Park Service (NPS) requested formal Cooperating Agency status on November 30, 2020. The NPS submitted formal comments on the Draft EIS indicating a potential conversion of lands subject to Section 6(f) of the Land and Water Conservation Fund Act; approval of this conversion is considered a federal action that requires compliance with NEPA.

[17] Participating Agencies are those with an interest in the project, but act in an advisory capacity and will not be exercising any decision-making authority.

[18] Includes the three separate agencies of the MTA which are providing input on this EIS, including the Long Island Rail Road, New York City Transit, and the MTA Bus Company.

3. DESCRIPTION OF THE PROPOSED ACTION

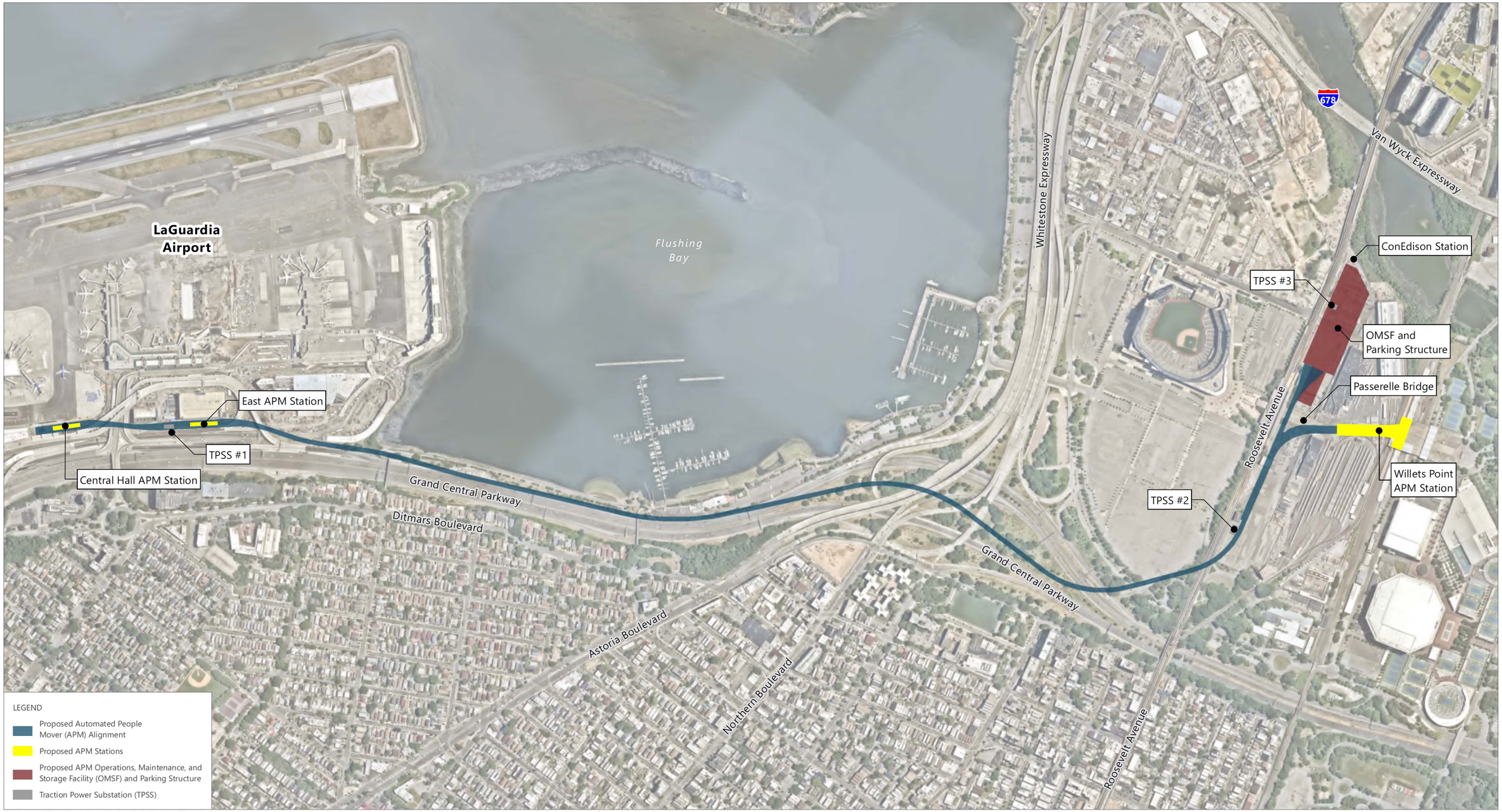
The Proposed Action includes the following components:

- An aboveground, elevated fixed guideway APM system with three APM stations (two on-Airport and one off-Airport) connecting the Airport to the NYCT subway and the LIRR commuter rail. The APM system would include:
  - passenger walkway systems connecting the APM stations to passenger terminals, on- and off-Airport parking garages, public transportation, and ground transportation facilities;
  - connections to the Airport Central Hall, Airport parking garage connector, and existing subway and LIRR stations, to support the APM walkway system connections, including elevators, escalators, and stairs (that is, vertical circulation cores) to garage levels, terminals, and mass transit;
  - an APM operations, maintenance, and storage facility (OMSF);
  - three traction power substations (TPSSs) to provide electrical power to the APM system;
- Parking for Airport, APM, and MTA employees, as well as replacement Citi Field parking, located at the OMSF;
- Utilities infrastructure, both new and modified, to support the Proposed Action;
- A new Consolidated Edison (ConEdison) 27-kilovolt electrical industrial station located adjacent to the OMSF;
- Acquisitions of temporary and permanent easements on portions of certain parcels to facilitate construction of the Proposed Action; and
- Connected actions to allow construction of the Proposed Action, including:
  - temporary MTA bus storage/parking facility during construction of the OMSF;
  - relocation of Citi Field parking spaces temporarily displaced during construction;
  - Passerelle Bridge replacement to accommodate the proposed off-Airport APM station;
  - operational improvements to the Mets-Willets Point LIRR Station (new LIRR shuttle service) and supporting physical improvements; and
  - relocation of World's Fair Marina (Marina) facilities to accommodate the proposed APM guideway.

Exhibit 1 provides an overview of the Proposed Action, and **Exhibit 2** provides an overview of the connected actions sites.

The Proposed Action would not affect or change any airfield components, including the runways, taxiways, or aircraft arrival and departure procedures.

Construction of the Proposed Action is anticipated to occur between the years 2021 and 2025, with the APM system expected to be fully operational in December 2025.



SOURCES: Nearmap, New York, July 2020 (aerial); Port Authority of New York and New Jersey, December 2019 (APM alignment, TPSS); Port Authority of New York and New Jersey, August 2020 (APM stations, OMSF and parking structure).

NORTH 0 700 ft

EXHIBIT 1

PROPOSED ACTION

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SOURCES: Nearmap, New York, July 2020 (aerial); Port Authority of New York and New Jersey, 2020 (site locations); Ricondo & Associates, Inc., July 2020 (LIRR improvements).

NORTH 0 1,100 ft

EXHIBIT 2

CONNECTED ACTIONS – SITE LOCATIONS

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4. PROPOSED FEDERAL ACTIONS AND APPROVALS

4.1 FAA FEDERAL ACTIONS

The FAA's actions for this project are limited to approving potential application(s) for federal financial assistance. In order to complete these actions, the FAA must make findings and determinations under 49 U.S.C. §§ 47106 and 47107 with respect to the eligibility of the project for federal funding under the Airport Improvement Program (AIP). These findings and determinations will also support the project's eligibility for a future application to use PFCs, pursuant to 49 U.S.C. § 40117 and 14 CFR 158.25, to finance items of the project that are eligible for PFC funding. The environmental determinations included in this ROD would support a future application for AIP funds or to use Passenger Facility Charges (PFCs) collected at LGA, EWR, JFK, and SWF for use at LGA for the Proposed Action. These funds would assist with construction of potentially eligible development items as shown on Airport Layout Plan (ALP) Pen and Ink Revision #16 and associated mitigation commitments detailed in Section 9 of this ROD. The FAA has not received an application pursuant to either of these actions.

4.2 OTHER AGENCY FEDERAL ACTIONS

In addition to FAA's potential future federal actions, other federal and state agencies have approvals related to the Proposed Action. The Draft EIS indicated that the Proposed Action would require approvals by the US Army Corp of Engineers (USACE) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. A joint application for the Department of the Army Permit and 404(b)(1) analysis was provided by the Port Authority to the USACE on August 12, 2020. However, as reflected in the Final EIS, in September 2020, the USACE determined that an individual Department of the Army permit was not required for the Proposed Action, and verified that the Proposed Action could be carried out in accordance with existing Department of the Army Nationwide General Permit Numbers 3 (Maintenance), 7 (Outfall Structure and Associated Intake Structure), 16 (Return Water from upland Contained Disposal Areas), 28 (Modifications of Existing Marinas), and 35 (Maintenance Dredging of Existing Basins). Accordingly, with the issuance of the Nationwide General Permits, the USACE has no additional approval related to the Proposed Action.

The Proposed Action includes conversion of 0.5 acres subject to Section 6(f) of the Land and Water Conservation Fund Act (LWCF) Act, as well as a temporary non-conforming use of 1.2 acres subject to Section 6(f) of the LWCF Act subject to review and approval by the National Park Service (NPS). The FAA is requiring the Port Authority to work with the appropriate agencies to fulfill mitigation requirements related to provision of reasonably equivalent replacement property (see Section 9.5.2 of this ROD).

Additional state permits, approvals, or licenses would also be required prior to implementation of the Proposed Action.

5. PURPOSE AND NEED

Today, regardless of transportation mode, passengers, employees, and visitors face increasing and unreliable travel times to and from LGA. Access to and from LGA is limited to on-road vehicles on surface roads and streets, such as the GCP, and lacks a direct rail connection to the NYCT subway system and the LIRR commuter rail. Travelers to the Airport who wish to use public transportation, including the subway or LIRR, must transfer to a bus to access the Airport. Overall, approximately 99 percent of passengers access the Airport via surface roads and streets. Because of congestion, travel times are unpredictable for automobiles, taxis, for-hire vehicles, and buses, and travel times vary between peak and nonpeak periods of the day. Additionally, traffic volumes and consequent congestion and roadway travel times are expected to increase over time. As traffic levels, congestion, and delay increase on the roadway network around the Airport, travelers to the Airport will experience increased and more uncertain travel times, requiring LGA passengers to allow for extra time when planning their travel to and from the Airport.

The main access to and from LGA is from the GCP, an eight-lane roadway that handles approximately 165,000 vehicles per day;[19] secondary access is provided from the Whitestone and Van Wyck Expressways. In 2018, eastbound flows on the GCP to the west of Flushing Meadows-Corona Park were generally failing during the morning and evening peak periods. Westbound flows in this area were generally fair, with some links operating at poor or failing conditions during the morning peak period, but they were good during the evening peak period, as discussed in Section 1.4.3 of the Final EIS. Future traffic congestion will be exacerbated by increasing passenger traffic, as well as by increases in local traffic not associated with the Airport. Based on the New York Metropolitan Transportation Council's Best Practice Model, congestion on the highway systems near the Airport will increase by 10 percent from 2017 through 2045 on a daily average, and local road congestion will increase by 11 percent on a daily average. Based on the Bureau of Public Roads Volume-Delay Function used in the Best Practice Model, an increase of 5 to 10 percent in volume on an already congested road can result in a 10 to 50 percent increase in travel times without an alternative travel mode option.[20]

LGA is the only major commercial New York City area airport without a direct connection to the local rail system. Providing supplemental access opportunities for Airport users is one of the Port Authority's goals to improve passenger level of service, commensurate with or better than airports serving other major US cities. Existing bus operations including the NYC Express Bus, MTA bus service, and others face the same delays and uncertain access times associated with roadway access and congestion as all other surface vehicles.

The Port Authority is proposing to provide off-Airport employee parking with convenient access by way of the new transportation service to the Airport.[21] Given land constraints, there are limited on-Airport options to provide adequate employee parking and areas for storage of equipment and materials needed to perform airfield maintenance activities. As activity increases, Airport property needs to be reserved for aviation uses that must be located adjacent to the air operations area (AOA).[22] As shown on Exhibit 1-11 in the Final EIS, the Port Authority currently provides 1,500 parking spaces for employees in Lot P10, totaling approximately 560,000 square feet, directly adjacent to the AOA. Employee parking spaces are not required to be located near the AOA or on-Airport;

[19] New York City Department of Transportation, *2015 New York City Screenline Traffic Flow*, 2015.

[20] Port Authority of New York and New Jersey, *LGA Airport Access Improvement Project, Purpose and Objectives and Analysis of Alternatives Report*, October 2018.

[21] Port Authority of New York and New Jersey, *LGA Airport Access Improvement Project, Purpose and Objectives and Analysis of Alternatives Report*, October 2018, page 1-1.

[22] The AOA is the secure airfield that supports aircraft movement, aircraft parking, loading ramps, and safety areas.

therefore, a portion of these spaces could be provided elsewhere, leaving space available for other aviation support uses. Ongoing routine maintenance and construction activities at LGA to support continued airfield operations separate from the Proposed Action has resulted in the storage of construction materials and equipment in undesirable locations (either off-Airport or scattered around LGA in multiple locations). as there is currently limited space available for the staging of construction materials, maintenance equipment, or maintenance materials on or near the AOA. By relocating employee parking from Lot P10 immediately adjacent to the AOA, the Port Authority can more efficiently maintain and operate the airfield without having to transport equipment and materials to and from off-Airport locations, which will reduce trips in the vicinity of LGA.

Accordingly, the Proposed Action is needed to address unpredictable and increasing travel times to and from LGA, while also addressing space constraints for employee parking. The Proposed Action would address the following existing needs:

- increasing and unreliable travel times between LGA and key locations within New York City[23];
- limited passenger and employee access to and from LGA, which is primarily via roadway access;
- traffic congestion on off-Airport roadways near the Airport, which contributes to Airport access travel times; and
- limited on-Airport options to provide adequate employee parking and areas for storage of equipment and materials for maintenance activities.

The purpose of the Proposed Action is to provide a time-certain[24] transportation option that connects Airport passengers and employees to and from LGA, as travel times to and from the Airport continue to increase and

[23] Overall, approximately 99 percent of passengers access the Airport via surface roads and streets. Because of congestion, travel times are unpredictable for automobiles, taxis, for-hire vehicles, and buses, and travel times vary between peak and non-peak periods of the day. Existing and projected roadway travel times to and from key New York City locations and LGA are presented in Section 1.4.1 of the Final EIS; existing bus service travel times to LGA are presented in Section 1.4.2 of the Final EIS. Annual average travel times and the annual average daily maximum travel time from LGA to Times Square increased approximately 20 percent from 2014 to 2017; the annual average travel time increased from 36 to 43 minutes, while the annual average daily maximum travel time increased from 54 to 65 minutes. Annual average travel times from Times Square to LGA increased approximately 13 percent between 2014 and 2017, from 31 minutes to 35 minutes, while annual average daily maximum travel times from Times Square to LGA increased nearly 15 percent, from 47 minutes to 54 minutes. In addition, between 2014 and 2017, the number of extreme travel days (the number of days in a year for which at least one trip took 70 minutes or more), for trips from LGA to Times Square increased more than five-fold from 21 to 114 days. Increasing travel times, as well as the increasing number of extreme travel days, results in unreliable access to LGA. Because airline passengers need to arrive at the airport with sufficient time to check-in, clear security, and get to their boarding gate, providing access to the airport via a time-certain option, which does not exist today, is a critical purpose of the project. Additionally, traffic volumes and consequently congestion and roadway travel times are expected to increase over time. As traffic levels, congestion, and delay increase on the roadway network around the Airport, travelers to the Airport will experience increasing and more uncertain travel times, requiring LGA passengers to allow for extra time when planning their travel to and from the Airport.

[24] Time-certain, as used in the EIS, is defined as providing access on a specific schedule and using a dedicated right-of-way, and addresses the need associated with increasing and unreliable travel times between LGA and key locations within New York City. One of the Port Authority's initial stated objectives for their proposed project was to provide a travel time of 30 minutes or less to Grand Central Terminal or Penn Station. However, the FAA determined that use of a 30-minute travel time to screen alternatives was not applied consistently and no rationale for use of a 30-minute travel time was provided. Thus, the FAA did not include it in the Purpose and Need or use it as a factor in the screening of alternatives. FAA used a less restrictive criteria focusing on time certainty to address the concerns identified regarding the arbitrary nature of the criteria and inconsistencies with the Port Authority's approach to alternative screening. The FAA also determined that the time certainty criteria was consistent with the overall purpose and need for the project.

become more unpredictable. Additionally, this transportation option should ensure adequate parking for Airport employees.

FAA acknowledges the recent and ongoing impacts of the COVID-19 public health emergency and the resulting decline in aviation and transit travel demand. Although it is impossible to precisely predict future changes to ridership that may result from COVID-19, the FAA believes that the future ridership analyses presented in the EIS represent a reasonable range of likely APM ridership. The ridership projections are based on pre-COVID-19 aviation and transit travel demand, LGA ground access patterns, and regional land use patterns that are still reasonably expected to resume as the economy recovers, even as leisure and business travelers adapt to new norms after the COVID-19 public health emergency. The severity and duration of the contraction in aircraft operations and air travel due to the COVID-19 public health emergency are unknown at this time and cannot be precisely estimated until more certainty in regards to the re-opening of cities, states, and countries is known. The Port Authority has been examining ways to improve transit access to LGA over the last 30 years. Although passenger and airline activity was down in 2020 due to COVID-19, the need for supplemental access and connections to the region's existing local transit system was identified by the Port Authority based on LGA passenger activity and roadway traffic congestion levels existing in 2017. The Terminal Area Forecast (TAF) is the official FAA forecast of aviation activity for airports identified in the National Plan of Integrated Airport Systems within the United States. The 2020 Fiscal Year TAF provides a forecast for LGA which indicates the potential for passenger enplanements to return to 2017 levels by 2025 and return to 2019 levels by 2026. The 2020 Fiscal Year TAF forecast for LGA, as well as the Port Authority forecast from the Final EIS, are shown in **Table 1**.

TABLE 1 HISTORICAL AND FORECAST TOTAL ENPLANEMENTS AND AIRPORT PASSENGERS

	PORT AUTHORITY FORECAST		2020 FISCAL YEAR FAA TAF	
YEAR	ENPLANEMENTS	TOTAL PASSENGERS	ENPLANEMENTS	TOTAL PASSENGERS
Historical				
2017[1]	14,784,152	29,568,304	14,438,785	28,877,570
2018	15,047,037[2]	30,094,074[2]	15,053,381	30,106,762
2019	15,542,447[2]	31,084,894[2]	15,360,464	30,720,928
Forecast				
2025	16,617,000	33,234,000	15,085,863	30,171,726
2026	16,772,500	33,545,000	16,195,291	32,390,582
2031	17,675,500	35,351,000	17,499,636	34,999,272

NOTE:
FAA – Federal Aviation Administration
TAF – Terminal Area Forecast
Port Authority forecast numbers are reported by calendar year while the FAA TAF are reported by federal fiscal year (October 1 through September 30). This accounts for the discrepancy in terms of the 2017 actual numbers reported.
For planning purposes, it is assumed that the total passenger count is equal to double the number of passenger enplanements.
1 2017 was the last full calendar year of historical aviation activity reported in the Port Authority forecast report.
2 Forecast numbers (not actuals).
SOURCES: Port Authority of New York and New Jersey, *2018 Airport Traffic Report*, April 2019, https://www.panynj.gov/airports/pdf-traffic/ATR2018.pdf (accessed July 23, 2019); Port Authority of New York and New Jersey, *December 2019 Traffic Report*, https://www.panynj.gov/content/dam/airports/statistics/statistics-general-info/monthly-2019/LGA_DEC_2019.pdf (accessed April 6, 2020); Port Authority of New York and New Jersey, *Aviation Demand Forecasts LaGuardia Airport, Final Report*, April 2020; Federal Aviation Administration, *2020 Fiscal Year Terminal Area Forecast*, May 2021.

6. ALTERNATIVES ANALYSIS

The FAA completed a thorough and objective review of a range of reasonable alternatives in accordance with CEQ regulations (40 CFR 1502.14). This section discusses the potential alternatives the FAA identified and considered, and it describes the process for screening the broader list of potential alternatives to determine which alternatives were reasonable. The two-step screening process that was used to determine which alternatives would be carried forward for analysis of environmental consequences in the EIS is discussed in detail in Section 6.2.

6.1 ALTERNATIVES

As the first step in identifying possible alternatives to the AirTrain, FAA reviewed the numerous studies to improve access to LGA conducted over the last several decades by the Port Authority, the MTA, and New York City agencies. From these previous studies, FAA identified 18 alternatives to consider. Public comments received during the EIS scoping process (see Section 4.3 of the Final EIS) provided additional information about these 18 alternatives and identified 27 additional alternatives. After reviewing the scoping comments, FAA identified an additional two alternatives.

Ten groups of alternatives, based on the similarity of modal characteristics, were developed comprising 47 unique alternatives. The screening process described in Section 6.2 of this ROD was used to determine which of these potential alternatives were reasonable, consistent with FAA Orders 1050.1F and 5050.4B, and CEQ regulations (40 CFR 1502.14) for implementing NEPA. A full list of the alternatives and the results of the screening process are presented at the end of Section 6.2. The alternatives and screening process are described in detail in Chapter 2 of the Final EIS.

6.1.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, no supplemental access or improvements to existing access routes to LGA would occur. Therefore, Airport access would be generally consistent with existing conditions. Air passengers and employees would continue to access LGA using the same modes as they do today, which include automobiles (personal vehicles, rental cars, taxis, and for-hire vehicles), public buses, and shuttle buses. As a result of forecast[25] increases in air passenger volumes, the overall traffic volumes on roadways near LGA would increase over time, resulting in more traffic congestion.[26] This, in turn, would result in longer travel times to LGA and would increase the volatility and unpredictability of travel times for LGA passengers and employees. Employee parking would likely remain in the same location on-Airport.

Furthermore, in the absence of the LGA Access Improvement Project, design and implementation of two actions would be undertaken by others. The No Action Alternative includes (1) improvements to be undertaken by the New York City Department of Parks and Recreation (NYC Parks) to the Passerelle Bridge between the Mets-Willets Point

[25] The Port Authority developed a passenger forecast for LGA as part of the AirTrain Ridership Forecast (Port Authority of New York and New Jersey, *AirTrain LGA, LGA Ground Access Mode Choice Model and AirTrain Ridership Forecast 2025-2045*, October 2018).

[26] The forecasts for LGA were prepared and submitted to FAA prior to the COVID-19 public health emergency. The severity and duration of the contraction in aircraft operations and air travel are unknown at this time and cannot be reasonably estimated until more certainty regarding the re-opening of cities, states, and countries is known. However, over the long term, it is expected that demand and airline capacity will grow in line with the US Gross Domestic Product (GDP), a relationship that has been in place since before airline industry deregulation in 1978. The 2020 Fiscal Year TAF provides a forecast for LGA which indicates the potential for enplanements to return to 2017 levels by 2025 and return to 2019 levels by 2026.

Subway Station and the Mets-Willets Point LIRR Station; and (2) improvements to be undertaken by the MTA to reconfigure portions of the Mets-Willets Point LIRR Station to extend existing platforms to accommodate 12-car trains and to ensure Americans with Disabilities Act (ADA) compliance.

6.1.2 DIVERSION OF AIR TRAFFIC AT LGA

These alternatives would reduce the number of passengers using LGA by diverting air traffic away from LGA, which would reduce roadway network traffic to and from LGA. Two alternatives were evaluated: use of other airports and use of trains and buses.

6.1.3 USE OF OTHER MODES OF TRANSPORTATION TO LGA

Three non-bus or non-rail modes of transportation that may provide feasible connections to LGA were identified and evaluated: ferry service, helicopter service, and gondola service.

6.1.4 TRANSPORTATION SYSTEMS MANAGEMENT

These alternatives include strategies to improve travel time on the bus routes that provide access to LGA.[27] Improvements considered to these routes include increased bus frequency, use of bus "queue jumpers" at select traffic signals (that is, short bus lane segments that have traffic signal priority, so that buses can bypass waiting queues of traffic), additional roadway sections of dedicated bus lanes, and express service for some of the buses. The Transportation Systems Management (TSM) alternatives included potential improvements to other bus service, such as increased frequency on routes from Corona and Flushing, new routes, modifications to Select Bus Service (SBS),[28] or improved transfers. Three TSM alternatives were identified and evaluated.

6.1.5 TRANSPORTATION DEMAND MANAGEMENT

This alternative consists of measures to reduce travel demand and, consequently, congestion, mainly focusing on strategies to reduce private automobile travel to and from the Airport. Options under this alternative would include the promotion of public transit, walking, bicycling, and carpools and van pools using some combination of the following strategies:

- provide secure bicycle parking;
- provide priority and/or reduced-fee parking for carpools or van pools;
- reduce demand for, or encourage the more efficient use of, taxis and other on-demand car services;
- promote mobile phone applications that encourage shared rides at Airport taxi stands and for on-demand car service;
- promote shared-ride services;
- promote bus and shuttle services; and
- increase on-Airport public parking rates.

[27] The Metropolitan Transportation Authority is in the process of redesigning the Queens bus network; however, the project is currently on-hold due to the COVID-19 public health emergency.

[28] Select Bus Service (SBS) provides a complementary service to the subway system by connecting neighborhoods to subway stations and major destinations. To improve reliability and service along these high-ridership corridors, a combination of tools are implemented, including off-board fare payment, bus lanes, traffic signal priority, and longer spacing between stops.

For evaluation of this alternative, it was assumed that all strategies would be implemented.

6.1.6 EMERGING TRANSPORTATION TECHNOLOGIES

These alternatives include emerging technologies for providing access to LGA. These are technologies that continue to evolve and may offer new transportation options in the future. Some of these technologies would require modifications to existing infrastructure, but others can be made available using existing or new rights-of-way. Two emerging transportation technologies alternatives were evaluated: transportation network companies (TNCs), such as Uber or Lyft; and autonomous vehicles.

6.1.7 OFF-AIRPORT ROADWAY EXPANSION

These alternatives focus on improvements to the existing roadways that provide access to LGA. Five off-Airport roadway expansion alternatives were identified and evaluated.

6.1.8 SUBWAY EXTENSION

These alternatives would result in an extension of an existing NYCT subway line(s) to LGA and would include construction of a new subway station serving the terminals at LGA. The technology would be the same as the existing subway line.

Each of the potential subway extension alternatives would include the following components:

- a new subsurface station at LGA that connects to Terminals B and C – including platforms, stairwells, elevators/escalators, passageway, station agent booths (control area), turnstiles, ventilation, and emergency access;
- connections – including passenger walkway systems connecting a subway station at LGA to passenger terminals, parking garages, public transportation, and ground transportation facilities; and
- subway – including an extension of or branch from an existing subway line(s), tracks, signals, switches, and interlocking systems.

Additionally, it is assumed each subway extension alternative would include:

- Airport employee parking within walking distance (0.25 miles) of an existing subway station where the subway extension would originate;
- utilities infrastructure, both new and modified, to support each alternative; and
- enabling projects to allow construction of each alternative, including utility relocation, demolition of certain existing facilities (such as station platforms, tracks, switching), changes to existing subway schedule times, and addition of operating rollingstock (that is, in-service passenger equipment cars) to accommodate extended tracks and additional station stops, while maintaining the current MTA schedule.

Service on any of the subway extension alternatives would be operated by NYCT, with storage and maintenance of rail vehicles at existing NYCT rail yards.[29] Additionally, any changes in subway service plans would be subject to MTA Board approval. Seven subway extension alternatives were identified and evaluated.

[29] Ricondo & Associates, Inc., *Summary of LGA Access Improvement Project EIS, MTA Coordination Meeting*, February 13, 2019.

6.1.9 FIXED GUIDEWAY

A fixed guideway alternative would result in a new transit system that would operate between an off-Airport station with connections to the New York City subway and/or commuter rail and the Airport on a dedicated alignment. The system would be independent of the existing MTA subway, rail, and bus systems. The type of technology could include APM, Personal Rapid Transit, or Group Rapid Transit.

APMs are powered by electricity, operate on a fixed guideway, and are usually on an elevated alignment. The capacity of each car of an APM is dependent on the size of the car. APMs can be rubber-tire or steel wheel-steel rail APMs. PRT systems are small, automated vehicles or pod cars, powered by electric battery, that operate on a fixed guideway, which is typically elevated, but can operate underground or at ground level. There are many variants of PRTs, including those that are suspended from an overhead rail (steel wheels on steel rails) and those that operate on rails (rubber-tired or steel wheels). A pod generally has seating for four but could operate with only one passenger. Pods travel separately from other pods, rather than in trains. The pods serve stations and are on-call by passengers. Once boarded, the passenger inputs their destination and the car responds, traveling nonstop to the desired destination. A Group Rapid Transit system is similar to that of a Personal Rapid Transit system in how it operates and the type of infrastructure needed. The primary difference is the size of the automated vehicle. A Group Rapid Transit automated vehicle has space for up to 24 passengers, which is larger than the four-seat automated vehicle used for a Personal Rapid Transit system.[30]

These technologies may include varied design specifications (for example, maximum vertical grades and turning radii, required support facilities, station size). A fixed guideway would be designed with the appropriate dimensions so that it would accommodate the range of technologies. Fixed guideway alternatives would need to include a yard for vehicle storage and a facility to maintain and repair vehicles.

At the off-Airport terminal station, passengers would connect between the new fixed guideway system and existing subway, bus, or commuter rail trains for the remainder of their trips. Pedestrian bridges and vertical circulation would be provided to ensure a convenient transfer between the modes.

Each of the potential fixed guideway alternatives would include the following components:

- stations, including platforms, vertical circulation (such as stairwells, elevators, escalators), passageways, station agent booths (control area), and turnstiles;
- connections, including passenger walkway systems connecting the fixed guideway station at LGA to passenger terminals, parking garages, public transportation, and ground transportation facilities;
- an elevated fixed guideway system that would be above grade and would connect the Airport to the NYCT subway, bus, and/or the MTA commuter rail;
- an OMSF; and
- TPSSs.

Additionally, it is assumed each fixed guideway alternative would include the following components:

- Airport employee parking within walking distance (0.25 miles) of where the fixed guideway would originate;
- utilities infrastructure, both new and modified, to support each alternative; and

[30] European Commission, *Guidelines for Implementers of Group Rapid Transit*, June 2010.

- enabling projects to allow construction of each alternative, including utility relocation, demolition of certain existing LIRR/subway station facilities (such as station platforms, tracks, switching).

Twenty fixed guideway alternatives were identified and evaluated.

6.1.10 RAIL

Rail alternatives would result in the construction of a new rail line that would operate between an off-Airport station with connections to the New York City subway and/or commuter rail and the Airport on a dedicated alignment. The system would operate on separate tracks with separate rail cars from the existing NYCT subway and LIRR. Each of the rail alternatives would have direct access to LGA with no intermediate stops. Three rail alternatives were identified and evaluated.

6.2 SCREENING OF ALTERNATIVES

FAA used a two-step screening process to comparatively evaluate the list of potential alternatives to determine which of them are reasonable and should be carried forward for detailed environmental impact analysis:

- Step 1 – Would the alternative meet the Purpose and Need of the Proposed Action?
  - Does the alternative provide a time-certain transportation option to LGA?
    - For the response to be "yes," the alternative must provide access to LGA on a specific schedule using a dedicated right-of-way[31] (that is, it would operate 24 hours per day and 7 days per week, be exclusively used by the transportation mode, and be separate from and not be affected by or effect on-road transportation or traffic).
  - Does the alternative provide supplemental access to LGA?
    - For the response to be "yes," the alternative can provide either a new mode of access to LGA or an increase in existing access (such as increased frequency of service or a modification in service that increases reliability).
  - Does the alternative provide the opportunity to reduce passenger vehicle trips to and from LGA on off-Airport roadways in the vicinity of the Airport without increasing roadway congestion?
    - For the response to be "yes," the potential for a reduction in the number of vehicle trips on roadways in the vicinity of LGA must occur. This is primarily a reduction in the number of vehicles used by passengers or employees. In addition, the alternative cannot directly result in any increase in roadway congestion on off-Airport roadways in the vicinity of the Airport.
  - Does the alternative provide adequate replacement Airport employee parking to enable efficient use of on-Airport space?

[31] Without a dedicated right-of-way, an alternative would not be time-certain as future roadway congestion issues could impact the Airport access considered by the alternative.

- For the response to be "yes," the alternative must provide approximately 216,000 square feet[32] of surface or structured parking located off-Airport within walking distance (0.25 miles) of an access point that has direct access[33] to LGA. For any alternatives that require construction of an elevated OMSF, the parking is assumed to be included as part of that facility to reduce the footprint of development. For other alternatives where an elevated OMSF would not be required, the parking needs to be within walking distance of an access point for that alternative.[34]

- Step 2 – Would the alternative be reasonable to construct and operate?
  - Can the alternative be implemented without a material effect to major infrastructure, transportation facilities, or utilities?
    - For the response to be "yes," the alternative cannot result in a material effect to existing major transportation facilities (such as encroachment on a runway;[35] permanent shifting of travel lanes on major roadway;[36] temporary or permanent closure of travel lanes on a major roadway;[37] or a permanent reduction in subway, rail, or transit service), or existing major infrastructure (such as disrupting the supply of power from power generating or distribution facilities), or existing major utilities (such as disrupting or relocating water or sewer lines).[38] A major transportation facility is an existing runway, subway or rail line, or a roadway that is classified by the New York State Department of Transportation

[32] The size of the parcel that accommodates parking is not required to be 216,000 square feet. The parcel needs to be of sufficient size to accommodate either 216,000 square feet of surface parking or 216,000 square feet of structured (for example, multi-level) parking. This square footage is based on the Port Authority need to free up space adjacent to the AOA in the existing employee Lot P10 to provide the flexibility required for efficient performance of routine maintenance activities.

[33] Direct access is achieved when the transportation method does not require transfers to reach a destination.

[34] No alternative was eliminated solely for failing to meet the purpose and need to provide employee parking or because a parking facility was determined to not be feasible.

[35] Runway encroachment includes physically impacting an existing runway, violating runway approach or departure surfaces, or impacting runway safety areas as defined in FAA AC 150/5300-13A, *Airport Design*.

[36] A permanent shifting of travel lanes on a limited access roadway would temporarily affect drivers during construction when the travel lanes would shift. A permanent shifting of travel lanes on a non-limited access roadway could result in a permanent loss of street parking.

[37] A temporary closure of travel lanes would occur during the construction of support columns for an elevated gondola, subway, or fixed guideway system. The duration of temporary travel lane closures would vary between alternatives, and depend, among other things, on the length of the track proposed to be built in the medians of major roadways. As a reference, construction of the off-airport APM guideway and associated facilities for the Proposed Action (which does not include construction within the median) is estimated to last three years and eight months (see Section 1.7 of the Final EIS). Upon completion of construction, the roadway would have the same number of travel lanes that were in existence prior to the start of construction. A permanent closure of travel lanes would occur to accommodate the placement of support columns or to allow for the transition from an elevated subway or fixed guideway to an underground subway or fixed guideway. Replacement of lost travel lanes, if possible, would require additional widening of the roadway and potential taking of property to maintain the existing number of travel lanes and roadway capacity.

[38] While some impacts to infrastructure are inevitable in a project of this scale in New York City, the FAA assessed whether alternatives would present unduly prohibitive logistical hurdles to major infrastructure (major roadway; subway, rail, or transit service; airport runway; or major utilities). Logistical hurdles with respect to impacts to major infrastructure include lane or roadway closures for more than 3 consecutive days (see Footnote 38), disruption of utility service to large numbers of people (see Footnote 39), and disruption of transit service to large numbers of people. Table 2 provides information on the magnitude of impacts to major infrastructure, transportation facilities, and utilities for each alternative.

(NYSDOT) as a principal arterial, a minor arterial, or a major collector.[39] Major infrastructure includes electric power plants, electrical distribution facilities, water treatment plants, or wastewater treatment plants. A major utility is a sewer, water, or communications line that serves a large segment of population and cannot be easily replaced or relocated while continuing to provide uninterrupted service.[40] The relocation or modification of major transportation facilities, infrastructure, or utilities would have a material effect if the relocation would result in disruption of services to large segments of the population. Additionally, such relocations or modifications would increase construction cost and may extend construction time in comparison to alternatives that do not affect these facilities. Therefore, the FAA determined that these types of impacts would constitute an alternative that is not practicable or feasible to implement.

— Can the alternative be implemented without affecting peak-hour subway, rail, and/or transit service during construction?

  - For the response to be "yes," the construction of the alternative cannot result in disruption to subway, rail, and/or transit service during peak travel times for any rail or subway lines or significantly interfere with MTA subway and/or bus operations. Affecting peak-hour subway, rail, and/or transit service or extended disruption of transit service could affect the daily lives of large segments of the population.[41] Additionally, these effects could increase construction cost and may extend construction time in

[39] With respect to roadway traffic, the *New York State Highway Design Manual* (Chapter 16, "Maintenance of Traffic") requires that a traffic study be completed in order to evaluate the potential traffic impacts of lane closures on traffic along major roadways. A project that would require continuous lane closures for three or more days on major roads would be considered "significant." For example, if an alternative required the closure of the BQE or the GCP, up to 260,000 or 165,000 daily drivers would be affected, respectively. In addition, if such a closure or partial closure on any major roadway were to occur, a Traffic Management Plan (TMP) would be required. The TMP requires the evaluation of traffic mitigation measures for maintenance of traffic, including detours, off-peak closures, nighttime closures, etc. If the lane closure would result in significant traffic impacts, the New York State Department of Transportation would require that alternative means of construction be done or measures be enacted to mitigate the traffic impact. Given the lack of other roadways to accommodate such a large number of vehicles in the vicinity of LGA, there are very limited options to mitigate traffic affected by lane closures. Therefore, the FAA assumes that closure of major roadways during peak periods for three or more days is unreasonable. Ultimately, none of the alternatives were expected to require complete closures of major roadways during peak periods for three or more days; however, as noted in Footnote 36 above, temporary lane closures would be expected for a substantial portion of guideway construction for alternatives that required construction in the median of major roadways. Notably, segments of the Grand Central Parkway, Van Wyck Expressway, and other major roadways surrounding the airport are already operating at Level of Service E or F at various times of the day (see Sections 1.4.3 and 3.14.2.4 and Table 3.14-7 of the Final EIS).

[40] Major utilities in the area include 175-inch by 96-inch (14.5-foot by 8-foot) combined sewer, 120-inch by 108-inch (12-foot by 9_foot) interceptors, City Water Tunnel No. 2, 132-inch by 60-inch (11-foot by 5-foot) reinforced concrete sewer, and City Water Tunnel No. 3. Impacts to any of these facilities could affect more than 650,000 residents of Queens; according to the New York City Department of Environmental Protection (NYCDEP), relocation of combined sewer outfalls or interceptors could take more than 3 years to design and at least 10 years to construct. Depending on the nature of the impact, design and construction could expand beyond these timeframes. For example, NYCDEP noted in an email dated January 7, 2021 that for the outfall alone, the impacted drainage area is approximately 6,000 acres. Relocation of the outfall or interceptor would likely require amendments to 34 drainage plans; each drainage plan can take 3 years to develop and finalize. Appendix E.2 of the Final EIS contains information provided by NYCDEP on major utility lines in the vicinity of LGA, as well as records of meetings FAA had with NYCDEP to determine the feasibility of replacing or relocating these major utility lines.

[41] FAA coordinated with MTA (NYCT and LIRR), Federal Railroad Administration (FRA), and Amtrak to identify potential impacts of various alternatives on operation of their transit systems. Appendix E.1 contains records of meetings with MTA and Appendix E.3 contains records of meetings with FRA and Amtrak.

comparison to alternatives that do not affect these elements. Therefore, the FAA determined that these types of impacts would constitute an alternative that is not practicable or feasible to implement.

- Is the alternative reasonable to construct given cost considerations?
  - For the response to be "yes," the alternative cannot result in a cost that is more than two and a half times greater than the current $2.05 billion estimated project cost. The costs being used for this analysis are based on the average costs[42] of other similar transportation projects.[43] The FAA has determined that a cost of more than two and a half times greater than the current estimated cost for the Port Authority's proposed alternative is not reasonable.[44]
- Can the alternative provide access to identified locations throughout the New York metropolitan area?
  - For the response to be "yes," the alternative must provide reasonable access to identified access points representative of the origin/destination locations for passengers and employees at LGA.[45] The origin/destination locations are transit stations selected based on annual ridership data.[46] The station with the greatest ridership was selected as the representative access point for the geographic area. When annual ridership data were not available, representative access points were selected based on the largest number of transfers accessible at the location. Because it is not practical to require all passengers to travel to Manhattan to use the alternative to access LGA, the FAA considers alternatives that have limited geographic connectivity to be unreasonable.

[42] Costs are based on 2019 dollars and have been adjusted for the differences in construction costs where the transportation project is located in New York City. A survey of other recent transit projects was conducted to identify an average cost per mile. To provide a reasonable average cost per mile, only those projects that were constructed in densely developed urban areas with complex construction issues were chosen. The other transportation projects that were used for determining average costs include subway extensions in New York City (Q Line beneath Second Avenue), Los Angeles, San Francisco, and Seattle. A cost of $976.0 million per mile for an elevated subway or fixed guideway was used, and a cost of $1.09 billion per mile for an underground subway or fixed guideway was used. (CityLab, "Why It's So Expensive to Build Urban Rail in the U.S.," January 26, 2018.)

[43] To provide consistent cost comparisons for each alternative, costs are calculated on a straight, per-mile basis and only include construction of the actual transportation facility. Estimated costs do not include costs associated with land acquisition or modifications to other transportation facilities or utilities. Recognizing that the first screening criteria under Step 2 identified major utilities, roadways, etc. that would be impacted, addressing these impacts would result in cost increases. Since alternatives could be screened out based on those impacts, such additional costs do not need to be considered under this screening criteria as well.

[44] The FAA recognizes that a project that would cost twice as much as the Port Authority's preferred alternative is probably not practical, but to be conservative, the FAA has considered costs up to 2.5 times greater to potentially be reasonable.

[45] Port Authority of New York and New Jersey, *AirTrain LGA, LGA Ground Access Mode Choice Model and AirTrain Ridership Forecast 2025-2045*, October 2018. The identified access points are representative of the origin/destination of approximately 84 percent of the origin/destination locations for passengers and employees at LGA. The 84 percent is derived by adding the percentages of passengers and employees from the following areas: Bronx, Brooklyn, Manhattan, Queens, and Long Island. The remaining 16 percent of passengers and employees come from further points (such as Upstate New York, Staten Island, New Jersey, Pennsylvania, and Connecticut) and would likely experience similar access issues to those alternatives that are not able to meet the criterion based on the identified access points. See Table 2-4 in Chapter 2 of the Final EIS.

[46] Metropolitan Transportation Authority, Annual Ridership Report, 2017; Metropolitan Transportation Authority, Long Island Annual Ridership Report, 2018; Port Authority of New York and New Jersey, World Trade Center Station, https://www.panynj.gov/path/wtc-station.html (accessed on August 28, 2019).

FAA evaluated each alternative in Step 1 to determine whether the alternative could achieve the Purpose and Need. Alternatives that would not meet all elements of the Purpose and Need were determined to be unreasonable and, therefore, were eliminated from further consideration. Next, each alternative that met the Step 1 test moved to Step 2 of the screening process to determine whether or not it would be reasonable to construct and operate. Alternatives that did not pass all Step 2 evaluation metrics were eliminated. The exception is the No Action Alternative, which is retained pursuant to NEPA as implemented by the CEQ Regulations. **Table 2** provides a list of each of the alternatives considered, presents the results of the alternatives screening, and summarizes the screening evaluation. A full evaluation of each of the alternatives considered is documented in Chapter 2, Sections 2.5 and 2.6, of the Final EIS. Of the 47 alternatives evaluated, 31 alternatives passed the Step 1 screening criteria and were evaluated against the Step 2 screening criteria. Only one alternative, the Proposed Action met all the Step 1 and Step 2 screening criteria.

As discussed in Section 10.2 of this ROD, the MOU implementing EO 13807 required that the Lead Agency request separate written concurrence on each of three enumerated concurrence points from all Cooperating Agencies whose authorization is required for the project. "Concurrence," as defined in the MOU, means confirmation by the agency that the information is sufficient for that stage, and the environmental review process may proceed to the next stage. For each concurrence point, each Cooperating Agency was provided an opportunity to either confirm its concurrence or inform the Lead Agency that it could not yet concur. Although their concurrence was not required, Participating Agencies were also offered the opportunity to comment at each concurrence point. Concurrence Point 2, Alternatives to be Carried Forward for Analysis, was required to be achieved prior to detailed analysis in the Draft EIS and prior to presenting the results of alternatives screening to the public. A preliminary draft of the alternatives screening process and evaluation was distributed to the agencies on September 20, 2019. Resolution of comments and a final concurrence on the Alternatives to be Carried Forward for Analysis was achieved on October 7, 2019. As Cooperating Agencies, the USACE and State Historic Preservation Office (SHPO) concurred with minor comments and New York State Department of Environmental Conservation (NYSDEC) and NYSDOT concurred without comment. As Participating Agencies, MTA provided minor comments, and Federal Emergency Management Agency (FEMA) and National Marine Fisheries Service (NMFS) provided no comments. Appendix A.3 of the Final EIS contains correspondence related to Concurrence Point 2.

Concurrence Point 3, Preferred Alternative, was required to be achieved prior to releasing the Draft EIS to the public. As documented in Chapter 2 of the Final EIS, the FAA's preferred alternative is the Proposed Action. The preliminary Administrative Draft EIS was distributed to the agencies on June 1, 2020, to document the FAA's rationale for selecting the Preferred Alternative. Concurrence on the Identification of the Preferred Alternative (the Proposed Action) was achieved on June 16, 2020. As Cooperating Agencies, the USACE and NYSDEC concurred without comment and NYSDOT and SHPO concurred with minor comments. As Participating Agencies, Federal Highway Administration (FHWA) and NMFS had no comments. Appendix A.4 of the Final EIS contains correspondence related to Concurrence Point 3. There were no objections raised by any of the Cooperating or Participating Agencies on either Concurrence Point 2 or Concurrence Point 3. Additionally, as documented in Appendix E, FAA coordinated with New York City Department of Environmental Protection (NYCDEP), MTA (NYCT and LIRR), Federal Railroad Administration (FRA), and Amtrak on potential effects of the alternatives on various facilities under each agency's jurisdiction. Results of this coordination are reflected in the Summary of Screening Evaluation column in Table 2.

TABLE 2 (1 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
1	No Action Alternative[1]	Yes[2]	Yes[2]	The No Action Alternative would not meet the stated purpose and need of the Proposed Action because it does not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, provide supplemental access to LGA, or ensure adequate parking for Airport employees to enable efficient use of on-Airport space. However, in accordance with 40 CFR 1502.14(d), the No Action Alternative was retained for further analysis. See Section 2.5.1 of the Final EIS.	Yes[2]
2	Diversion of Air Traffic at LGA Alternatives	–	–		–
2A	Use of Other Airports Alternative[1]	No		Alternative 2A would not meet the stated purpose and need of the Proposed Action since it does not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, provide supplemental access to LGA, or ensure adequate parking for Airport employees to enable efficient use of on-Airport space. Additionally, by federal law, the Port Authority cannot require airlines to use certain airports and the diversion of traffic to local commercial airports could result in operational and safety concerns. See Section 2.5.2.1 of the Final EIS.	No
2B	Use of Trains and Buses Instead of Air Travel Alternative	No		Alternative 2B would not meet the stated purpose and need of the Proposed Action because it does not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, provide supplemental access to LGA, or provide adequate employee parking to enable efficient use of on-Airport space. Only one of the ten busiest air travel routes at LGA is within a four-hour driving radius of New York. The other nine destinations are considerably farther from New York than the typically desirable train or bus travel destinations. The duration in the time between destinations is a primary reason why travelers choose air travel over other modes of transportation and the use of trains or buses would not be acceptable to those travelers. See Section 2.5.2.2 of the Final EIS.	No
3	Use of Other Modes of Transportation to LGA Alternatives	–	–		–
3A	Ferry Service Alternative[1]	No		Alternative 3A would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain option that connects Airport passengers and employees to and from LGA or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. The introduction of ferry service, including construction of a ferry terminal at LGA, would require bus connections at the Airport, dedicated bus lanes on Airport property, and the use of nearby off-Airport roadways to transfer passengers between ferry terminals and airport terminals. The 2013 Citywide Ferry Study determined that "without an efficient and seamless bus connection to the rest of the LaGuardia Airport market" the likelihood of success is low. In addition, the Citywide Ferry Study concluded that less than two percent of passengers accessing LGA daily would use a ferry service.[3] Repurposing an existing public-use lane to a bus-service-only lane would reduce the existing capacity of any modified roadway. The reduction of capacity would vary based on the roadway and the existing number of travel lanes, but it is estimated that converting a public-use lane to a bus-service-only lane would reduce individual roadway capacities between 20 to 50 percent, based on preliminary traffic engineering review. Dedicated bus lanes would reduce surface transportation capacity on and in proximity to LGA, thereby continuing operational inefficiencies. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.3.1 and Appendix S, Response 2.3.5, of the Final EIS for more information.	No

TABLE 2 (2 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
3B	Helicopter Service Alternative	No		Alternative 3B would not meet the stated purpose and need of the Proposed Action because it does not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. Although helicopters would operate on a schedule, this alternative would not provide a time-certain transportation option to LGA because upon arrival at Terminal A, passengers would be required to use buses to access other terminals because there is no secure-side connection from Terminal A to Terminal B or C. Only one helipad (West 30th Street Heliport) in New York City operates 24 hours a day, 7 days a week; the other two helipads are closed overnight and either have limited hours on the weekends (Downtown Manhattan Heliport) or are closed on the weekends (East 34th Street Heliport). In order to provide a dedicated roadway for the inter-terminal Airport bus, either an existing lane of the on-Airport roadway would need to be converted to a dedicated bus lane or a new bus lane would need to be constructed. A dedicated, non-public bus roadway cannot be accommodated at LGA due to space constraints. Dedicated bus lanes would reduce surface transportation capacity, thereby continuing operational inefficiencies. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.3.2 of the Final EIS.	No
3C	Gondola Service Alternative	Yes	No	Alternative 3C would meet the Purpose and Need of the Proposed Action, but this alternative would encroach on the LGA Runway 4 approach surface, restricting the ability of aircraft to land on that runway, and result in the permanent loss of the emergency stopping lane on the BQE, both of which are unacceptable safety problems. Alternative 3C would also result in material effects to major transportation facilities due to permanent closure of travel lanes on Astoria Boulevard; temporary closure of travel lanes on Broadway, the BQE, and the GCP; the permanent shifting of travel lanes on Broadway and the BQE; and the permanent loss of street parking on one side of Broadway. Alternative 3C would affect up to 75,000 daily drivers on Astoria Boulevard. Construction of support columns would affect up to 14,000 daily drivers on Broadway, 260,000 daily drivers on the BQE, and 165,000 daily drivers on the GCP. See Section 2.6.2 of the Final EIS.	No
4	Transportation Systems Management (TSM) Alternatives	–	–		–
4A	Modify the Q48 Bus Route and the Q23 Bus Route to enter LaGuardia Airport at 94th Street Alternative	No		Alternative 4A would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA. Public buses under Alternative 4A would be subject to traffic congestion on off-Airport roadways and at off-Airport roadway intersections along the route. In addition, buses would use the on-Airport roadway network and would be affected by traffic volumes and congestion on the on-Airport roadway network, thereby continuing operational inefficiencies. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.4.1 of the Final EIS.	No
4B	Revise M60 Bus Route to Only Travel Between LGA and 125th Street Metro North Station Alternative	No		Alternative 4B would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, provide supplemental access to LGA, or reduce the number of passenger vehicle trips to and from LGA. Public buses under Alternative 4B would be subject to traffic congestion on off-Airport roadways and at off-Airport roadway intersections along the route. In addition, buses would use the on-Airport roadway network and would be affected by traffic volumes and congestion on the on-Airport roadway network, thereby continuing operational inefficiencies. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.4.2 of the Final EIS.	No

TABLE 2 (3 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
4C	Provide Free Bus Service on the Q70 Bus Route Alternative	No		Alternative 4C would not meet the stated purpose and need of the Proposed Action as it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA or provide supplemental access to LGA. Public buses under Alternative 4C would be subject to traffic congestion on off-Airport roadways and at off-Airport roadway intersections along the route. In addition, buses would use the on-Airport roadway network and would be affected by traffic volumes and congestion on the on-Airport roadway network, thereby continuing operational inefficiencies. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.4.3 of the Final EIS.	No
5	Transportation Demand Management Alternatives [1]	No		Alternative 5 would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. The TDM measures could have the effect of providing an opportunity to reduce the number of passenger vehicle trips to and from LGA; some TDM measures could add scheduled service and/or supplemental access. However, none of these TDM measures would result in a time-certain transportation option to LGA as they would not provide dedicated lanes or rights-of-way. See Section 2.5.5 of the Final EIS.	No
6	Emerging Transportation Technologies Alternatives	–	–		–
6A	Transportation Network Companies Alternative [1]	No		Alternative 6A would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, reduce the number of passenger vehicle trips to and from LGA, or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. Transportation Network Companies (TNC) would continue to use the local surface transportation network and would be subject to traffic volumes and conditions, thereby continuing operational problems, the same as the No Action Alternative (increased traffic volumes on-Airport roadways and on the adjacent surface transportation network as the number of Airport passengers increases in the future). This alternative would increase the number of trips to and from LGA and add to local traffic volumes. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.6.1 of the Final EIS.	No
6B	Autonomous Vehicles Alternative [1]	No		Alternative 6B would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, reduce the number of passenger vehicle trips to and from LGA, or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. Autonomous vehicles would continue to use the local surface transportation network and would be subject to traffic volumes and conditions, thereby continuing operational problems, the same as the No Action Alternative (increased traffic volumes on-Airport roadways and on the adjacent surface transportation network as the number of Airport passengers increases in the future). Autonomous vehicles would increase the number of trips to and from LGA and add to local traffic volumes. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.6.2 of the Final EIS.	No

TABLE 2 (4 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
7	Off-Airport Roadway Expansion Alternatives	–	–		–
7A	Additional Traffic Lanes on Grand Central Parkway Alternative[1]	No		Alternative 7A would not meet the stated purpose and need of the Proposed Action because it would not reduce vehicle trips, provide a time-certain transportation option that connects Airport passengers and employees to and from LGA, or provide adequate replacement Airport employee parking to enable efficient use of on-Airport space. The addition of travel lanes would not result in the provision of a time-certain transportation option to LGA because travel would continue to be affected by traffic volumes and congestion on the GCP. In addition, vehicles would use the on-Airport roadway network and would be affected by traffic volumes and congestion on the on-Airport roadway network that could affect travel times. See Section 2.5.7.1 of the Final EIS.	No
7B	Dedicated Bus Lanes to Q70 Bus Route Alternative	No		Alternative 7B would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA or provide supplemental access to LGA. Although the majority of the Q70 bus route would use a dedicated bus lane, a dedicated bus lane would not be possible at the Airport because of physical space limitations. There is no room to construct a new dedicated non-public road to all LGA terminals, nor is it practical or feasible to dedicate an existing lane for bus service (see Section 2.5.3.1 of the Final EIS). In addition, the conversion of off-Airport general-purpose traffic lanes to restricted bus lanes would result in additional congestion on off-Airport streets on which the Q70 bus route travels because a general-purpose travel lane in each direction would have to be converted to a dedicated bus lane, resulting in surface traffic having fewer lanes available, which will increase roadway congestion on off-Airport roadways. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.7.2 of the Final EIS.	No
7C	Dedicated Bus Lanes from Roosevelt Avenue via Junction Boulevard and 94th Street Alternative	No		Alternative 7C would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA. A dedicated bus lane would not be possible at the Airport because of physical space limitations. There is no room to construct a new dedicated non-public road to all LGA terminals, nor is it practical or feasible to dedicate an existing lane for bus service (see Section 2.5.3.1 of the Final EIS). In addition, existing parking lanes on both sides of Junction Boulevard and 94th Street would be eliminated, pushing traffic to other nearby streets, increasing traffic congestion and increasing demand for parking in other parts of the neighborhood. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.7.3 of the Final EIS.	No
7D	Dedicated Bus Route from Mets-Willets Point Subway Station via Roosevelt Avenue and Grand Central Parkway Alternative	No		Alternative 7D would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA. A dedicated bus lane would not be possible at the Airport because of physical space limitations. There is no room to construct a new dedicated non-public road to all LGA terminals, nor is it practical or feasible to dedicate an existing lane for bus service (see Section 2.5.3.1 of the Final EIS). In addition, the conversion of off-Airport general-purpose traffic lanes to restricted bus lanes would reduce capacity and eliminate parking along certain corridors, exacerbating delays on local roadways by pushing traffic to other nearby streets, making traffic conditions worse in other parts of the neighborhood. The reduction of capacity would vary based on the roadway and the existing number of travel lanes, but it is estimated that converting a public-use lane to a bus-service-only lane would reduce individual roadway capacities between 20 to 50 percent. Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.7.4 of the Final EIS.	No

TABLE 2 (5 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
7E	Elevated Busway from Mets-Willets Point Subway Station via Roosevelt Avenue and Flushing Bay Promenade Alternative	No		Alternative 7E would not meet the stated purpose and need of the Proposed Action because it would not provide a time-certain transportation option that connects Airport passengers and employees to and from LGA. A bus turnaround at LGA is not physically possible. Therefore, the buses would not have a dedicated right-of-way to the Airport and would need to use the on-Airport roadway network, as there is no room to construct a new dedicated non-public road to all LGA terminals (see Section 2.5.3.1 of the Final EIS). Dedicated bus lanes would reduce surface transportation capacity, thereby continuing operational problems, the same as the No Action Alternative (increased traffic volumes on-Airport roadways and on the adjacent surface transportation network as the number of Airport passengers increases in the future). Volatility and time uncertainty of travel to and from LGA would continue and would worsen as traffic volumes in the area increase. See Section 2.5.7.5 of the Final EIS.	No
8	Subway Extension Alternatives	–	–		–
8A	From Astoria Boulevard Subway Station: Elevated Above Astoria Boulevard and Grand Central Parkway Alternative [1]	Yes	No	Alternative 8A would meet the Purpose and Need of the Proposed Action, but this alternative would adversely affect major transportation facilities and disrupt peak hour rail service during construction. This alternative would require modifications to the Hell Gate rail trestle, which would disrupt Amtrak's Northeast Corridor service affecting up to 10,000 daily passengers; result in permanent reduction in service at the Astoria-Ditmars Subway Station, affecting a portion of the 13,000 daily users of this subway station; and require the permanent closure of travel lanes on Astoria Boulevard and the GCP, which would affect up to 75,000 daily drivers on Astoria Boulevard and up to 165,000 daily drivers on this segment of the GCP. As a branch of the N-W Lines from the Astoria Boulevard Subway Station, this alternative would result in the permanent reduction in service at the Astoria-Ditmars Subway Station, as the new service to LGA would have to be sequenced with the existing service along the N-W Lines, which would reduce the number of N-W trains from the east that could operate through the Astoria-Ditmars Boulevard Subway Station. Alternative 8A would impact existing major underground utilities, some of which provide services to more than 650,000 residents of Queens, including a 175-inch by 96-inch combined sewer, 132-inch by 60-inch double-barrel reinforced concrete storm sewer, 129-inch by 96-inch double-barrel combined sewer, and 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 8A would require subway tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the subway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on Astoria Boulevard and the GCP. See Section 2.6.3.1 of the Final EIS.	No
8B	From Astoria-Ditmars Boulevard Subway Station: Elevated Above 31st Street and 19th Avenue Alternative [1]	Yes	No	Alternative 8B would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities. It would require the temporary closure of travel lanes on 31st Street and 19th Avenue, which are identified as major collectors by NYSDOT and would affect up to 10,000 drivers on a daily basis. Alternative 8B would impact existing major underground utilities, some of which provide services to more than 650,000 residents of Queens, including a 175-inch by 96-inch combined sewer, 132-inch by 60-inch double-barrel reinforced concrete storm sewer, 129-inch by 96-inch double-barrel combined sewer, and two 120-inch by 108-inch interceptors. NYCDEP estimated that funding, feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 8B would require subway tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the subway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes and parking on 31st Street. See Section 2.6.3.2 of the Final EIS.	No

TABLE 2 (6 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
8C	From Astoria-Ditmars Boulevard Subway Station: Tunnel Beneath 31st Street and 19th Avenue Alternative [1]	Yes	No	Alternative 8C would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require excavation near the Hell Gate rail trestle. Construction would disrupt peak-hour operation of Amtrak Northeast Corridor and N-W Subway lines, which could affect approximately 10,000 daily passengers and up to 25,000 daily riders, respectively, and require the permanent closure of travel lanes and the permanent loss of parking on 31st Street, which is classified as a major collector by NYSDOT, affecting up to 10,000 daily drivers. Alternative 8C would impact existing major underground utilities, some of which provide services to more than 650,000 residents of Queens, including a 175-inch by 96-inch combined sewer, 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, a 120-inch by 108-inch interceptor, City Water Tunnel No. 2, a major redundant water supply tunnel for the City, two additional water mains, and nine sewer lines. Alternative 8C would affect level of service on roadways in proximity to sewer and watermain work and would require substantial coordination with applicable New York City agencies, including development of feasibility studies, to mitigate construction impacts to City infrastructure providing sewer service, water redundancy, and water supply. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. See Section 2.6.3.3 of the Final EIS.	No
8D	From Astoria-Ditmars Boulevard Subway Station: Elevated Above Ditmars Boulevard and Grand Central Parkway Alternative	Yes	No	Alternative 8D would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require excavation near the Hell Gate rail trestle. Construction would disrupt peak-hour operation of Amtrak Northeast Corridor, which could affect about 10,000 daily passengers; result in the temporary closure of travel lanes on Ditmars Boulevard; result in the permanent shift of travel lanes and the permanent removal of parking lanes on Ditmars Boulevard; and require the temporary closure of the roadway, which would affect up to approximately 30,000 drivers on Ditmars Boulevard on a daily basis during construction. Alternative 8D would impact existing major underground utilities, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, operation of Alternative 8D would require subway tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the subway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes and parking on Ditmars Boulevard, which is identified as a principal arterial (other) by NYSDOT. See Section 2.6.3.4 of the Final EIS.	No

TABLE 2 (7 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
8E	From 36th Street Subway Station: Tunnel Beneath Steinway Street and Grand Central Parkway Alternative	Yes	No	Alternative 8E would meet the Purpose and Need of the Proposed Action, but this alternative would result in a material effect to major transportation facilities, as it would result in a permanent reduction in service of the M-R Subway Lines at stations east of the 36th Street Subway Station, affecting a portion of the approximately 145,000 daily riders on the M-R Lines. Alternative 8E would impact existing major underground utilities; some of these major utilities provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, a 120-inch by 108-inch interceptor, City Water Tunnel No. 3, a major redundant water supply tunnel for the City, and six other sewer lines. Alternative 8E would require substantial coordination with applicable New York City agencies, including development of feasibility studies, to mitigate construction impacts to City infrastructure providing water redundancy and sewer service. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. See Section 2.6.3.5 of the Final EIS.	No
8F	From Roosevelt Avenue-Jackson Heights Subway Station: Elevated Above 82nd Street and Grand Central Parkway Alternative	Yes	No	Alternative 8F would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would disrupt peak-hour service on the 7 Line during construction and result in a permanent reduction in service at subway stations east of the 69th Street Subway Station, affecting a portion of the approximately 140,000 daily riders on the 7 Line east of the 69th Street Subway Station. Construction of the support columns for the elevated subway portion of this alternative would require the temporary closure of 82nd Street, which is identified as a major collector by NYSDOT, and the temporary loss of street parking on 82nd Street. Alternative 8F would impact major underground utilities; some of these major utilities provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 8F would require subway tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the subway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes and parking on 82nd Street, which is identified as a major collector by NYSDOT. See Section 2.6.3.6 of the Final EIS.	No
8G	From Mets-Willets Point Subway Station: Elevated Above Roosevelt Avenue and Flushing Bay Promenade Alternative	Yes	No	Alternative 8G would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on a major transportation facility due to disruption of peak-hour service on the 7 Line during construction and permanent reduction in service at subway stations east of the 111th Street Subway Station, affecting a portion of the approximately 60,000 daily riders on the 7 Line east of the 111th Street Subway Station. See Section 2.6.3.7 of the Final EIS.	No

TABLE 2 (8 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9	Fixed Guideway Alternatives	–	–		–
9A	From Willets Point Station[4] via Roosevelt Avenue and Flushing Bay Promenade Alternative (Port Authority Proposed Alternative)[1]	Yes	Yes	Alternative 9A would meet the Purpose and Need of the Proposed Action. This alternative alignment would cross over the 7 Line, Roosevelt Avenue, and the GCP / Whitestone Expressway interchange, and can be designed to avoid the need to relocate these major infrastructure facilities. Construction over the 7 Line and modifications to the Mets-Willets Point LIRR Station would be accommodated during off-peak hours and during weekend closures to avoid disrupting 7 Line and LIRR operations during peak travel times. This alternative would be elevated and would be designed to minimize impacts to underground utilities by following NYCDEP guidelines. This alternative was determined to be reasonable to construct and operate and was retained for detailed analysis in the EIS. See Section 2.6.4.1 of the Final EIS.	Yes
9B	From Willets Point Station[4] via Roosevelt Avenue and Grand Central Parkway Alternative	Yes	No	Alternative 9B would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as placing an elevated fixed guideway in the median of the GCP would require modifications to the GCP because the existing median and shoulders are not wide enough to accommodate the support structures of an elevated fixed guideway. This alternative would require the temporary closure of the westbound travel lanes on the GCP and the permanent shift south of the eastbound travel lanes on the GCP. The GCP is a principal arterial (expressway) as defined by NYSDOT and this closure and shifting of lanes would affect up to approximately 165,000 daily drivers on this segment of the GCP during construction. See Section 2.6.4.2 of the Final EIS.	No
9C	From Willets Point Station[4] via Roosevelt Avenue and Flushing Bay Promenade with a Ferry Stop Alternative	Yes	No	Alternative 9C would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as due to physical constraints, the construction of required vertical circulation facilities to access the elevated station at the Ferry Stop (such as elevators, stairs, and ramps) and the required support columns for this elevated station would require the placement of these facilities in the right-of-way of the GCP, requiring the shifting of GCP travel lanes to the south. The GCP is a principal arterial (expressway) as defined by NYSDOT and this shifting of lanes would affect up to approximately 165,000 daily drivers on this segment of the GCP during construction. In addition, the elevated station likely would block access to portions of the Flushing Bay Promenade. See Section 2.6.4.3 of the Final EIS.	No
9D	From Willets Point Station[4] via Long Island Rail Road Right-of-Way and Flushing Bay Promenade Alternative [1]	Yes	No	Alternative 9D would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as construction of the elevated structure above the LIRR right-of-way would result in the temporary suspension of service for an extended period of time on the Port Washington Branch, would affect up to approximately 39,000 daily riders on the LIRR Port Washington Branch. See Section 2.6.4.4 of the Final EIS.	No
9E	From Willets Point Station[4] via Long Island Rail Road Right-of-Way and Grand Central Parkway Alternative [1]	Yes	No	Alternative 9E would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as construction of the elevated structure above the LIRR right-of-way would result in the temporary suspension of service for an extended period of time on the Port Washington Branch, would affect up to approximately 39,000 daily riders on the LIRR Port Washington Branch, and would have larger systemwide impacts on the LIRR and East River Tunnel commuter service. Additionally, construction of support columns for the fixed guideway in the median of the GCP would require the temporary closure of travel lanes and the permanent shifting of travel lanes of the GCP to the south. The GCP is a principal arterial (expressway) as defined by NYSDOT and this construction would affect up to approximately 165,000 daily drivers on the GCP. See Section 2.6.4.5 of the Final EIS.	No

TABLE 2 (9 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9F	From Willets Point Station[4] via 126th Street and Grand Central Parkway Alternative	Yes	No	Alternative 9F would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require the temporary closure of the westbound traffic lanes on Northern Boulevard to construct support columns for the fixed guideway. After completion of construction, the support columns would require the permanent closure of one of the three westbound travel lanes on Northern Boulevard. Northern Boulevard is a principal arterial (other) as defined by NYSDOT. The temporary and permanent closure of these travel lanes would affect up to approximately 45,000 daily drivers and would require construction of support columns for the fixed guideway in the median of the GCP. These support columns would require shifting travel lanes to the south. The GCP is a major transportation facility as defined by NYSDOT and this shifting of travel lanes would affect up to approximately 165,000 daily drivers on GCP. Constructing an elevated structure over the 7 Line and along 126th Street could eliminate travel lanes on 126th Street and would affect the ability to operate buses on 126th Street during construction. Because this is a primary route for buses to and from the Bus Depot, this would affect more than 100,000 daily riders. Constructing an APM guideway and station in this area would impact the 7 Line and Mets-Willets Point Subway Station, the Bus Depot and/or the NYCT Corona Maintenance Facility as there is inadequate space to construct the guideway and station in this area without affecting one of these transportation facilities. Therefore, Alternative 9F would result in extensive disruption to MTA facilities and transit users. Additionally, Alternative 9F would require the relocation of a 84-inch by 60-inch storm sewer, thus having a material effect on a major utility. See Section 2.6.4.6 of the Final EIS.	No
9G	From Willets Point Station[4] via 126th Street and Across Flushing Bay Alternative	Yes	No	Alternative 9G would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as constructing an elevated structure over the 7 Line and along 126th Street could eliminate travel lanes on 126th Street, which would affect the ability to operate buses on 126th Street during construction. Because this is a primary route for buses to and from the Bus Depot, this would affect more than 100,000 daily riders. In addition, constructing an APM guideway and station in this area would impact the 7 Line and Mets-Willets Point Subway Station, the Bus Depot and/or the NYCT Corona Maintenance Facility as there is inadequate space to construct the guideway and station in this area without affecting one of these transportation facilities. Therefore, Alternative 9G would result in extensive disruption to MTA facilities and transit users. Additionally, Alternative 9G would require the APM alignment to span across the Whitestone Expressway at the intersection of Northern Boulevard and 126th Street, which would result in the loss of one travel lane on 126th Street and require the relocation of a 84-inch by 60-inch storm sewer, thus having a material effect on a major utility. See Section 2.6.4.7 of the Final EIS.	No
9H	From Willets Point Station[4] via 126th Street and Flushing Bay Promenade Alternative	Yes	No	Alternative 9H would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as constructing an elevated structure over the 7 Line and along 126th Street could eliminate travel lanes on 126th Street, which would affect the ability to operate buses on 126th Street during construction and require the relocation of a 84-inch by 60-inch storm sewer. Because this is a primary route for buses to and from the Bus Depot, construction would disrupt peak-hour commuter and transit service, affecting more than 100,000 daily riders. In addition, constructing an APM guideway and station in this area would impact the 7 Line and Mets-Willets Point Subway Station, the Bus Depot and/or the NYCT Corona Maintenance Facility as there is inadequate space to construct the guideway and station in this area without affecting one of these transportation facilities, therefore Alternative 9H would have a material effect on major transportation facilities and result in extensive disruption to MTA facilities and transit users. See Section 2.6.4.8 of the Final EIS.	No

TABLE 2 (10 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9I	From Northern Boulevard via Willets Point Station[4], Roosevelt Avenue, and Flushing Bay Promenade Alternative	Yes	No	Alternative 9I would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as constructing an elevated structure over the 7 Line and along 126th Street could eliminate travel lanes on 126th Street, which would affect the ability to operate buses on 126th Street during construction. Because this is a primary route for buses to and from the Bus Depot, this would disrupt peak-hour commuter and transit service during the construction period, affecting more than 100,000 daily riders. In addition, constructing an APM guideway and station in this area would impact the 7 Line and Mets-Willets Point Subway Station, the Bus Depot and/or the NYCT Corona Maintenance Facility as there is inadequate space to construct the guideway and station in this area without affecting one of these transportation facilities. Therefore, Alternative 9I would result in extensive disruption to MTA facilities and transit users. Additionally, support columns would be placed in the median of Northern Boulevard and would require the permanent closure of one travel lane in each direction. Northern Boulevard is a principal arterial (other) as defined by NYSDOT. The temporary and permanent closure of these travel lanes would affect up to approximately 45,000 daily drivers on this segment of Northern Boulevard. See Section 2.6.4.9 of the Final EIS.	No
9J	From Jamaica Station Transportation Hub via Van Wyck Expressway, Grand Central Parkway, and Flushing Bay Promenade Alternative [1]	Yes	No	Alternative 9J would meet the Purpose and Need of the Proposed Action, but this alternative would result in a material effect on Van Wyck Expressway and GCP as a result of requiring a shifting of lanes to allow for the placement of support columns in the median. Shifting of lanes on Van Wyck Expressway would result in partial, temporary closure of roadway segments, reducing the level of service on the local roadway network during construction, affecting a portion of the approximately 89,000 daily drivers on the affected section of Van Wyck Expressway and 165,000 daily drivers on the affected section of GCP. Both the Van Wyck Expressway and the GCP are principal arterials (expressways) as defined by NYSDOT. Alternative 9J would also disrupt JFK AirTrain during construction impacting peak-hour commuter and transit service during this period. Additionally, the cost of Alternative 9J would be an estimated $6.54 billion, approximately 210 percent greater than the $2.1 billion budgeted for the project and more than two and a half times the estimated cost associated with the Port Authority's proposed alternative. See Section 2.6.4.10 of the Final EIS.	No
9K	From Woodside LIRR/61st Street-Woodside Subway Station via an Existing Rail Right-of-Way, Brooklyn Queens Expressway, and Grand Central Parkway Alternative [1]	Yes	No	Alternative 9K would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive bridge and roadway reconstruction at the BQE interchange with GCP. The associated lane closures would affect approximately 260,000 daily drivers on this segment of the BQE and approximately 165,000 daily drivers on this segment of the GCP. The BQE is a principal arterial (interstate) and the GCP is a principal arterial (expressway) as defined by NYSDOT. In addition, Alternative 9K would result in the permanent shifting of travel lanes on the BQE and removal of the emergency stopping lane in the northbound direction. Alternative 9K would also affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9K would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCP. See Section 2.6.4.11 of the Final EIS.	No

TABLE 2 (11 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9L	From Roosevelt Avenue-Jackson Heights Subway Station via Broadway, Brooklyn Queens Expressway, and Grand Central Parkway Alternative [1]	Yes	No	Alternative 9L would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive bridge and roadway reconstruction at the BQE interchange with GCP. The associated lane closures would affect approximately 260,000 daily drivers on this segment of the BQE and approximately 165,000 daily drivers on this segment of the GCP. The BQE is a principal arterial (interstate) and the GCP is a principal arterial (expressway) as defined by NYSDOT. In addition, Alternative 9L would result in the permanent shifting of travel lanes on the BQE and removal of the emergency stopping lane in the northbound direction. Alternative 9L would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9L would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCP. See Section 2.6.4.12 of the Final EIS.	No
9M	From Woodside LIRR / 61st Street-Woodside Subway Station and Roosevelt Avenue-Jackson Heights Subway Station via Roosevelt Avenue, Broadway, Brooklyn Queens Expressway, and Grand Central Parkway Alternative	Yes	No	Alternative 9M would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive bridge and roadway reconstruction at the BQE interchange with GCP. The associated lane closures would likely result in a temporary decrease in level of service on both roadways which could affect approximately 260,000 daily drivers on this segment of the BQE and approximately 165,000 daily drivers on this segment of the GCP. The BQE is a principal arterial (interstate) and the GCP is a principal arterial (expressway) as defined by NYSDOT. In addition, Alternative 9M would result in the permanent shifting of travel lanes on the BQE and removal of the emergency stopping lane in the northbound direction, Alternative 9M would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9M would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCP. See Section 2.6.4.13 of the Final EIS.	No

TABLE 2 (12 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9N	From Astoria Boulevard Subway Station via Astoria Boulevard and Grand Central Parkway Alternative [1]	Yes	No	Alternative 9N would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive roadway reconstruction on the GCP to construct support columns for the fixed guideway. The associated lane closures would affect approximately 165,000 daily drivers on this segment of the GCP. Alternative 9N would also adversely affect transportation facilities, as it would modify the Hell Gate rail trestle, which would disrupt peak-hour operation of Amtrak Northeast Corridor and other passenger rail service. This disruption could affect about 10,000 daily passengers. In addition, Alternative 9N would result in the permanent loss of travel lanes on Astoria Boulevard which could affect up to 75,000 daily drivers. Astoria Boulevard is a principal arterial (other) and the GCP is a principal arterial (expressway) as defined by NYSDOT. Alternative 9N would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9N would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on Astoria Boulevard and the GCP. See Section 2.6.4.14 of the Final EIS.	No
9O	From Hunterspoint Avenue LIRR Station via Existing Rail Right-of-Way, 31st Street, Brooklyn Queens Expressway, and Grand Central Parkway Alternative	Yes	No	Alternative 9O would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive bridge and roadway reconstruction at the BQE interchange with GCP. The associated lane closures would affect approximately 260,000 daily drivers on this segment of the BQE and approximately 165,000 daily drivers on this segment of the GCP. Construction of the support columns would cause a permanent shift of travel lanes on the BQE, and removal of an approximately 4,200-foot portion of the emergency stopping lane in the northbound direction. The BQE is a principal arterial (interstate) and the GCP is a principal arterial (expressway) as defined by NYSDOT. In addition, Alternative 9O would disrupt operation of LIRR affecting peak-hour commuter transit service during construction due to construction on an elevated structure above the right-of-way of the LIRR. Alternative 9O would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9O would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCP. See Section 2.6.4.15 of the Final EIS.	No

TABLE 2 (13 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9P	From Sunnyside Yards via Existing Rail Right-of-Way, Steinway Street, and Grand Central Parkway Alternative	Yes	No	Alternative 9P would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would result in the temporary closure of travel lanes on Steinway Street and the GCP, which would affect up to approximately 12,000 daily drivers on this segment of Steinway Street and up to approximately 165,000 daily drivers on this segment of the GCP. Steinway Street is a major collector and the GCP is a principal arterial (expressway) as defined by NYSDOT. Construction of the support columns would cause a permanent shift of travel lanes on Steinway Street and removal of a parking lane on one side of Steinway Street. Alternative 9P would result in disruption of operation of LIRR and Amtrak service, which could affect about 10,000 daily passengers during construction and result in permanent reduction of throughput capacity of Sunnyside Yards. Alternative 9P would affect major underground utility lines; some of these major utilities provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9P would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the GCP. See Section 2.6.4.16 of the Final EIS.	No
9Q	From Northern Boulevard Subway Station via Broadway, Steinway Street, and Grand Central Parkway Alternative	Yes	No	Alternative 9Q would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would modify the Hell Gate rail trestle which would disrupt peak-hour operation of Amtrak Northeast Corridor and other passenger rail service across the northeast corridor. This disruption could affect about 10,000 daily passengers. In addition, Alternative 9Q would require temporary closure of travel lanes on Broadway, Steinway Street, and the GCP, which would affect up to approximately 10,000 daily drivers on this segment of Broadway, up to approximately 12,000 daily drivers on this segment of Steinway Street, and up to approximately 165,000 daily drivers on this segment of the GCP. Broadway is a principal arterial (other), Steinway Street is a major collector, and the GCP is a principal arterial (expressway) as defined by NYSDOT. Construction of the support columns would cause a permanent shift of travel lanes on Broadway and Steinway Street and removal of a parking lane on one side of Broadway and Steinway Street. Alternative 9Q would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9Q would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the GCP. See Section 2.6.4.17 of the Final EIS.	No

TABLE 2 (14 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9R	Through Line Connecting Willets Point Station[4], LaGuardia Airport, and Woodside LIRR/61st Street-Woodside Subway Station via Roosevelt Avenue, Grand Central Parkway, Brooklyn Queens Expressway, and an Existing Rail Right-of-Way Alternative	Yes	No	Alternative 9R would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require realignment of the BQE interchange with the GCP as well as extensive bridge and roadway reconstruction, having a material effect on a major transportation facility. Construction could affect up to approximately 260,000 drivers on this segment of the BQE and up to approximately 165,000 daily drivers on this segment of the GCP. Construction of the support columns would cause a permanent shift of travel lanes on the BQE and removal of the emergency stopping lane in the northbound direction. The BQE is a principal arterial (interstate) as defined by NYSDOT. Alternative 9R would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9R would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCP. Operation of 9R would also result in the modification of the GCP and Whitestone Expressway interchange. See Section 2.6.4.18 of the Final EIS.	No
9S	Through Line Connecting Woodside LIRR/61st Street-Woodside Subway Station and Roosevelt Avenue-Jackson Heights Subway Station via Broadway, Roosevelt Avenue, an Existing Rail Right-of-Way, Brooklyn Queens Expressway, and Grand Central Parkway Alternative	Yes	No	Alternative 9S would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require extensive bridge and roadway reconstruction at the BQE interchange with GCP which could affect approximately 260,000 daily drivers on this segment of the BQE and approximately 165,000 daily drivers on this segment of the GCP. In addition, construction of the support columns for the fixed guideway along Broadway would require the temporary closure of travel lanes, which would affect up to approximately 14,000 daily drivers on this segment of Broadway. Construction of the support columns would also cause the permanent shift of travel lanes on the BQE, removal of the emergency stopping lane in the northbound direction, the permanent shift of travel lanes on Broadway, and removal of the parking lane on one side of Broadway. Broadway is a principal arterial (other), the BQE is a principal arterial (interstate), and the GCP is a principal arterial (expressway) as defined by NYSDOT. Alternative 9S would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9S would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on the BQE and the GCPI and modification of the GCP and Whitestone Expressway interchange. See Section 2.6.4.19 of the Final EIS.	No

TABLE 2 (15 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
9T	Through Line Connecting Willets Point Station[4], LaGuardia Airport, and Astoria-Ditmars Boulevard Subway Station via Roosevelt Avenue, Grand Central Parkway, 19th Avenue, and 31st Street Alternative	Yes	No	Alternative 9T would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as construction of structural columns would require the temporary closure of the westbound travel lanes and the permanent shift south of the eastbound travel lanes of the GCP affecting up to 165,000 daily drivers on this segment of the GCP and the temporary closure of travel lanes affecting up to 10,000 daily drivers on 31st Street and 19th Avenue. Construction of the support columns would cause the permanent shift of travel lanes on 31st Street and 19th Avenue and removal of the parking lane on one side of both 31st Street and 19th Avenue. Alternative 9T would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. To avoid the material effect on major utilities, Alternative 9T would require tunnel construction in bedrock beneath LGA. In order to tunnel underneath the sewer interceptor, the fixed guideway would need to transition underground, which would occur over a distance of 5,000 linear feet due to maximum grade requirements of 3 percent. This transition would result in the permanent loss of travel lanes on 31st Street and modification to the GCP and Whitestone Expressway interchange. See Section 2.6.4.20 of the Final EIS.	No
10	Rail Alternatives	–	–		–
10A	Underground from Sunnyside Yards via Brooklyn Queens Expressway and Grand Central Parkway Alternative	Yes	No	Alternative 10A would meet the Purpose and Need of the Proposed Action, but this alternative would result in disruption of operation of LIRR and Amtrak service and result in permanent reduction of throughput capacity of Sunnyside Yards, one of the busiest rail yards in the country and a key train storage yard and maintenance hub for Amtrak's Northeast Corridor. It also serves New Jersey Transit and the LIRR, which is developing storage tracks and maintenance facilities there as part of the LIRR East Side Access project. The construction and operation of a new underground station in Sunnyside Yards would result in the need to remove one or more of the tracks on a temporary or permanent basis. This would negatively affect nearly all LIRR passengers and negatively affect Amtrak service, which would affect up to approximately 10,000 daily Amtrak passengers. Additionally, initiating new service to LGA from Sunnyside Yards would be problematic because of the lack of storage capacity either at ground level or underground at Sunnyside Yards or at LGA. Alternative 10A would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. See Section 2.6.5.1 of the Final EIS.	No

TABLE 2 (16 OF 16) SUMMARY OF ALTERNATIVES SCREENING EVALUATION

ALTERNATIVE		PASS ALTERNATIVE TO THE NEXT STEP		SUMMARY OF SCREENING EVALUATION	RETAINED FOR FURTHER ANALYSIS IN THE EIS?
		STEP 1	STEP 2		
10B	Underground from Midtown Manhattan via Tunnel Beneath East River Alternative	Yes	No	Alternative 10B would meet the Purpose and Need of the Proposed Action, but this alternative would have a material effect on major transportation facilities, as it would require construction of a new rail line in an existing rail corridor for either Penn Station or Grand Central Terminal. Neither terminal currently has capacity to accommodate an additional rail line. In order to provide new service to/from either Penn Station or Grand Central Terminal, LIRR would be required to cancel trains on other branches and "re-assign" the East River slots to the LGA service (if an existing tunnel was used). It would not be possible to limit the train cancellations to one or two LIRR branches because of the way that slots are allocated within the East River Tunnels (and will be allocated in 63rd Street Tunnel when LIRR East Side Access project is completed). All LIRR electric branches (for example, Babylon, Port Washington, Huntington/Port Jefferson, Ronkonkoma, Long Beach, Hempstead, West Hempstead, and Far Rockaway) would see service cuts. In addition, service on the LIRR diesel branches also would be affected through the cancellation of scheduled connecting trains (for transfer between diesel and electric trains). These diesel branches include Oyster Bay, Montauk, Port Jefferson (east of Huntington), and Greenport (the Main Line east of Ronkonkoma). Alternative 10B would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and a 120-inch by 108-inch interceptor. NYCDEP estimated that allocation of funding and completion of feasibility studies, design, and construction could take up to 10 years. Additionally, the 7.2-mile rail extension in this alternative would cost approximately $7.82 billion, which is more than two and half times the estimated $2.05 billion cost associated with the Port Authority's proposed alternative. Finally, this alternative would not provide access to identified access points. See Section 2.6.5.2 of the Final EIS.	No
10C	Underground from Upper East Side Manhattan via New Tunnel Beneath East River Alternative	Yes	No	Alternative 10C would meet the Purpose and Need of the Proposed Action, but this alternative would affect major underground utility lines, some of which provide services to more than 650,000 residents of Queens, including a 132-inch by 60-inch double-barrel reinforced concrete storm sewer, a 129-inch by 96-inch double-barrel combined sewer, and an120-inch by 108-inch interceptor. NYCDEP estimate that funding, feasibility studies, design, and construction could take up to 10 years. The 5.8-mile rail extension in this alternative would cost approximately $6.3 billion, which is more than two and a half times the estimated $2.05 billion cost associated with the Port Authority's proposed alternative. Finally, this alternative would not provide reasonable additional access to all identified access points. See Section 2.6.5.3 of the Final EIS.	No

NOTES:
– Not applicable
EIS – Environmental Impact Statement
LGA – LaGuardia Airport
LIRR – Long Island Rail Road
TSM – Transportation Systems Management
1 Alternative provided by the Port Authority of New York and New Jersey.
2 Required to be included per 40 CFR 1502.14(d).
3 The 2013 Citywide Ferry Study noted that a privately operated ferry service from ferry terminals at Pier 11 and East 34th Street in Manhattan to the Marine Air Terminal at LGA operated from 1988 to 2000, but lost money for the operator and Delta Air Lines who provided a fuel subsidy for their sponsorship of the service. New York City Economic Development Corporation, *Citywide Ferry Study 2013 – Final Report*, 2013.
4 For the alternatives that have the origin station between the Mets-Willets Point Subway Station (serving the 7 Line) and the Mets-Willets Point LIRR Station, this location is referred to as the Willets Point Station.
SOURCE: Ricondo & Associates, Inc., March 2020.

7. THE PREFERRED ALTERNATIVE

In accordance with 40 CFR 1502.14(e) and 40 CFR 1505.2, the FAA has identified the Proposed Action as its preferred alternative, which is defined by CEQ as "the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors."[47] As disclosed in the Final EIS, the FAA conducted a thorough and independent analysis of alternatives considering its statutory mission and responsibilities with regards to transportation policy and has concluded that the Proposed Action best meets the stated Purpose and Need and the Port Authority's goals and objectives.

The FAA has selected the preferred alternative based on a review of each alternative's ability to fulfill the agency's mission while considering their economic and environmental impacts, and technical factors. The FAA has completed the appropriate environmental review and the necessary steps in the NEPA process, including:

- carefully considering the alternatives and the ability of the alternatives to satisfy the identified purpose and need for the project;
- evaluating the potential impacts of the alternatives carried forward, including the determination that the Proposed Action can be considered the environmentally preferable alternative; and
- reviewing and considering public testimony, comments submitted in response to the Draft EIS and Final EIS, and coordination with federal, state, and local agencies.

The FAA identified the Proposed Action as the preferred alternative in both the Draft EIS and the Final EIS. The Proposed Action meets the Purpose and Need by providing a time-certain transportation option and supplemental access to LGA. It will provide the opportunity to reduce the number of passenger vehicle trips to and from LGA and adequate replacement Airport employee parking as part of the APM OMSF and Parking Structure, which will result in a more efficient use of on-Airport space. The Proposed Action is also reasonable to construct and operate given cost considerations. It will not have a material effect to major infrastructure, transportation facilities, or utilities and will not affect peak-hour subway, rail, and/or transit service during construction, while providing access to identified locations throughout the New York metropolitan area.

CEQ regulations (40 CFR 1505.2(b)) also require that a lead agency identify the environmentally preferred alternative in the ROD. The environmentally preferred alternative is the alternative that best promotes the national environmental policies incorporated into Section 101 of NEPA.

As discussed in Section 11.1 of this ROD, the No Action Alternative is the environmentally preferable alternative because it would have less environmental impacts than the Proposed Action. However, the No Action Alternative would not meet the stated Purpose and Need. The No Action Alternative would not provide any supplemental access or improvements to existing access routes to LGA, and access to LGA would be generally consistent with existing conditions. This alternative does not provide a time-certain transportation option to LGA, an opportunity to reduce passenger vehicle trips to and from LGA, or adequate replacement Airport employee parking to enable a more efficient use of on-Airport space. Because LGA is a highly constrained site with a small footprint and limited opportunity to expand airside and landside support facilities, keeping employee parking in its existing location reduces the Port Authority's flexibility for efficient performance of routine maintenance activities.

[47] Council of Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 46 Federal Register 18026, March 23, 1981 (Number 4a).

The FAA has selected the Proposed Action as the preferred alternative because it is the only alternative that meets the purpose and need and was determined to be reasonable to construct and operate. The Proposed Action is a transportation improvement project that is designed to provide access options for LGA employees and passengers, reduce traffic congestion on off-Airport roadways near the Airport, provide connections to the local and regional transit system, and would ensure adequate parking for Airport employees. The FAA has made this determination based on the analysis of potential impacts and incorporation of mitigation measures as discussed in the following sections.

8. ENVIRONMENTAL IMPACTS

This section briefly summarizes the environmental resource categories analyzed as part of the Final EIS and potential environmental impacts that are expected to result from implementation of the Proposed Action. The impact analyses were based on the project components described in Sections 1.6 of the Final EIS and construction schedule assumptions contained in Section 1.7 of the Final EIS. Any material change to the project scope or construction schedule may require re-evaluation of the environmental impacts associated with the Proposed Action. Measures to avoid, minimize, and mitigate these impacts are identified in Section 9 of this ROD. More detailed evaluations of these environmental categories, as well as mitigation measures, can be found in Chapter 3 of the Final EIS.

8.1 AIR QUALITY

The Proposed Action must comply with the Clean Air Act (CAA), which requires federal agencies to ensure that actions proposed to occur in a designated nonattainment or maintenance area conform to the appropriate State Implementation Plan (SIP). Queens County, in which the Proposed Action is located, is designated as a moderate nonattainment area for the 2015 O_3 standard,[48] and it was most recently reclassified from a moderate to a serious nonattainment area for the 2008 O_3 standard.[49] In addition, the county is designated as a maintenance area for CO and $PM_{2.5}$. Queens County is in attainment for all other criteria pollutants. Therefore, the Proposed Action must conform with New York State's plan to attain and maintain national standards for air quality through the CAA conformity regulations. Typically, FAA actions fall under the General Conformity Rule, which applies to all federal actions except for certain highway and transit programs. Compliance with General Conformity is achieved if the Proposed Action would not cause emissions that exceed *de minimis* levels defined for the criteria pollutants (see 40 CFR 93.153(b)). As documented in Section 3.4 of the Final EIS, criteria pollutant inventories were prepared for construction of the Proposed Action and for operational activities that will change under the Proposed Action as compared to the No Action Alternative.

The Transportation Conformity Rule contained in 40 CFR 93.121, covers certain highway and transit projects, including regionally significant transportation projects, as defined in 40 CFR 93.101. The LGA Access Improvement Project was included in the regional emissions analysis for the New York Metropolitan Transportation Council Transportation Improvement Program[50] and Transportation Conformity Determination[51] adopted by the New York Metropolitan Transportation Council on November 21, 2019, and approved by the FHWA and Federal Transit Administration (FTA) on January 22, 2020. On December 17, 2020, the New York Metropolitan Transportation Council amended the Federal Fiscal Years 2020-2024 Transportation Improvement Program (TIP) to include the Proposed Action. The Proposed Action does not currently require any approvals from the FHWA or the FTA and would not include any funding subject to Title 23 U.S.C., but inclusion in the TIP by definition means the Proposed Action demonstrates transportation conformity in the event the Port Authority pursues funding subject to Title 23 U.S.C.[52]

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[48] US Environmental Protection Agency, USEPA Green Book: https://www3.epa.gov/airquality/greenbook/anayo_ny.html (accessed on November 25, 2019).

[49] *Federal Register*, Vol. 84, No. 164, https://www.govinfo.gov/content/pkg/FR-2019-08-23/pdf/2019-17796.pdf (accessed August 7, 2019).

[50] New York Metropolitan Transportation Council, *Transportation Improvement Program, Federal Fiscal year 2017-2021*, September 7, 2016.

[51] New York Metropolitan Transportation Council, *Transportation Conformity Determination,* November 21, 2019.

[52] 40 CFR 93.102(a)(2).

Construction of the Proposed Action will result in a temporary increase in criteria pollutant emissions. Emissions inventories were prepared for each year of construction from 2021 through 2025, as presented in Table 3.4-4 of the Final EIS. Criteria pollutant emissions were compared against the General Conformity *de minimis* thresholds to determine conformity with the state's plan. Annual construction-related emissions will be below the *de minimis* thresholds for all criteria pollutants. Temporary effects will occur during construction, but the change in emissions will not exceed *de minimis* thresholds or any National Ambient Air Quality Standard (NAAQS). Therefore, a General Conformity determination is not required and there will be no significant adverse air quality impacts.

The Proposed Action is a transportation improvement project that is designed to provide access options for LGA employees and passengers and provide connections to the local and regional transit system, and is also expected to reduce traffic congestion on off-Airport roadways near the Airport. The Proposed Action will not result in a change to the number of flights, type of aircraft, or number of passengers at LGA; it will only change how passengers and employees access the Airport. Therefore, the Final EIS analyzed changes in surface vehicle traffic patterns and numbers of trips that will occur because of the Proposed Action, as well as emissions from new stationary facilities.[53] As documented in Section 3.4 and Table 3.4-5 of the Final EIS, the operational incremental change in emissions will result in an overall reduction in emissions for all pollutants in all scenarios, when comparing the Proposed Action to the No Action Alternative. Therefore, no significant impacts to air quality will be expected to result from operation of the Proposed Action and a General Conformity determination is not required. Additionally, in accordance with the FAA Air Quality Handbook, the Proposed Action can be determined to "not cause a significant air quality impact, since it is unlikely the pollutant concentration analyzed will exceed a NAAQS."

No significant adverse air quality impacts are expected to result from construction or operation of the Proposed Action. However, the Port Authority will implement measures addressing temporary increases in emissions from construction of the Proposed Action as detailed in Section 9 of this ROD.

8.2 BIOLOGICAL RESOURCES

The Proposed Action may affect threatened or endangered marine or terrestrial species; therefore, pursuant to Section 7 of the Endangered Species Act, consultation was initiated with the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). A Biological Assessment evaluating terrestrial species was prepared to support consultation with USFWS. A second Biological Assessment evaluating marine species was prepared to support consultation with NMFS. An Essential Fish Habitat (EFH) Assessment was also prepared to document and evaluate direct and indirect impacts resulting from the construction and operation of the Proposed Action for EFH species and to support consultation with NMFS. Additionally, the direct and indirect impacts from construction and operation of the Proposed Action were evaluated for all federally and state listed species within the General Study Area and to determine if implementation of the Proposed Action could result in the need for federal listing of a species. Section 3.5 of the Final EIS identifies the potential impacts from the Proposed Action to biological resources.

The Biological Assessments indicate the potential presence of ten federally listed endangered and threatened species in the General Study Area (see Table 3.5-1 of the Final EIS). However, no federally listed species were observed during field reconnaissance. Additionally, as determined through field reconnaissance, suitable habitat for eight of the ten listed species does not exist within the heavily developed General Study Area, so it is unlikely that any individuals of these species are present. The remaining two special status species—Atlantic Sturgeon and Shortnose Sturgeon—are potentially present in the General Study Area; potential impacts to these species from

[53] Stationary sources include fixed combustion equipment, such as natural gas space heaters, water heaters, and emergency generators.

construction and operation of the Proposed Action were assessed based on five stressors associated with in-water activity. Evaluation of these stressors, including noise, turbidity, vessel traffic, dredge entrapment, and habitat modification, were reviewed in relation to construction activities associated with the Proposed Action and were determined to be not significant. Furthermore, it is anticipated that neither the operations of the Proposed Action nor the physical presence of the infrastructure will affect terrestrial or aquatic endangered or threatened species.

Consistent with the recommendations in the Biological Assessments, the USFWS and NMFS have made determinations that the Proposed Action *may affect, but is not likely to adversely affect*, special status species or EFH. However, NMFS recommended Best Management Practices (BMPs) during construction of the Proposed Action to mitigate potential impacts to biological resources. These measures and the other mitigation measures addressing impacts to biological resources from the Proposed Action are detailed in Section 9 of this ROD.

No significant impacts to biological resources are expected to result from construction or operation of the Proposed Action.

8.3 CLIMATE

The FAA has not established a significance threshold for climate and greenhouse gas (GHG) emissions, nor has the FAA identified specific factors to consider in making a significance determination for GHG emissions. For disclosure purposes, GHGs associated with the Proposed Action have been calculated in accordance with FAA guidelines. The GHG emissions inventory was prepared similar to the air quality emissions inventory, quantifying GHG emissions for construction of the Proposed Action and for operational activities that will change under the Proposed Action as compared to the No Action Alternative. Section 3.6 of the Final EIS identifies the potential impacts from the Proposed Action to climate.

Under the Proposed Action, GHG emissions will temporarily increase during construction by approximately 35,800 metric tons of carbon dioxide equivalent (CO_2e) due to fuel usage by construction equipment and by haul, delivery, and employee trips. This increase will constitute approximately 0.07 percent of the total NYC GHG emissions. Therefore, no significant impacts from construction are expected.

Operation of the Proposed Action is expected to result in a net overall reduction in operational GHG emissions. The Proposed Action is designed to provide access options for LGA employees and passengers and provide connections to the local and regional transit system, and is also expected to reduce traffic congestion on off-Airport roadways near the Airport. The projected shift of air passengers using private vehicles, taxis, limousines, and Transportation Network Companies (TNCs), such as Uber or Lyft, (which are considered low-occupancy vehicles) to public transportation will reduce surface vehicle trips to and from the Airport. Based on ridership forecasts, the Proposed Action is projected to remove between approximately 1.1 million and 1.5 million vehicle trips from the New York City roadway network in 2026 and between approximately 1.2 million and 1.6 million vehicle trips in 2031. The emissions associated with the reduction in trips and vehicle miles traveled were quantified and included in the GHG analysis. Similar to the air quality analysis, the operational incremental change in GHG emissions will result in an overall reduction in CO_2e emissions in all scenarios, when comparing the Proposed Action to the No Action Alternative (see Table 3.6-2 of the Final EIS). Operation of the Proposed Action will not be a significant contributor to climate change as the Proposed Action is expected to result in a net overall reduction in operational greenhouse gas emissions.

Since construction and operation of the Proposed Action is not expected to result in adverse impacts to climate, no mitigation measures are required; however, the Port Authority will implement measures addressing temporary increases in GHG emissions from construction of the Proposed Action as detailed in Section 9 of this ROD.

8.4 COASTAL RESOURCES

The majority of the General Study Area is within the New York City Coastal Zone Boundary. Two of the five types of special area designations in the New York City Waterfront Revitalization Program (WRP) are present within the General Study Area: the East River/Long Island Sound Special Natural Waterfront Area (SNWA) and the Priority Marine Activity Zone (PMAZ). Impacts to coastal resources were assessed through evaluation of consistency with the policies identified in the New York State Coastal Management Plan. Section 3.7 of the Final EIS identifies the potential impacts from the Proposed Action to coastal resources.

As part of the coastal zone consistency determination process, the WRP Coastal Assessment Form was submitted to the New York State Department of State (NYSDOS) and the New York City Planning Commission for their review. On March 19, 2021, the NYSDOS issued a consistency certification pursuant to 15 CFR 930.62 concurring that the LGA Access Improvement Project is consistent with the New York State Coastal Management Program and the WRP. Therefore, no significant impacts to coastal resources are expected to result from construction or operation of the Proposed Action. Existing coastal resources, including the SNWA and PMAZ, will be protected to the maximum extent practicable during construction of the Proposed Action, which will be mainly consistent with applicable WRP policies. The Proposed Action will not cause an unacceptable risk to human safety or property, or adverse impacts to the coastal environment that cannot be mitigated. The Proposed Action will have impacts to visual character and visual resources that will be temporarily inconsistent with three WRP coastal policies during construction. The Proposed Action will introduce visual elements that will partially affect views from residential areas along Ditmars Boulevard between LGA and Astoria Boulevard; however, implementation of the Proposed Action is not expected to result in adverse impacts to coastal resources with the inclusion of mitigation measures for the Proposed Action detailed in Section 9 of this ROD.

8.5 DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f) AND LAND AND WATER CONSERVATION FUND ACT, SECTION 6(f) RESOURCES

Section 3.8 of the Final EIS identifies the potential impacts from the Proposed Action to properties protected under Section 4(f) of the Department of Transportation Act (Section 4(f)) and properties obligated under Land and Water Conservation Fund Act, Section 6(f) (Section 6(f)).

8.5.1 SECTION 4(f) PROPERTIES

Pursuant to the provisions of Section 4(f), publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic properties, both publicly and privately owned, that are listed in or eligible for listing in the National Register of Historic Places (NRHP), are protected from use by DOT projects unless there is no feasible or prudent alternative. These properties are collectively referred to as Section 4(f) properties (see Exhibit 3.8-1 of the Final EIS). There are four publicly owned parks and recreation areas located within the General Study Area, including Flushing Meadows-Corona Park, Hinton Park and the Louis Armstrong Playground, Overlook Park, and the GCP.[54] There are also twelve historic properties, also protected under Section 4(f), that have been identified within the study area for architectural resources, referred to as the Area of Potential Effect-Architecture (see Section 8.7 of this ROD).

[54] The grassy medians and landscaped sections of the GCP are considered parkway under the jurisdiction of NYC Parks. However, these areas are not designated nor intended for public access or recreation; rather they provide a visual amenity to automobile drivers on the GCP. According to FHWA guidance, park roads and parkway projects funded under the FHWA's Federal Land Highway Program (23 U.S.C. § 204) are not subject to Section 4(f). As such, the grassy medians and landscaped sections of the GCP would not be subject to Section 4(f).

An adverse effect to a Section 4(f) property would occur through either a physical or constructive use of the resource. According to FAA Order 1050.1F, a physical use is an instance in which a Section 4(f) property is permanently incorporated into the transportation facility or, as a temporary physical use, in which a resource is occupied in a way that is adverse to the Section 4(f) property's activities or purpose, and is more than minimal. Constructive use is an instance in which, although a resource is not physically used, an action's indirect impacts substantially impair the Section 4(f) property's protected activities, features, or attributes.

Section 4(f) properties identified within the General Study Area were assessed to determine whether the Proposed Action would result in physical use, through permanent incorporation or temporary occupancy of a Section 4(f) property, or constructive use of each resource individually. As identified in Section 3.8 and Appendix I of the Final EIS, the Proposed Action will involve a physical use of the following Section 4(f) properties:

- Flushing Meadows-Corona Park. Physical Use – APM columns and guideway will be constructed on portions of the park along the Flushing Bay Promenade (between the GCP and the pedestrian walkway), the southern edge of Citi Field parking lots, the northern edge and center areas of the Southfield Commuter Lot, and an APM station will be constructed at the entrance to the former World's Fair grounds; columns associated with the proposed APM guideway will impact the existing boatyard, prohibiting some of the larger boats from accessing the boat lift, making it unusable for some of the existing users of the facility, requiring relocation of a portion of the Marina facilities 1,600 feet to the southeast.
- Flushing Meadows-Corona Park Historic District
  - Passerelle Bridge. Physical Use – bridge will be demolished; replacement bridge will be constructed just east of the existing location.
  - Pavilion on the Passerelle Bridge (over the LIRR). Physical Use – demolished as part of relocation of Passerelle Bridge and improvements to Mets-Willets Point LIRR Station.
  - Main Gate Entrance. Physical Use – removed as part of relocation of Passerelle Bridge and improvements to Mets-Willets Point LIRR Station; will be reconstructed in original location.
  - Passerelle Buildings at Main Entrance. Physical Use – alterations to the existing pedestrian ramp between the eastern and western sections of the buildings, aesthetic repair, and weatherproofing of the exterior of the building including the roof.

The Proposed Action will not result in physical or constructive use of Hinton Park and the Louis Armstrong Playground, Overlook Park, or the historic properties along Ditmars Boulevard due to construction or operational activities.

NYC Parks, as the owner of the Section 4(f) properties identified above, has indicated that the introduction of the APM guideway along the Flushing Bay Promenade will significantly detract from the use and enjoyment of the Promenade by park users because of its aesthetic effects, resulting in substantial impairment of the resource. As required by Section 4(f), the FAA has considered the opinions of officials with jurisdiction concerning the significance of the impacts of the Proposed Action on Section 4(f) properties and determined that the Proposed Action will constitute a use, as defined under Section 4(f), and will result in a significant impact to Section 4(f) properties.

Section 4(f) generally does not permit approval of a project using Section 4(f) properties if a feasible and prudent alternative avoids their use. As defined in 23 CFR 774.17, a feasible and prudent alternative is one that would avoid using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. The 47 project alternatives identified in Chapter 2 of the

Final EIS were assessed to determine whether a prudent and feasible alternative exists that would avoid use of Section 4(f) properties. However, as documented in Appendix I of the Final EIS, there are no prudent and feasible avoidance alternatives; therefore, the Section 4(f) regulations instruct DOT agencies to consider the least overall harm of the remaining alternatives.

While adverse impacts to Section 4(f) properties cannot be avoided, implementation of the Proposed Action incorporates all possible planning to minimize harm and will include mitigation for Section 4(f) properties to enhance the Flushing Bay Promenade. Incorporation of measures to minimize harm include evaluation of alternate alignment options; the Memorandum of Agreement (MOA) between the Port Authority and City of New York establishing BMPs, and avoidance and minimization measures to be incorporated during construction and operation of the Proposed Action, which will reduce impacts to Section 4(f) properties and maintain public accessibility of Section 4(f) properties to the extent practicable; the Section 106 MOA to mitigate adverse effects to Section 106 resources; and avoidance, minimization, and mitigation measures developed during analysis of other environmental resource categories, such as noise, vibration, and biological resources, will also be incorporated to further reduce impacts on Section 4(f) properties, where applicable (see Section 9 of this ROD).

As documented in Appendix K.9 and Appendix I of the Final EIS a number of alignment options for a fixed guideway alternative from Willets Point were evaluated. Beyond the stated purpose and need, the Proposed Action was designed to reduce the potential for impacts to Section 4(f) properties within Flushing Meadows-Corona Park. Among the alternative alignments terminating at the Willets Point Station, the Proposed Action was determined to take the least amount of parking possible: 193 parking spaces at the Southfield Commuter Lot and 7 parking spaces at Citi Field Parking Lot E. Additionally, the Proposed Action alignment was designed to be as close to the GCP as feasible without interfering with the roadway, while minimizing significant impacts to the Flushing Bay Promenade.

The alternatives analysis concluded that alignment of the guideway along the Flushing Bay Promenade, at the eastern edge of the GCP, will result in less severe visual impacts, due to a lower guideway, than will be required for an alignment in which the APM guideway footings will be located in the GCP median from the GCP and Northern Boulevard Interchange to the Airport boundary. The proposed alignment will be located approximately 95 to 110 feet farther away from residential uses along Ditmars Boulevard than an alignment located in the GCP median. The alignment is located on City property immediately adjacent to the GCP that serves non-recreational park purposes, including a surface parking lot and an access road for the Marina facilities.

As required by Section 4(f), FAA considered the views of the officials having jurisdiction over the Section 4(f) properties, which are NYC Parks and the State Historic Preservation Officer (SHPO), in the identification of measures to minimize harm to the Section 4(f) properties. The Port Authority will implement mitigation measures addressing significant impacts to Section 4(f) properties from the Proposed Action as detailed in Section 9 of this ROD.

8.5.2 SECTION 6(f) PROPERTIES

As shown on Exhibit 3.8-2 of the Final EIS, portions of Flushing Meadows-Corona Park have been improved with LWCF Act funds; therefore, Section 6(f) applies to select areas within Flushing Meadows-Corona Park. Coordination was conducted with New York State Parks, who in turn coordinated with NPS, to determine whether the Proposed Action will require complete or partial transference in ownership of parkland assisted by LWCF Act funding; temporarily or permanently result in a conversion of parkland subject to Section 6(f) to an alternative use; or result in the disturbance of recreational activities fulfilled by Section 6(f) parkland.

Construction of the APM guideway will require an aerial easement and column placement within Citi Field Parking Lot E, resulting in the conversion of 0.5 acres of Section 6(f) obligated property within Citi Field Parking Lot E. An

additional area within Citi Field Parking Lot E may be used for construction laydown and staging that could exceed 6 months during construction, requiring a temporary non-conforming use during construction of 1.2 acres of Section 6(f) obligated property.

Operation of the Proposed Action will also require an access easement or use agreement giving the Port Authority the right to access the APM guideway and columns for maintenance; however, the details of that easement or agreement have not been developed. The NPS prefers that a use agreement, rather than permanent easement, be developed to support maintenance access because a permanent easement could result in a further conversion of Section 6(f) property. The Port Authority will consult with NPS during the drafting of the agreement to ensure that it complies with LWCF program requirements.

Under Section 6(f), NPS requires that land conversions be replaced by lands of equal value, location, and recreation usefulness. FAA environmental documents must provide evidence that replacement of converted Section 6(f) properties to the satisfaction of the Secretary of the Interior will be accomplished. The Port Authority will implement mitigation measures addressing the conversion of Section 6(f) properties from the Proposed Action as detailed in Section 9 of this ROD.

8.6 HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION

The use, handling, and storage of hazardous materials occurs, and existing contaminated sites are present, throughout the General Study Area. Six Phase I Environmental Site Assessments were conducted to determine the potential for hazardous materials within the General Study Area (see Appendix J of the Final EIS). The Phase 1 Environmental Site Assessments identify 135 listings located within the General Study Area that have the potential for hazardous materials/contamination.

The FAA has not established significance thresholds for hazardous materials, solid waste, or pollution prevention. However, based on guidance in FAA Order 1050.1F, the FAA has identified factors to consider in evaluating the context and intensity of potential environmental impacts. Construction and operations of the Proposed Action were evaluated for the potential to result in impacts, based on the FAA factors to consider, associated with the generation, use and/or disposal of hazardous materials and municipal solid waste, as documented in Section 3.9 of the Final EIS.

8.6.1 HAZARDOUS MATERIALS

Construction of the Proposed Action will include the short-term use of hazardous and non-hazardous materials common to construction; however, all potentially hazardous construction materials will be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local laws and regulations. Emissions from such materials will be minimal and localized to construction areas, and potential impacts will not be significant when compared to the No Action Alternative.

The Port Authority's contractor will prepare a project-specific Construction Environmental Management Plan that will address handling of contaminated or hazardous materials disturbed during construction. This plan will be approved by the Port Authority prior to construction, in compliance with the environmental management requirements of the Port Authority's Tenant Alteration Application. All contaminated or hazardous materials (including, but not limited to, asbestos-containing materials, lead-based paint, PCBs, dewatering fluids, and soil) will be identified and properly disposed of, if encountered, pursuant to all applicable regulations and Port Authority standards. All ground disturbing and demolition activities will be conducted with regard to worker safety and

according to all applicable federal, state, and local regulations. Adherence to the BMPs and control measures will effectively reduce potential risks to human health and the environment during construction.

A portion of the Willets Point Redevelopment site, which encompasses the two options for the temporary Citi Field replacement parking, is an active NYSDEC Brownfield Cleanup Program (BCP) site due to the presence of historical soil and groundwater contamination. Coordination with the sponsor of the proposed Willets Point Redevelopment project, the Queens Development Group, and NYSDEC will be conducted prior to any ground disturbance to ensure that all construction activities are conducted in accordance with applicable remedial documents and agreements, such as an approved site management plan or applicable remedial action plan. Any additional required remedial documents will be developed in coordination with Queens Development Group and in accordance with applicable regulations and submitted to NYSDEC for approval to address handling of contaminated or hazardous materials disturbed during construction. As there are no enclosed structures proposed for these sites as part of the Proposed Action, vapor intrusion is not a concern and vapor mitigation will not be required.

It is anticipated that approximately 1,000 cubic yards of dredging will be required to relocate the in-water Marina facilities. The existing sediment to be dredged is classified as Class C material, which means that the material contains high levels of contamination that is expected to be potentially acutely toxic to aquatic life. Dredged sediment will need to be handled, stored, and disposed of in accordance with all applicable, health, safety, and sediment and waste management plans and protocols. Additional BMPs will also be employed during construction to protect biological resources, as discussed in Section 3.5.5 of the Final EIS.

Operation of the Proposed Action, including components of the APM system, the APM OMSF and Parking Structure, and three TPSSs, involves transportation-related uses typical of the General Study Area. In order to support the operations and maintenance of the APM operating system, limited additional quantities of hazardous materials, such as oils, lubricants, paints, and other petroleum-based substances will be used within the APM OMSF and Parking Structure compared to the No Action Alternative. Furthermore, the TPSSs will house equipment such as transformers, rectifiers, cabling, and switchgear. The use and storage of these hazardous materials and equipment will be in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

8.6.2 SOLID WASTE

Construction of the Proposed Action will generate solid waste from general construction debris and demolition of infrastructure (such as existing pavement and utility lines) and existing facilities, including the Marina facilities and the Passerelle Bridge. Solid waste, including construction and demolition waste, will be recycled to the extent practical, in accordance with Port Authority contract requirements[55] to recycle at least 75 percent of select construction and demolition waste components (see Section 3.9.2.2 of the Final EIS). Excess soil and construction debris that is not hazardous waste may be disposed of as solid waste. On-road vehicles will be used to transport waste to receiving landfills and contractors will manage the storage, transport, and disposal of construction waste in accordance with applicable federal, state, and local requirements. If separate disposal methods are required for larger quantities of material, a disposal facility will be identified that is adequately permitted to receive excess soils and/or construction debris. Based on existing landfill capacity and solid waste disposal practices identified in Section 3.9.2.2 of the Final EIS, it is anticipated that there is sufficient disposal capacity at facilities to handle the anticipated volumes of waste generated by the construction of the Proposed Action. With incorporation of recycling

[55] The Port Authority requires contractors to submit a recycling plan that details how the waste will be recycled and/or reused.

requirements, construction of the Proposed Action will not produce an appreciably different quantity or type of solid waste that will exceed capacity.

Operations are anticipated to generate additional solid waste from APM users and from the APM OMSF and Parking Structure as compared to the No Action Alternative. However, solid waste generation (rates and types) is not expected to be substantially more than the No Action Alternative, including the expected increase in waste generation over time proportionate to the increase in Airport passenger activity, which is expected to occur with or without the LGA Access Improvement Project. As compared to the No Action Alternative, a portion of solid waste disposal locations under the Proposed Action will differ because of the change in how passengers will access LGA. Therefore, it is likely that an increase in solid waste generation will occur at the Mets-Willets Point Subway and LIRR Stations from the increase in passengers using the 7 line and the LIRR, respectively. This increase will be offset by a decrease in the rate at which passengers dispose of solid waste at the Airport terminal facilities.

The Proposed Action will include public waste receptacles for disposing of trash and recyclable materials. Operations of the APM system itself will not pose a significant detriment or increase in overall solid waste produced at LGA. However, based on industry-standard generation rates,[56] it is expected that the APM OMSF and Parking Structure will generate approximately 185 additional tons of waste annually as compared to the No Action Alternative.

Solid waste will be recycled to the extent practical, and the remaining waste will be disposed of in accordance with all applicable federal, state, and local laws and regulations. Compliance with applicable regulatory requirements will ensure that human health and the environment are not exposed to a substantial risk resulting from the generation, type, and transportation of solid waste. As discussed in Section 3.9.2.2 of the Final EIS, sufficient regional disposal capacity has been identified for municipal solid waste, and the Proposed Action will not exceed landfill capacity. The operation of the Proposed Action will not produce an appreciably different quantity or type of solid waste that will exceed local capacity and impacts will not be significant when compared to the No Action Alternative.

No significant impacts related to hazardous materials, solid waste, and pollution prevention will be expected to result from implementation of the Proposed Action. Construction of the Proposed Action may result in impacts from the presence of hazardous materials, disturbance of a contaminated site, generation of an appreciably different quantity or type of hazardous waste, or adversely affecting human health and the environment, however with incorporation of mitigation measures detailed in Section 9 of this ROD, impacts will be less than significant.

8.7 HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES

The National Historic Preservation Act of 1966, as amended, requires federal agencies to consider the effects of their undertakings on properties listed on or eligible for listing on the NRHP. In assessing whether an undertaking, such as the Proposed Action, effects a property listed or eligible for listing on the NRHP, both direct and indirect effects must be considered. Direct effects include the physical removal or alteration of an historic resource. Indirect effects include changes in the environment of the historic resource that could substantially interfere with the use or character of the property.

[56] A rate of 9.2 pounds per employee per day was used based on industrial sector generation rates for "transportation, communication and utilities" sources from the CalRecycle, Estimated Solid Waste Generation Rates, available: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates (accessed May 24, 2020).

To evaluate the potential for direct or indirect effects, the FAA established two separate Area(s) of Potential Effects (APEs) for the Proposed Action: the APE for archaeological resources (APE-Archaeology) and the APE for aboveground architectural resources (APE-Architecture). A Phase IA Archaeological Survey was conducted to assess the prehistoric and historic archaeological sensitivity of the APE-Archaeology. The APE-Archaeology for the Proposed Action was assessed with a resulting determination of low archaeological sensitivity.

An initial Historic Architecture Reconnaissance Survey was also conducted to identify all aboveground districts, sites, buildings, structures, and objects 45 years of age and older inside the APE-Architecture and to evaluate them according to NRHP-eligibility criteria. Based on research and consultation with the Section 106 consulting parties and the SHPO, the FAA identified 12 historic properties as eligible for listing on the NRHP within the APE-Architecture: three residential properties, Flushing Meadows-Corona Park Historic District and contributing elements (Passerelle Bridge, Pavilion on the Passerelle Bridge (over the LIRR), Main Gate Entrance, Passerelle Buildings at Main Entrance, Concrete Arches, Paint Shed, and Maintenance Building), and Porpoise Bridge (tidal gate bridge), which is also a contributing element to the Flushing Meadows-Corona Park Historic District. For all identified historic properties eligible for listing in the NRHP inside the APE-Architecture, an assessment of Proposed Action effects was carried out by applying the Secretary of the Interior's *Standards for the Treatment of Historic Properties* in combination with the ACHP's Criteria of Adverse Effect (36 CFR 800.5). Additional guidance was derived from CEQ implementing regulations for NEPA (40 CFR Parts 1500–1508) and from input received from consulting parties. Section 3.10 of the Final EIS identifies the potential impacts from the Proposed Action to historic, architectural, archaeological, and cultural resources, which are summarized below.

Construction and operation of the Proposed Action will not physically impact the boundaries of any of the residential properties designated as historic properties, nor will the introduction of the Proposed Action alter any of the characteristics that qualify the historic properties for listing in the NRHP as works of architecture. Therefore, there will be no adverse effect to the three residential properties designated as historic resources located along Ditmars Boulevard.

However, the FAA determined that the Proposed Action will have an adverse effect on historic properties eligible for listing in the NRHP within the Flushing Meadows-Corona Park Historic District. The impacts will physically alter or demolish four contributing elements that qualify the Flushing Meadows-Corona Park Historic District for listing in the NRHP in a way that will diminish the property's integrity of location, design, setting, materials, and workmanship. The introduction of the proposed Willets Point APM Station will both physically impact the historic property, as well as affect its setting by introducing visual elements into the park's wider viewshed that may be inconsistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. Therefore, the Proposed Action will have an adverse effect to the NRHP-eligible Flushing Meadows-Corona Park Historic District, including four of its contributing elements: the Passerelle Bridge, the Pavilion on the Passerelle Bridge, Main Gate Entrance, and Passerelle Buildings at Main Entrance.

Measures to minimize and mitigate the adverse effects have been identified in consultation with the SHPO, Advisory Council on Historic Preservation (ACHP), Port Authority, and NYC Parks and other consulting parties in an effects resolution document. As adverse effects are unavoidable, the FAA, SHPO, and ACHP, in consultation with the Port Authority and NYC Parks have executed a Section 106 Memorandum of Agreement (MOA) to resolve the adverse effects. The Section 106 MOA addresses the anticipated effects of the undertaking, defines procedures to respond to project changes and unanticipated discoveries, and sets forth measures that will be implemented to avoid, minimize, and mitigate adverse effects on historic properties. With the adoption and implementation of mitigation measures as outlined in the_executed Section 106 MOA (see Appendix K.13 of the Final EIS) and

summarized in Section 9 of this ROD, the FAA has determined that the adverse effect to historic resources will not constitute a significant impact.

8.8 LAND USE

The General Study Area encompasses approximately 700 acres and comprises land areas to the west and southeast of LGA, supporting a mix of open space and outdoor recreation, residential, commercial, industrial, manufacturing, transportation, and other land uses. The assessment of potential land use and planning effects of the Proposed Action and the No Action Alternative focuses on the identification of applicable land use plans and policies and assesses the consistency of the alternatives to these plans and policies. Construction and operation of the Proposed Action were reviewed for consistency against OneNYC 2050, Vision 2020, WRP, Flushing Meadows-Corona Park Strategic Framework Plan, and New York City Zoning and Land Use. Section 3.11 of the Final EIS identifies the potential impacts from the Proposed Action to land use.

No significant impacts to land use are expected to result from construction or operation of the Proposed Action. The Proposed Action will be consistent with, and will not conflict with, applicable land use plans, policies, and regulations. The Proposed Action will be temporarily inconsistent with a limited number of policies of the WRP during construction (see Table 3.7-1 of the Final EIS), but will be consistent with the policies of the WRP after construction is complete. An inconsistency by itself does not automatically result in a significant impact and given the limited number of inconsistencies, the FAA has determined that the Proposed Action will not have a significant land use impact. No mitigation measures are required.

8.9 NATURAL RESOURCES AND ENERGY SUPPLY

The analysis of natural resources and energy supply considers the demand for consumable natural resources (such as, water, oil, and coal) and energy (such as, electricity and natural gas). Impacts to electricity demand, water usage, fuel consumption, and other consumable materials were determined by evaluating the extent to which implementation of the Proposed Action will change demand in comparison with the No Action Alternative, as well as by assessing whether the change will cause demand to exceed available or future supplies, as compared to the No Action Alternative. Section 3.12 of the Final EIS identifies the potential impacts from the Proposed Action to natural resources and energy supply.

Construction of the Proposed Action will temporarily increase the amount of natural resources and energy used, mainly in the form of construction-related fuels, purchased electricity, and water usage. Construction of the Proposed Action will also require the installation of new utility infrastructure and limited relocation of existing minor utility lines. Operation of the Proposed Action will generate demand for electricity, potable water, and natural gas, but will not exceed available or future supplies or distribution capabilities. No significant impacts to natural resources and energy supply will be expected to result from implementation of the Proposed Action. Consumption of natural resources and energy will occur during construction and operation of the Proposed Action; however, the Proposed Action will not cause a significant shortage of area supplies or resources.

Since implementation of the Proposed Action is not expected to result in adverse impacts to natural resources and energy supply, no mitigation measures are required; however, the Port Authority will implement mitigation measures as detailed in Section 9 of this ROD.

8.10 NOISE, VIBRATION, AND NOISE-COMPATIBLE LAND USE

The FAA is subject to laws and regulations that provide a basis for local development of airport plans, analysis of potential impacts from airport development, and compatibility policies. As aircraft operations at the Airport will not be affected by the Proposed Action, this analysis is focused on surface transportation noise and vibration conditions, including fixed guideway transit. Although FTA has no federal action related to this EIS, its guidance is the most appropriate for assessing the effects of the Proposed Action because of the similarity of the Proposed Action to actions normally within FTA's jurisdiction, including the new shuttle service along the LIRR Port Washington Branch. Additionally, it is appropriate to evaluate noise and vibration impacts from construction of transit systems, such as the Proposed Action, using FTA methods since these are specific to transit system construction. As such, FTA noise and vibration impact criteria were used to identify potential impacts from construction activities and operations; however, FAA makes the final significance determination. Section 3.13 of the Final EIS identifies the potential impacts from the Proposed Action to noise, vibration, and noise-compatible land use, which are summarized below.

Construction activities generate noise and vibration from the operation of equipment required for demolition and construction of various facilities. Noise effects from on-site construction were evaluated by determining the noise levels generated by different types of construction activity and calculating the construction-related noise level at the closest noise-sensitive receptor locations. Construction activities associated with the Proposed Action will result in temporary noise impacts to 1,063 residential units within the East Elmhurst and North Corona neighborhoods, a new middle school currently under construction at 110-10 Astoria Boulevard,[57] Hinton Park, and in limited areas within Flushing Meadows-Corona Park. There will also be vibration-related annoyance impacts during construction to 136 residential and hotel units and 2 parks (Hinton Park and Flushing Meadows-Corona Park). However, with incorporation of mitigation measures and due to the temporary nature of the impact, FAA has determined the noise and vibration impacts from construction are not significant. Mitigation measures to address construction impacts from noise and vibration are detailed in Section 9 of this ROD.

Following the procedures defined in the FTA Manual, noise and vibration screening analyses were conducted for the APM alignment between the Airport and the proposed Willets Point APM Station and for the LIRR Port Washington line between the Mets-Willets Point LIRR Station and Penn Station to account for increased LIRR service as part of implementation of the Proposed Action. The new shuttle service is expected to operate between the hours of 5:00 a.m. and midnight from the Mets-Willets Point LIRR Station to Woodside and Grand Central Terminal and from the Mets-Willets Point LIRR Station to Woodside and Penn Station. New shuttle service under the Proposed Action will occur during off-peak hours or reverse-peak service and provide an additional 25 eastbound shuttle trains from Manhattan and 23 westbound shuttle trains to Manhattan per day. The new LIRR shuttle service from Willets Point to Manhattan will result in moderate operational noise impacts along the LIRR Port Washington Branch to 571 residential and hotel units when compared to the No Action Alternative. Operation of the Proposed Action will not result in any significant vibration impacts or severe noise impacts. Moderate impacts are considered to cause measurable annoyance to most people near the project but may not cause strong, adverse reactions from the community. As the Proposed Action will only result in small increases in noise (typical increases of approximately 1 dBA) along an existing rail corridor with existing high ambient noise levels, FAA has determined that the impact will not be significant.

[57] A new middle school (PS/IS 419) is currently under construction and scheduled to be open in the fall of 2021, prior to commencement of construction of the Proposed Action. The noise impacts to the school would be caused by the construction of four of the APM guideway columns, where the APM guideway would cross over the GCP, resulting in exceedances of the 30-day L_{dn} FTA threshold of 75 dBA L_{dn}. Sound levels at the school for this metric would range from just over 75 dBA L_{dn} to 77 dBA L_{dn} during construction of each of these columns.

8.11 SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND CHILDREN'S ENVIRONMENTAL HEALTH AND SAFETY RISKS

Section 3.14 of the Final EIS identifies the potential impacts from the Proposed Action to Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks.

8.11.1 SOCIOECONOMICS

For airport development projects, impacts on socioeconomic resources are typically associated with relocation or other community disruption, employment, public services, and transportation. Community impacts were assessed for any changes to population, housing, and employment anticipated to result from the Proposed Action and compared to the No Action Alternative for the General Study Area and the Extended Study Area to determine their significance. Impacts to public services were determined through the evaluation of impacts to the ability of public services to operate and respond to emergencies from the Proposed Action compared to those impacts from the implementation of the No Action Alternative.

Overall, construction of the Proposed Action will not result in significant socioeconomic impacts. Construction of the Proposed Action will not bisect or physically divide any established communities or permanently restrict access to existing businesses. Operation of the Proposed Action will not include any residential uses, will not directly contribute to housing growth within or adjacent to the Extended Study Area, will not induce significant population growth within or adjacent to the Extended Study Area, and will not divide established communities. Therefore, the FAA has determined there will not be a significant socioeconomic impact. Since implementation of the Proposed Action is not expected to result in adverse impacts to socioeconomics, no mitigation measures are required; however, the Port Authority will implement mitigation measures to minimize impacts from the Proposed Action as detailed in Section 9 of this ROD.

8.11.2 ENVIRONMENTAL JUSTICE POPULATIONS

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, promotes the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice reviews consider whether minority and low-income populations are present in a project's study area, and if so, the potential effect of a Proposed Action on those populations. The FAA has determined that there is a minority environmental justice population present within the project study area that will be significantly impacted. Environmental justice impacts were evaluated by determining whether the Proposed Action will have disproportionately high and adverse human health or environmental effects that are predominantly borne by minority populations. The evaluation of environmental justice impacts accounted for any offsetting benefits of the Proposed Action against adverse effects to environmental justice populations as well as the consideration of mitigation measures.

During construction, this minority population will disproportionately experience high and adverse noise and vibration impacts. Construction of the Proposed Action will result in temporary elevated noise and vibration levels including those from on-site construction equipment. Noise from construction of the Proposed Action will be variable depending on the construction activity with the highest predicted noise levels associated with pile driving and auger drill rigs for construction of the columns that will support the APM fixed guideway structure. As shown on Exhibit 3.13-7 of the Final EIS, construction noise will exceed 30-day FTA noise impact criteria in housing units that can be classified as having a higher percentage minority population. Similarly, the level of vibration experienced at residential properties will be variable based on the construction activity at each construction zone and from pile driving anticipated for installation of the support columns for the APM fixed guideway structure. Residential units

that will experience an exceedance of FTA-designated annoyance levels are shown on Exhibit 3.13-8 of the Final EIS, which will also impact areas with a higher percentage minority population. Therefore, environmental justice populations will disproportionally experience adverse noise and vibration impacts during construction.

During operations, this population will disproportionately experience high and adverse impacts to DOT Section 4(f) properties and visual effects to residences overlooking the GCP. The scale and the massing of the APM guideway and components will generally contrast with the existing visual character. The 4(f) properties impacted by the Proposed Action, which are described in section 8.5, are near to and used by the environmental justice populations. The Proposed Action will impact visual character in the General Study Area, particularly for the residences overlooking the GCP. To varying degrees, the Proposed Action will partially obstruct and contrast with views from these residences of Flushing Bay. As shown on Exhibit 3.14-2 of the Final EIS, those communities in the vicinity of the proposed APM can be classified as having a higher minority population and will be predominantly impacted by the destruction or diminution of aesthetic value from the partial obstruction of their views of Flushing Bay.

The Proposed Action would generate between approximately 100 to 1,130 annual construction jobs between 2021 and 2025, as well as approximately 110 permanent jobs to operate and maintain the proposed APM, providing both direct and indirect economic benefits to the community. Once operational, the Proposed Action would result in a reduction in emissions from vehicle traffic along the GCP and to and from LGA, which would be a benefit to environmental justice populations. The reduction in Airport trips would result in a reduction in traffic along the GCP and to and from LGA, which would also benefit environmental justice populations residing in close proximity to these roadways.

Consistent with DOT Order 5610.2B, *Environmental Justice in Minority and Low-Income Populations*, the FAA convened a virtual meeting with 17 leaders representing 8 environmental justice community organizations on January 20, 2021. The purpose of the meeting was to seek additional input on the applicability and priority of the proposed environmental justice mitigation measures, as well as to identify further details regarding mitigation measures already under consideration. The input received from participants specifically informed additional required mitigation measures included in the Final EIS (see Section 9.10.2 of this ROD). Specific mitigation measures to reduce impacts to minority environmental justice populations are detailed in Section 9 of this ROD. Mitigation measures that will be implemented to offset potential impacts to resource categories and will also serve to mitigate environmental justice impacts, are also specified in the following sections of the Final EIS and corresponding sections within Section 9 of this ROD: 3.5.5 (Biological Resources), 3.8.5 (Department of Transportation Act, Section 4(f) and Section 6(f) of the Land and Water Conservation Fund Act), 3.9.5 (Hazardous Materials, Solid Waste, and Pollution Prevention), 3.10.6 (Historic, Architectural, Archaeological, and Cultural Resources), 3.13.5 (Noise, Vibration, and Noise-Compatible Land Use), 3.14.5.4 (Surface Transportation / Traffic), 3.15.5 (Visual Effects), and 3.16.5 (Water Resources).

8.11.3 SURFACE TRANSPORTATION/TRAFFIC

Analysis of surface transportation/traffic within the Traffic Study Area considers off-Airport traffic as well as traffic during construction from material/haul truck trips and contractor commuter vehicles. Potential construction traffic impacts of the Proposed Action were evaluated through review of construction plans and documents, including the staging/phasing plans, construction haul routes, and employee shift times, to determine effects of construction activity within and adjacent to the General Study Area. Construction of the Proposed Action will be temporary in nature, so impacts for construction traffic are discussed qualitatively. Operational surface transportation impacts

were determined by evaluating the change in traffic volumes, delay,[58] and LOS upon implementation of the Proposed Action as compared to the No Action Alternative. The FAA has not established significance thresholds for surface transportation/traffic. However, based on factors to consider identified in FAA Order 1050.1F, surface transportation/traffic impacts will result if an action will have the potential to disrupt local traffic patterns and substantially reduce the LOS[59] of roads serving an airport and its surrounding communities.

Construction activities associated with the Proposed Action will generate increased traffic associated with construction employees and deliveries in the vicinity of the General Study Area, including the proposed staging areas. Potential construction haul routes will be located along Whitestone Expressway, Roosevelt Avenue, Astoria Boulevard, and 94th Street. These roads will potentially experience an increase in traffic due to construction delivery/hauling trips and employee traffic at certain hours of the day. Deliveries will be limited to nighttime hours, as practical, to avoid peak periods. Although short-term localized impacts associated with construction activities may result, including lane closures and/or lane shifts, it is not anticipated that construction of the Proposed Action will disrupt local traffic patterns or substantially reduce the LOS of roads serving LGA and its surrounding communities. Therefore, no significant impacts related to construction of the Proposed Action are anticipated. Furthermore, mitigation measures will be implemented to minimize construction traffic impacts to the fullest extent practicable, as discussed in Section 9 of this ROD.

Implementation of the Proposed Action is expected to shift a percentage of LaGuardia Airport passengers and employees from areas currently accessing on-Airport roadways and curbsides, and reallocating demand to off-Airport locations. This shift in traffic patterns is expected to improve traffic conditions of on-Airport and Airport-adjacent roadways. A traffic analysis of the local surface transportation network was conducted during weekday morning, midday, evening and Saturday peak periods for 18 intersections and five freeway segments that will likely be affected by vehicle trips generated by operation of the Proposed Action. The analysis was conducted for both non-gameday and gameday conditions, which includes events for the New York Mets, Citi Field, and the National Tennis Center. Tables 3.14-15 and 3.14-16 of the Final EIS identify the peak hour LOS for both the Proposed Action and the No Action Alternative for all analyzed intersections. With the reallocation of vehicle trips from on-Airport locations to the APM OMSF and Parking Structure, five off-Airport intersections were estimated to be significantly impacted (based on changes in LOS) by 2031: Boat Basin Place and Marina Road, 126th Street and Shea Road/34th Avenue, Roosevelt Avenue and 126th Street, Roosevelt Avenue and Southfield Employee Lot, and Roosevelt Avenue and 114th. Implementation of the Proposed Action will include mitigation measures detailed in Section 9 of this ROD. Inclusion of these mitigation measures will reduce impacts to surface transportation/traffic from the Proposed Action below the threshold of significance.

8.11.4 PUBLIC TRANSPORTATION

Public transportation impacts are not typically considered by FAA under NEPA; therefore, the FAA has not established significance thresholds for public transportation facilities. Impacts to public transportation are identified for disclosure purposes only; however, the Port Authority will mitigate impacts to the extent practicable.

Construction of the Proposed Action will maintain access to existing public transportation facilities to the extent practical. Passenger access between the Mets-Willets Point Subway and LIRR Stations will be maintained throughout the construction period. Construction of the Proposed Action will not include any modifications to the Mets-Willets

[58] Delay is the additional travel time experienced by a driver due to circumstances that impede the desirable movement of traffic. It is measured as the time difference between actual travel time and free-flow travel time.

[59] Indicates a change from LOS A, B, C, or D to LOS E or F; or LOS E to LOS F.

Point Subway Station facilities; modifications will only be constructed for the interface with the Passerelle Bridge. It is anticipated that construction of the Proposed Action will cause off-peak operational impacts and off-peak service disruptions to certain MTA public transportation facilities located in Willets Point, as discussed below. Modifications to the Mets-Willets Point LIRR Station will be staged and phased during off-peak hours and during weekend closures to avoid disrupting LIRR operations during peak travel times. Construction of the elevated APM guideway above the 7 Line/Roosevelt Avenue will require no more than 10 to 15 off-peak and/or weekend service interruptions of the 7 Line. Construction of the APM OMSF and Parking Structure will result in the temporary displacement of MTA bus parking on the east side of the Casey Stengel Bus Depot at the southeast corner of the Roosevelt Avenue-126th Street intersection. Therefore, the Proposed Action will include construction of a temporary MTA bus storage/parking facility at the MTA/Tully Site, located directly across Roosevelt Avenue from the northeast corner of the existing Bus Depot. The temporary bus storage/parking facility will accommodate approximately 240 standard buses from the Bus Depot and will connect to the existing Bus Depot circulation routes via a 30-foot-wide bus lane that will cross under the Roosevelt Avenue Bridge through an existing underpass. Furthermore, construction of the Proposed Action could also impact off-peak bus operations entering and/or exiting the MTA Bus Washing Facility and Bus Depot via 126th Street.

Operation of the Proposed Action is dependent in part on the existing New York City public transportation network, including the existing and planned LIRR service and the proposed new shuttle service on the Port Washington Branch, as well as the 7 Line. Based on 2018 ridership data and the available capacities provided by MTA, there is sufficient capacity on the 7 Line to accommodate the projected ridership for passengers using the 7 Line to access the proposed APM. Even at peak ridership demand (257 riders per hour under the Port Authority forecast) during peak 7 Line Express occupancy, there is still available capacity.[60] Proposed access for LGA and APM employees into the APM OMSF and Parking Structure will be from 126th Street, thereby sharing an entrance with MTA buses accessing the MTA Bus Washing Facility and Bus Depot. However, as analyzed in the surface transportation/traffic analysis, this will not impact MTA operations or service.

Implementation of the Proposed Action will include mitigation measures as detailed in Section 9 of this ROD which will reduce impacts to less than significant.

[60] As discussed in Appendix E.1 of the Final EIS, MTA has been involved throughout development of the EIS and has stated that the projected APM ridership is not expected to have a significant effect on the LIRR or subway lines. FAA confirmed that NYCT does not believe that the projected ridership for the proposed LGA Access Improvement Project would affect the overall capacity of the 7 Line as the ridership numbers are relatively small for the peak hour/peak direction trips, nor would it result in a cumulative impact to the 7 Line capacity (June 30, 2021 phone record). The peak ridership for the proposed LGA Access Improvement Project would occur during mid-day periods, as well as in the reverse commute direction during the morning and evening peak periods, when the 7 Line has ample capacity. In 2026, the FAA forecast of APM riders that would take the 7 Line to or from the Willets Point APM Station equates to 375 riders to LGA and 171 riders from LGA during the morning peak (6:00 a.m. to 10:00 a.m.), 969 riders to LGA and 633 riders from LGA during the midday peak (10:00 a.m. to 4:00 p.m.), and 308 riders to LGA and 522 riders from LGA during the evening peak (4:00 p.m. to 8:00 p.m.). The Port Authority forecast indicates that during the first year of operation up to 243 riders to LGA and 81 riders from LGA per hour during the morning peak (6:00 a.m. to 10:00 a.m.), up to 257 riders to LGA and 149 riders from LGA per hour during the midday peak (10:00 a.m. to 4:00 p.m.), and up to 120 riders to LGA and 202 riders from LGA per hour during the evening peak (4:00 p.m. to 8:00 p.m.) would take the 7 Line to or from the Willets Point APM Station. Based on 2018 ridership data, and the available capacities provided by MTA, there is sufficient capacity on the 7 Line to accommodate the projected ridership for passengers using the 7 Line to access the proposed APM. Even at peak ridership demand (257 riders per hour under the Port Authority forecast) during peak 7 Line Express occupancy, there is still available capacity. For comparison, peak ridership during the a.m. peak was approximately 13,442 on the 7 Line local and 16,333 on the 7 Line Express in 2018. It is important to note that all peak ridership demand numbers for the APM on both forecasts occur during the midday period, outside of the morning and evening peaks for 7 Line ridership. Furthermore, the morning and evening peak demand estimated in the two APM forecasts are for travel in the opposite direction of 7 Line peak ridership.

8.11.5 CHILDREN'S HEALTH AND SAFETY RISKS

The evaluation of potential disproportionate risks to Children's Health and Safety Risks were evaluated pursuant to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. Specific health concerns for children from the Proposed Action in comparison to the No Action Alternative were qualitatively described in the Final EIS.

Temporary construction noise impacts will occur to some residential areas, including a new middle school currently under construction at 110-10 Astoria Boulevard; however, these impacts will be temporary in nature and, with the inclusion of the construction noise mitigation measures identified in Section 10.6.1 of the Final EIS, construction noise impacts with respect to children's health and safety will not be significant. Because the Proposed Action will not increase health and safety risks attributable to products or substances that a child is likely to come in contact with or ingest, such as air, food, water, recreational waters, soil, or products they may be exposed to, the Proposed Action will not result in health and safety risks to children when compared to the No Action Alternative.

Implementation of the Proposed Action is not expected to result in impacts that increase children's environmental health and safety risks; therefore, no additional mitigation is required.

8.12 VISUAL EFFECTS

Section 3.15 of the Final EIS identifies the potential impacts from the Proposed Action to visual effects. Visual impacts will result from additional light emissions due to APM operation as well as from the visual obstruction of the guideway structure. Impacts from light emissions associated with the Proposed Action and the No Action Alternative were determined by evaluating the extent to which lighting will change, as well as the potential for the changes to create an annoyance at sensitive land uses (for example, residential uses, hotels, and natural areas) in the vicinity of the Airport. Temporary light emissions and visual effects from construction will not be significant; however, operation of the APM may create varying degrees of annoyance or disturbance to/of normal activities due to light emissions from the APM trains for those residences that currently have a view of the Promenade or Flushing Bay. Light emissions due to operation of the APM will be significant.

Impacts to visual character and resources were determined by considering the potential changes in landscape and views in the vicinity of the Airport. The methodology used to assess visual character impacts included how the Proposed Action will affect views within the General Study Area. For this analysis, visual resources and visual character effects were assessed based on the potential extent of the Proposed Action to negatively alter the viewshed of the General Study Area as compared to the No Action Alternative. While there are no FAA-established significance thresholds, the factors FAA considered in determining significance are the degree to which the Proposed Action will have the potential to:

- affect the nature of the visual character of the area, including the importance, uniqueness, and aesthetic value of the affected visual resources;
- contrast with the visual resources and/or visual character in the study area; and
- block or obstruct the views of visual resources, including whether these resources will still be viewable from other locations.

To evaluate the degree of impact associated with these factors, consideration was given to proximity and angle of view[61] of the proposed APM guideway and existing visual barriers to the visual resources (Flushing Bay). Based on these considerations, FAA determined approximately 100 residential units located on 55 properties,[62] shown on Exhibit 3.15-23 of the Final EIS, will be significantly impacted.

Mitigation measures for effects to visual resources/character will be adopted to complement the surrounding environment. These mitigation measures are detailed in Section 9, of this ROD.

8.13 WATER RESOURCES

Section 3.16 of the Final EIS identifies the potential impacts from the Proposed Action to water resources.

8.13.1 WETLANDS AND WATERS OF THE UNITED STATES

Direct impacts to wetlands and other aquatic resources were assessed by identifying components of the Proposed Action that will be constructed directly in or adjacent to delineated wetland areas. Indirect impacts were also assessed by evaluating changes in impervious surfaces that have the potential to increase erosion and stormwater runoff effects on wetlands and waters of the United States.

Construction of a new stormwater outfall to Flushing Creek will disturb approximately 0.045 acres of wetlands. Impacts will be partially mitigated with mitigation measures and BMPs. Construction of relocated in-water Marina facilities will result in temporary impacts to approximately 0.169 acres and permanent impacts to 0.068 acres of NYSDEC-jurisdictional aquatic resources (tidal open water) within Flushing Bay. Restoration of natural areas will be implemented to the extent possible. The loss of wetland area during construction will not substantially alter the hydrology needed to sustain the value and function of existing wetlands, substantially reduce the ability of wetlands to retain floodwaters or stormwater runoff, or affect the ability of these wetlands to support wildlife or habitat.

The physical presence of the APM components of the Proposed Action will be located entirely on upland portions of the shoreline along Flushing Bay, and will not directly impact wetlands. Therefore, operations of the Proposed Action will not have a significant impact to wetlands or aquatic resources of the United States.

The Draft EIS indicated that the Proposed Action will require approvals by the US Army Corp of Engineers (USACE) under Section 10 Rivers and Harbors Act of 1899 and Section 404 of Clean Water Act. A joint application for the Department of the Army Permit and 404(b)(1) analysis was provided by the Port Authority to the USACE on August 12, 2020. However, in September 2020, the USACE determined[63] that an individual Department of the Army permit is not required for the Proposed Action and verified that the Proposed Action could be carried out in accordance with existing Department of the Army Nationwide General Permit Numbers 3 (Maintenance), 7 (Outfall Structure and Associated Intake Structure), 16 (Return Water from Upland Contained Disposal Areas), 28 (Modifications of Existing Marinas), and 35 (Maintenance Dredging of Existing Basins).

Impacts will be mitigated with mitigation measures and BMPs, as discussed in Section 9 of this ROD. Restoration of natural areas will be implemented to the extent possible. The loss of wetland area during construction will not

[61] Angle of view considered views from eye level that would obstruct existing views of Flushing Bay and the horizon.

[62] Residential units are counted as the number of individual units on an affected property to account for two- and multi-family buildings.

[63] Ryba, Stephan, *Department of the Army File Number NAN-2019-00185-EME by The Port Authority of New York and New Jersey for work associated with the LaGuardia Airport Access Improvement Project in Flushing Bay and Flushing Creek, tributaries of Flushing Bay, in the Borough of Queens, Queens County, New York City, New York*, September 3, 2020.

substantially alter the hydrology needed to sustain the value and function of existing wetlands, substantially reduce the ability of wetlands to retain floodwaters or stormwater runoff, or affect the ability of these wetlands to support wildlife or habitat. Therefore, implementation of the Proposed Action will not have a significant impact to wetlands or aquatic resources of the United States.

8.13.2 FLOODPLAINS

The analysis of floodplains determined whether there will be significant floodplain encroachment based on the intensity of the encroachment and its impacts on the floodplain's natural and beneficial values. Potential direct and indirect impacts to floodplains were considered including loss of floodplain area; reduction of floodplain capacity; and changes to water quality, runoff, and hydrology as a result of new or modified structures, placement of fill, change in impervious surfaces, and construction activities in and adjacent to floodplains.

Construction activities associated with the Proposed Action that will be located within the floodplain will include excavation, installation, and relocation of utilities and storm drain infrastructure, installation of foundations and structural supports, paving, grading, and construction of structures. However, buildings and structures associated with the Proposed Action will be constructed consistent with applicable federal, state, and local permits and construction codes, which provide requirements for construction within a regulated floodplain. Compliance with these requirements will also include construction controls and best practices for erosion and sedimentation, accidental and flood-induced spills, storage of hazardous materials, and construction waste and spoil disposal to minimize impacts to natural and beneficial floodplain values, including water quality, hydrology, and groundwater, as discussed in applicable sections of this document. Therefore, the Proposed Action will not result in direct or indirect adverse impacts on natural and beneficial floodplain values. The Proposed Action will provide flood hazard protection and procedures during construction to minimize adverse effects on human safety and damages or costs to critical utilities and structures to the degree practicable.

The Proposed Action will encroach on FEMA-designated floodplains. Development in FEMA-designated floodplains must comply with the International Building Code, the ASCE national reference standards, the New York City Building Code, and the Port Authority's *Climate Resilience Design Guidelines*. Therefore, the design of the Proposed Action will incorporate flood hazard mitigation measures to focus on the use of specific design criteria to minimize impacts on human safety; minimize future damages or costs to equipment, facilities, and structures to the degree practicable; and minimize adverse impacts on natural and beneficial floodplain values. The Proposed Action will increase impervious surfaces by approximately 2.2 acres in the General Study Area. Runoff from new and reconstructed impervious surfaces will be managed in accordance with federal, state, and local regulations and permits, and will not result in adverse impacts to water quality and hydrology. The floodplain designated in the vicinity of the General Study Area is controlled by coastal storm surges and tidal flooding; therefore, the Proposed Action will have no adverse effect on the Federal Emergency Management Agency (FEMA)-designated flood elevation. The Proposed Action will not result in a significant encroachment on the floodplain because the Proposed Action will not cause a considerable probability of loss of human life; the Proposed Action will be designed to minimize future damage to structures and infrastructure that will result in unnecessary costs or interruptions to vital transportation facilities; and the Proposed Action will not cause notable adverse impacts to natural and beneficial floodplain values.

Since implementation of the Proposed Action is not expected to result in adverse impacts to floodplains, no mitigation measures are required; however, the Port Authority will implement mitigation measures to minimize impacts from the Proposed Action as detailed in Section 9 of this ROD.

8.13.3 SURFACE WATERS AND GROUNDWATER

The surface waters and groundwater analysis considered potential changes in hydrology and water quality associated with construction and operation of the Proposed Action compared to the No Action Alternative. The analysis considered placement of fill, structures, and excavation in surface waters and riparian buffers; changes in impervious surfaces that affect stormwater runoff and hydrology; and construction activities that will have the potential to affect surface waters. Construction and operation of the Proposed Action could generate pollutants such as sediment in stormwater runoff that could cause indirect impacts to the water quality of surface waters and groundwater. Construction of the Proposed Action will temporarily increase impervious surfaces by approximately 7.8 acres and permanently increase impervious surfaces by approximately 2.2 acres, which could cause additional stormwater runoff during peak rainfall events. However, since the existing land use within the General Study Area is highly urbanized with predominantly impervious surfaces, implementation of the Proposed Action will not result in significant increases in impervious surfaces or post-development peak flows that will impact surface water hydrology. Therefore, operation of the Proposed Action will not result in direct or indirect significant impacts to groundwater quality, withdrawal, or recharge. The Proposed Action will not result in a significant impact to surface water through compliance with required permits and implementation of best management practices and post-construction stormwater management practices, as discussed in Section 9 of this ROD.

8.14 CUMULATIVE IMPACTS

Cumulative impacts to environmental resources result from the incremental effects of a Proposed Action when combined with other past, present, and reasonably foreseeable future actions in the area, regardless of the entity (in other words, federal or non-federal) or person that will carry out those actions. In some cases, individually minor but collectively significant actions occurring over a defined period of time can cause cumulative impacts. In accordance with NEPA,[64] past, present, and reasonably foreseeable future projects were identified within the immediate vicinity of the Proposed Action. The development projects that are considered in the assessment of potential cumulative impacts are listed in Table 3.2-8 of the Final EIS, and include environmental projects, recreation projects, LGA projects, transit projects, and mixed-use developments. The analysis of cumulative impacts was encapsulated in the analysis of each resource category throughout Chapter 3 of the Final EIS. The results of the cumulative impacts analysis show no changes to impact significance determinations or mitigation requirements, as detailed in Sections 8 and 9 of this ROD.

8.15 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Construction of the Proposed Action will require a commitment of resources, which will be short-term, temporary increases in the consumption of energy in the form of electricity and transportation-related fuels, as well as supplies of natural resources, including water, sand, asphalt, aggregate, wood, and cement. Additionally, the Proposed Action will require the commitment of construction labor, which is generally nonrenewable and irretrievable. However, commitment of these resources will not be considered significant. The demand for nonrenewable resources, such as petroleum products or typical construction materials, will not exceed current or future supplies and, therefore, will not constitute an irreversible or irretrievable commitment of resources. However, construction of the

[64] The Council on Environmental Quality issued a final rule to update the regulations implementing NEPA on July 16, 2020 (see 85 Federal Register 44303). These regulations, which took effect on September 14, 2020, apply to any NEPA process begun after that date. Pursuant to 14 CFR 1506.130, an agency may apply the updated regulations to ongoing activities and environmental documents started before September 14, 2020. The FAA determined that the Final EIS would be completed under the regulations in effect as of the issuance of the Notice of Intent on May 5, 2019.

Proposed Action will result in the irreversible loss of the Passerelle Bridge, a contributing element to the Flushing Meadows-Corona Park Historic District, and the Pavilion on the Passerelle Bridge (over the LIRR). While the Main Gate Entrance and the Passerelle Buildings at Main Entrance will be adversely affected by the Proposed Action, these resources will not be lost. Construction of the Proposed Action will also result in conversion of approximately 0.5 acres of Section 6(f) obligated property and impact 0.068 acres of aquatic resources, which will be irretrievably lost.

The electricity required for the Proposed Action will increase the overall usage at LGA by approximately 24 percent over 2018 levels. On-site renewable energy using solar photovoltaic (PV) arrays may be included, if the Port Authority determines they are technically feasible. Solar PV arrays could potentially offset a portion of the energy needs of the Proposed Action.[65] The Proposed Action will increase natural gas consumption at LGA by approximately 4 percent and will increase potable water demand by approximately 1.1 percent.

The Proposed Action will impact the visual character of the General Study Area. The Proposed Action will partially obstruct and contrast with views of Flushing Bay from the residences along Ditmars Boulevard and further to the south and west of the General Study Area, which will be an irretrievable impact to those residents.

[65] To provide a conservative assumption, any reduction in nonrenewable energy use associated with on-site solar generation was not accounted for in the analyses.

9. MITIGATION COMMITMENTS

The construction and operation of the Proposed Action will result in the use of resources and in unavoidable environmental impacts. The FAA has identified measures to mitigate the adverse effects of construction and operation of the Proposed Action that need to be implemented by the Port Authority in order to support the FAA's environmental determination for the Proposed Action. These mitigation measures were developed to meet applicable federal and state requirements and in consideration of state and local guidelines. The concerns and interests of the public and government agencies were also addressed. The mitigation program is described in detail in Chapter 3 of the Final EIS and summarized in this ROD. The FAA will monitor the implementation of these mitigation measures as necessary and in accordance with the requirements of FAA Order 1050.1F, paragraph 7-2.3 to ensure they are carried out as Project commitments. The FAA finds that these measures constitute all reasonable steps to minimize harm and take all practicable means to avoid or minimize environmental harm from the selected alternative and proposed Federal Action.[66] Specific mitigation commitments for the Proposed Action are listed below.

Incorporation of required mitigation measures below into the design, construction, or operation of the Proposed Action is a condition of FAA's determinations in this ROD. Failure to adhere to the required measures detailed in this section may require re-evaluation of the determinations contained within this ROD. Further, adherence to these required measures will be considered in the future review of an application to fund the Proposed Action using PFCs; failure to implement the mitigation measures may jeopardize FAA's ability to render a favorable decision during review of a future PFC application.

9.1 AIR QUALITY

The Port Authority has committed to using best practices as identified in its *Sustainable Design Guidelines*.[67] The Port Authority will require its Design-Build-Operate-Maintain (DBOM) contractor, and the DBOM subcontractors, to use ultralow sulfur diesel fuel; all off-road equipment will be retrofitted with emission control devices using best available technologies; and diesel-powered generators will be limited to situations where commercial electric power may not be readily available. The Port Authority will also require that its DBOM contractor use construction equipment with engines that meet Tier 4[68] emission standards for all equipment greater than 100 horsepower (HP) and for 70 percent of equipment less than 100 HP. For construction equipment that is less than 100 HP, Tier 3[69] emission standards will be required at minimum. The Port Authority will require that a consultant independent of the DBOM contractor and paid by the Port Authority, monitor particulate matter within and at the perimeter of the active construction areas, and verify adherence to construction equipment requirements for the duration of construction. The Port Authority will impose penalties for non-compliance pursuant to applicable contracting mechanisms. The independent consultant will develop monthly reports on its monitoring findings that will be publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.

[66] The Port Authority's implementation of these measures is subject to the revenue use provisions in statutes, 49 USC §§ 47110 and 47133.

[67] Port Authority of New York and New Jersey, *Sustainable Building Guidelines,* January 1, 2017.

[68] Tier 4 emissions standards refer to exhaust emissions standards for nonroad compression-ignition engines as identified in 40 CFR 1039.101.

[69] Tier 3 emissions standards refer to exhaust emissions standards for nonroad compression-ignition engines as identified in 40 CFR 89.112.

9.2 BIOLOGICAL RESOURCES

Measures that will be used to mitigate the impacts of dredging and pile-driving in aquatic habitat include:

- a mechanical dredge with a closed environmental clamshell bucket to minimize sediment dispersal into the water column from dredging activities;
- the use of turbidity curtains to control the dispersal of sediment into the water column;
- the use of less impactful vibratory or cushioned impact hammers for in-water pile-driving;
- observance of the fisheries' time-of-year restrictions, which entails avoiding activities such as dredging and associated construction activities, between January 1 and May 31 when winter flounder eggs and larvae may be present in the General Study Area;
- monitoring for sediment plumes;
- dredged sediment will be handled, stored, and disposed of in accordance with all applicable, health, safety, and sediment and waste management plans and protocols;
- placement of equipment used in dredging and pile-driving below gunwales, no free falling of buckets, no hosing of gunwales during dredging, and no barge overflow requirements; and
- bucket hoist speed restrictions.

The Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed outfall locations will require construction activities associated with the outfalls to occur out of-the-water/in the dry (above the mean high-water line or at low tide). Effluent from the outfalls will be pretreated and rapidly diluted to meet or exceed state water quality standards or to non-detectable levels. Additionally, construction activities under the Proposed Action will be required to comply with all applicable federal, state, and local environmental permits.

The replacement of trees impacted by construction along the Flushing Bay Promenade is stipulated in the MOA between the Port Authority and the City of New York. For all other areas, unless superseded by New York Highway Law, trees will be replaced in accordance with New York City Local Law 3 of 2010, and in coordination with NYC Parks Forestry division. This will include addressing restitution requirements, where tree restitution values and replacement trees will be calculated in accordance with the NYC Parks' New York City Tree Valuation Protocol, with prioritization given to new trees along the Promenade. This protocol provides appraisal methodology that assesses value based on size, condition, species, and location. In order to prevent potential impacts to any nesting migratory bird species, tree removal will be avoided to the extent practicable from April 1st to October 30th. If the construction schedule requires tree removal during this timeframe, the Port Authority will perform biological surveys to prevent potential impacts to any nesting migratory bird species.

If construction will occur near potential horseshoe crab habitat either construction will be avoided during the spawning season (May 1 to July 15) or an ecologist will be on-site during construction to perform routine sweeps of the area and relocate horseshoe crabs as needed.

9.3 CLIMATE

No mitigation measures are required; however, the Port Authority will implement best practices as identified in its *Sustainable Design Guidelines*. Besides the emission reduction measures discussed in air quality above (see Section 9.1 of this ROD), the Port Authority will require its DBOM contractor and its subcontractors to ensure that at least 10 percent of their on-road vehicles used for the Proposed Action are zero emissions or low emitting. Additionally,

adherence to the Port Authority's *Climate Resilience Design Guidelines* and the New York City Mayor's Office *Climate Resiliency Design Guidelines* will ensure the Proposed Action is constructed to protect against future sea level rise and flood events.

9.4 COASTAL RESOURCES

To minimize the potential for stormwater-related impacts to coastal resources during construction, the Proposed Action will adhere to requirements of the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES). During excavation and construction, any groundwater recovered during dewatering will be monitored, treated, and discharged to existing infrastructure in compliance with NYSDEC SPDES requirements, and BMPs will be utilized. If dewatering is necessary, pumps will not be allowed to discharge directly into a waterway or wetland. BMPs will be incorporated into the Proposed Action design to minimize erosion and sedimentation during and after construction of the Proposed Action. All erosion and sedimentation controls will be installed prior to land disturbing activities to ensure the reduction of sedimentation and pollutants in receiving waters.

9.5 DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f) AND LAND AND WATER CONSERVATION FUND ACT, SECTION 6(f) RESOURCES

9.5.1 SECTION 4(f) PROPERTIES

While adverse impacts to Section 4(f) properties cannot be avoided, implementation of the Proposed Action incorporates all possible planning to minimize harm and will include the mitigation measures identified below.

Measures, as identified in the MOA governing park resources between Port Authority and New York City, include the following:

- Increase the net number of trees along the Promenade or elsewhere in the community district and, to the extent possible, adjacent community districts, through implementation of a tree replacement program;[70] it is estimated that on average each tree removed will be replaced with approximately 7 to 8 trees. This will include submittal of a Tree Removal Permit Application, including a tree inventory, to the City of New York to identify existing trees and develop a replacement plan prior to construction. Incorporation of the maximum reasonable number of replacement trees in conformance with an approved Promenade Improvement Plan, to be developed in coordination with NYC Parks and interested stakeholders. The tree replacement program must comply with Title 18 of the Administrative Code of the City of New York and Chapter 5 of Title 56 of the Rules of the City of New York. The number and locations of replacement trees that will be placed in the Promenade or elsewhere in the community district and adjacent community districts will be a focus of the public consultation process and approved by NYC Parks. The Landscape Plan will include a comprehensive, uniform design for tree replacement and other landscaping throughout the 1.4-mile Promenade. Any plantings will be consistent with FAA guidelines minimizing creation of any new wildlife attractants.

[70] Trees would be replaced in accordance with City of New York Regulations § 5-02. The location of replacement trees shall be determined by the New York City Department of Park and Recreation's horticultural officer unless otherwise permitted by law. To the extent practicable, replacement trees shall be planted within the same community district from which the tree(s) that were the subject of the permit were removed. Where the horticultural officer determines that it is not feasible to plant the total number of replacement trees at the subject location, the person granted the permit under section 5–01(a) shall be required to plant the remaining replacement trees at locations capable of accommodating such planting, either as close as possible to the property from which the original trees were removed, destroyed, or severely damaged, or as the horticultural officer deems feasible.

- Maintain access during construction to the pedestrian bridges over the GCP at 27th Avenue and 31st Drive, the Promenade walkway, and Pier 3 at the Marina facilities to the greatest extent possible with limited closures during nighttime hours. At least one of the two pedestrian bridges will be open at all times during construction to maintain pedestrian access from the local community to the Promenade.
- Develop a construction staging plan that takes into account the operations of the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts that allows the businesses to continue operating through most construction activities and coordinates construction times to minimize interference with operations or provides advanced notice of disruptive activities such as pile driving activities.
- To the extent that interferences with business operations occur, the Port Authority will compensate the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts for damages or losses incurred during construction directly based on the value of the lost operations. The Port Authority will compensate for business impacts based on the value of the lost operations attributable to project construction at or directly adjacent to the sites. The detailed methodology for compensation will be determined through further coordination between the Port Authority and the business operators; however, it will generally entail a comparison of projected and actual revenue during regular operations (that is, unaffected by the COVID-19 public health emergency) and how revenue might be impacted during the Proposed Action construction. For example, if construction of the Proposed Action requires a temporary closure of the business, the Port Authority will provide full compensation of revenue during the relevant time period based upon the average (of recent years) revenues from regular operations.
- Develop a construction staging plan that minimizes impact on available parking during construction and conducting coordination, as reasonable, with NYC Parks, the Mets, and the US Tennis Association. This plan must include the following limits on construction: (1) no construction will occur in or around the Citi Field parking lots on dates on which there is an afternoon Mets game, during the US Open, or on other special event dates (meaning dates when other major events are scheduled in the park, such as large concerts at Citi Field); (2) on dates on which the Mets play in the evening, construction activities in and around the Citi Field parking lots will cease at 3:00 p.m. and all construction employees will vacate Mets parking lots by 4:00 p.m.; and (3) no more than 4 acres of the Citi Field parking lots used by the Mets either for game-day or commuter parking will be occupied by the Port Authority's contractor at any given time during the Mets season (however, in the off-season, more than 4 acres may be used as defined in the construction staging plan).
- If Citi Field parking is decreased during any time during construction, temporary replacement parking will be provided (as shown on Exhibit N-1 of the MOA between the Port Authority and the City of New York) or the Port Authority will compensate the Mets for lost parking revenue.
- Replace parking spaces that will be permanently occupied at the Citi Field parking lot on a one-to-one basis in the proposed parking structure at the OMSF.
- Restoration of all areas disrupted by construction to a condition better than the documented condition at the commencement of construction.
- After construction, restore those portions of the Citi Field parking lot that are to remain as ground surface parking, to NYC Park's specification and approval.
- All World's Fair Marina facilities impacted by the Proposed Action will be replaced in-kind and the current site will be restored to a parking area and the current cut for the existing boat lift will be restored to maintain the shoreline profile.

The Port Authority, working closely with NYC Parks, convened a Flushing Bay Promenade Community Advisory Committee (Community Advisory Committee) in early 2021, which comprises interested stakeholders and community members who will serve in an advisory role throughout the design and construction of the improvements to the Flushing Bay Promenade and the Ditmars Boulevard entrances to the two pedestrian bridges at 27th Avenue and 31st Drive. The Community Advisory Committee will meet regularly with the Port Authority and NYC Parks and will serve as a feedback forum and focus group to review design ideas, assist with community engagement, and serve as a liaison between the Port Authority and NYC Parks and the broader community.

In addition, the Port Authority will mitigate the impacts to the Section 4(f) resources by improving the full length of the approximately 1.4-mile long Promenade along Flushing Bay, between 27th Avenue and 127th Place, with the goal of enhancing the Promenade as a community asset. The enhanced Promenade will provide a wide variety of park improvements for the local community and other park users and serve to beautify the main waterfront gateway to Flushing Meadows-Corona Park. The Port Authority, working closely with NYC Parks, local elected officials, and the community, will develop and implement a uniform and cohesive plan to determine the full scope and detailed design for such improvements (the "Promenade Improvement Plan"). Pursuant to the MOA between the City of New York and the Port Authority, the Promenade Improvement Plan, which will be subject to NYC Parks approval and NYC Public Design Commission approval of design following further community input, will include the following:

- Improvements along the entire 1.4-mile Promenade area, including enhancement of the paths, refurbishment of railing and walkway to a uniform and improved condition, and landscaping.
- Provision of community amenities. Community amenities will include creation of new public activity areas, such as adult exercise equipment; installation of public art along the Promenade, which may include upgrades to guideway aesthetics including Flushing Bay or local history themed murals on the structure; improvement of public access to the park; and improvement of lighting.
- Improvements to visual and noise screening of the GCP (such as, construction of landscaped screen).
- Implementation of *de minimis* (minor) repair, as necessary, of the bulkhead/seawall alongside the paths to ensure continued safety for public use.
- Provision of hose bib connections for irrigation.

Furthermore, the Port Authority amended the MOA between them and the City of New York on March 19, 2021 to preferentially dedicate the funds for acquisition of property associated with the Proposed Action to projects located within Flushing Meadows-Corona Park, with priority given to the Promenade.

Beyond what is stipulated in the MOA between the Port Authority and the City of New York, the Port Authority and NYC Parks agree that the following improvements will be included in the Promenade Improvement Plan:

- addressing community concerns regarding cleanliness;
- improved connectivity for cyclists and pedestrians to both the local community and the rest of Flushing Meadows-Corona Park, in coordination with other NYC Parks efforts;
- creation of dedicated bicycle and pedestrian lanes on the Promenade pathway, if deemed feasible in consultation with NYCDOT, including other improvements for bikers and pedestrians such as bike racks and distance markers;
- creation of gathering areas, including group seating areas with picnic tables, shaded areas, playground areas, and/or a zen garden/quiet area;

- public safety improvements along the Promenade and improving crossings at entry points into the Flushing Meadows-Corona Park; and
- replacement of drinking fountains.

The specific locations and design details for all of the elements of the Promenade Improvement Plan, whether identified in the MOA between the Port Authority and the City of New York or through the community input meetings, will be developed in consultation between the Port Authority, NYC Parks, the Community Advisory Committee, and through additional public engagement meetings. Detailed design plans will also be subject to review and approval by the NYC Public Design Commission. The Port Authority will implement the Promenade Improvement Plan as soon as practicable, with all improvements to be completed no later than 12 months after revenue service begins for the Proposed Action, as stated in the MOA between the Port Authority and the City of New York.

Furthermore, the Port Authority will set aside funds for enhanced upkeep and maintenance for the Promenade (that is, enhanced over the usual NYC Parks upkeep) for a minimum of 15 years, commencing upon the completion of measures identified in the Promenade Improvement Plan.[71] This will include funding for both staff and equipment to provide for maintenance of landscaped areas, removal of trash to keep the Promenade in a clean state and regular upkeep of any new amenities developed as part of the Promenade Improvement Plan.

Additionally, a separate Section 106 MOA to avoid, minimize, and mitigate adverse effects to historic properties will be implemented (see Appendix K.13 of the Final EIS). Measures to minimize and mitigate the adverse effects to historic properties are identified in Section 9.7 of this ROD.

9.5.2 SECTION 6(f) PROPERTIES

Under Section 6(f), NPS requires that land conversions be replaced by lands of equal value, location, and recreation usefulness. Per the NPS, the Port Authority in coordination with NYC Parks and New York State Parks will have up to one year from conversion approval to identify replacement property that meets LWCF conversion requirements in accordance with the current Statewide Comprehensive Outdoor Recreation Plan.

The US Department of the Interior clarified in its April 16, 2021 concurrence letter the process discussed in Sections ES.5.2 and 3.8.5.2, and Appendix I of the Final EIS by noting the following:

Appraisals for both the existing Section 6(f) properties and the replacement properties will be conducted with the action to replace the converted parkland. To be eligible to be used as replacement, the property must meet each of the conditions provided in the LWCF conversion regulations (36 C.F.R. 59.3(b)(4)).

The Port Authority will be responsible for completion of all necessary approvals related to the conversion of property under Section 6(f) of the LWCF, including acquisition and development of the replacement property once the Port Authority identifies suitable replacement property that meets LWCF conversion requirements. The Port Authority will develop replacement property in coordination with NYC Parks and New York State Parks, subject to the approval of NPS.

[71] The Final EIS identified a commitment of 10 years but subsequent to issuance of the Final EIS, the Port Authority and City of New York executed an amendment to the MOA, which extended this commitment to 15 years. Port Authority of New York and New Jersey and City of New York, *First Amendment to Memorandum of Agreement Concerning the Coordination between the Parties on Certain Matters Regarding an Airport Mass Transit Project at La Guardia Airport*, March 19, 2021.

9.6 HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION

The potential for adverse impacts due to hazardous materials and pollution prevention will be avoided by ensuring that construction activities are performed in accordance with the following measures:

- To avoid potential impacts on the community and construction workers, excavation and other construction work involving soil disturbance will be performed under a Construction Environmental Management Plan and a Construction Health and Safety Plan. Groundwater testing will be performed to ensure compliance with proper regulatory discharge requirements, either NYCDEP sewer discharge parameters or NYSDEC surface water discharge parameters. Groundwater may require pre-treatment prior to discharge. Any suspect ACM, lead-based paint, or PCB-containing materials encountered during demolition or excavation will be properly tested and characterized for the potential for hazardous materials and disposed of in accordance with applicable regulations. Any ground disturbance to facilitate construction of the temporary Citi Field replacement parking areas within the Willets Point BCP site will also be conducted in accordance with applicable remedial requirements and with appropriate coordination and any necessary reporting to NYSDEC.
- An underground stormwater recharge basin will be constructed beneath the OMSF to manage stormwater runoff from the OMSF project area, prevent flooding and downstream erosion, and improve water quality within Flushing Creek.
- In order to protect water quality and habitats in Flushing Creek, two new outfalls into Flushing Creek will be constructed to accommodate and treat stormwater runoff from the OMSF project area and the MTA/Tully Site, which are catchment areas from which stormwater runoff is not currently treated. Runoff from redeveloped impervious surfaces will discharge into existing drainage systems and the new outfalls. The outfall at the MTA/Tully Site will be temporary and removed following construction.
- All materials to be disposed of (for example, miscellaneous debris, contaminated soil, and excess fill) will be properly tested and characterized for the potential for hazardous materials and disposed of off-site in accordance with applicable federal, state, and local requirements.
- All stockpiled material will be handled in accordance with the NYSDEC Stormwater Management Design Manual, a Soil Management Plan or specific, and industry-standard BMPs, such as securely covering with tarps or plastic sheeting, to prevent dust or run-off.

9.7 HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES

Measures to minimize and mitigate the adverse effects to historic resources have been identified in consultation with the State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), Port Authority, and NYC Parks and other consulting parties in an effects resolution document. As adverse effects are unavoidable, the FAA, SHPO, and ACHP, in consultation with the Port Authority and NYC Parks have executed a Section 106 MOA to resolve the adverse effects. The Section 106 MOA addresses the anticipated effects of the undertaking, defines procedures to respond to project changes and unanticipated discoveries, and sets forth measures that will be implemented to avoid, minimize, and mitigate adverse effects on historic properties. The executed Section 106 MOA (see Appendix K.13 of the Final EIS) includes:

- Historic American Buildings Survey (HABS) documentation and records archiving covering the following historic properties:

- USN 08101.012570 Passerelle Bridge;
- USN 08101.012612 Pavilion on the Passerelle Bridge (over the LIRR);
- USN 08101.012586 Main Gate Entrance; and
- USN 08101.012608 Passerelle Buildings at Main Entrance.

- National Register Nomination Registration Form for Flushing Meadows-Corona Park Historic District. The Nomination will include, at minimum, a detailed historic context; a reappraisal and justification for the historic district's criteria of significance, areas of significance, period of significance, and boundaries; and identification and description of all contributing and non-contributing elements.
- Protection of historic properties provisions during construction, including vibration monitoring/action plan to monitor construction-related vibration for the historic properties located at 105-19 Ditmars Boulevard, 105-33 Ditmars Boulevard, and 106-18 27th Avenue and the Passerelle Buildings located inside the Flushing Meadows-Corona Park Historic District, consistent with applicable provisions specified in The City of New York Department of Buildings Technical Policy and Procedure Notice No. 10/88 and Preservation Tech Notes Temporary Protection Number 3: Protecting a Historic Structure during Adjacent Construction.

  The monitoring program will include, at minimum, the following:

  - pre-construction inspection and documentation of all identified historic properties listed above;
  - a baseline vibration threshold that takes into account any specific tolerances or sensitivities of specified historic properties (that is, structures that have potential to be impacted by vibration will be assessed to set appropriate vibration criteria to avoid any damage to the structure);
  - reasonable provisions for accessing specified historic properties for routine visual inspection and vibration monitoring purposes during construction, to the extent access is allowed by property owners;
  - seismographs, crack monitors, or other devices to measure vibration and movement during construction;
  - alerts to the Port Authority's contractor and Port Authority if vibration reaches or exceeds the baseline vibration threshold and/or if cracks, settlement, and/or other signs of disturbance are detected;
  - emergency contact and reporting procedures for the property owners;
  - a procedure to develop remedial measures if vibrations exceed the baseline more than once;
  - a procedure to add other historic properties to the Monitoring Program, if identified following execution of the Section 106 MOA; and
  - a procedure for documenting and reporting the results of the Monitoring Program to the signatories, invited signatories, property owners, and consulting parties on a periodic basis.
- Develop context-sensitive designs for the proposed Willets Point APM Station and related improvements, consistent with the significance and character-defining features of the Flushing Meadows-Corona Park Historic District, the contributing Passerelle Bridge, the Pavilion on the Passerelle Bridge (over the LIRR), the Main Gate Entrance, and the Passerelle Buildings at Main Entrance. The designs will be informed by the themes and principals of the 1939 and 1964 World's Fairs and their role as places of modernity, international renown, technical innovation, and cultural exchange. Identified character-defining features for consideration in the designs include the principals of the Art Deco and International-styles of architecture; reliance on industrial materials such as steel, concrete, and glass; additional applications in wood and brick; linearity; and processional movement through space. A guiding consideration will be the incorporation of the current pedestrian

experience along the existing Passerelle Bridge, the Passerelle Buildings at Main Entrance rooftops, and the ramp leading into the present-day park.

- The restoration or replication of flag poles and flags, lighting devices, and original fiberglass pedestrian benches in consultation with the SHPO, NYC Parks, and the consulting parties and according to original surviving examples from the 1964 World's Fair or documentary evidence using in-kind materials.
- Conduct a Conditions Assessment and Report for the Unisphere, a designated New York City landmark located inside the Flushing Meadows-Corona Park. The Conditions Assessment and Report will include a record of existing conditions, identified historic and non-historic fabric, and recommendations and cost estimates for the future rehabilitation of the structure in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties - Rehabilitation*.
- Dismantling and storage of the existing Main Gate Entrance structure and its constituent parts for rehabilitation and reinstallation in its original location. The Port Authority will engage a qualified historic architect to develop and implement a Preservation Plan with construction drawings guiding the disassembly, storage, rehabilitation, and reinstallation in consultation with the signatories, invited signatories, and consulting parties. Care will be taken to ensure preservation of as much historic fabric as possible, including the flat roof panels and steel support structures. Consideration will be given toward restoration of lost elements, such as lighting.
- Rehabilitation of the exterior envelope of the Passerelle Buildings at Main Entrance to maintain their historical integrity in conjunction with planned alterations to be undertaken to the building's ramp in order to achieve ADA compliance. The planned ramp modifications will be designed in a context-sensitive manner. The Port Authority will engage a qualified historic architect to develop and implement a Preservation Plan with construction drawings guiding the rehabilitation of the buildings, to include the following:
  - aesthetic repair and weatherproofing (with a minimum useful life of 20 years) of the exterior of the building, including the roof; examples include repointing of brick, providing flashing and sealants at veneer openings, replacing those windows that have deteriorated beyond repair and performing limited, localized masonry repairs;
  - rehabilitation of the exterior building envelope does not include improvement to the interior of the buildings, such as the office spaces;
  - in conjunction with the rehabilitation, the Port Authority will undertake a structural investigation of the existing foundation system to assess any pre-existing conditions, such as settlement;
  - all structural deficiencies identified in the Draft Passerelle Building Existing Masonry Investigation Report, December 19, 2018 prepared by the firm NV 5 for NYC Parks and New York City Department of Design & Construction, and identified through the Port Authority's inspection are beyond the scope of the rehabilitation to be conducted pursuant to the Preservation Plan;
  - the Port Authority will not be required to undertake any structural repairs as part of such rehabilitation, including repair or replacement of building structural elements, foundation repairs or restoration work (as defined under Section VII.F. of the Secretary of the Interior's *Standards for the Treatment of Historic Properties*), unless such repairs are required to address damage directly caused by construction of the Project; and
  - to the extent that time-critical and necessary repairs to the building structural elements are identified during the investigation, design, and/or construction of the Proposed Action, the Port Authority will contribute up to $2 million in additional funds for said repairs.

- The Port Authority will ensure the development, fabrication, installation, and maintenance of interpretive signs and/or displays to be located at select sites within the new Willets Point APM Station, on the new Passerelle Bridge, in the vicinity of the restored Passerelle Buildings at Main Entrance to be determined through consultation. Possible types of displays may include, but are not limited to, individual panels, interactive kiosks, multi-panel exhibition areas, imbedded pavement markers, viewfinders, and/or thematic panels. The signage on City property must adhere to the NYC Parks Branding guidelines and follow the NYC Parks and the NYC Public Design Commission review and approval process.
- Unanticipated Discovery Plan to manage post-review discoveries, including procedures governing the treatment of human remains or suspected human remains.

9.8 NATURAL RESOURCES AND ENERGY SUPPLY

The Port Authority will implement best practices as identified in its Sustainable Design Guidelines.[72] Additionally, the Port Authority is committed to pursuing community solar,[73] pending final feasibility assessment. The Port Authority intends to prioritize offering community solar to zip codes adjacent to LGA, as well as low- and moderate-income households and small/minority businesses.

9.9 NOISE, VIBRATION, AND NOISE-COMPATIBLE LAND USE

9.9.1 NOISE

Construction of the Proposed Action will adhere to the rules defined in the New York City Noise Code, which requires the adoption of a noise control mitigation plan prior to commencement of construction activities. The following noise control measures defined in Title 15, Chapter 28: Citywide Construction Noise Mitigation of The Rules of the City of New York will be incorporated into the noise control mitigation plan for the Proposed Action, as applicable:

- All construction equipment operating on a site shall be equipped with the appropriate manufacturer's noise reduction devices, including, but not limited to a manufacturer's muffler (or equivalently rated material) that is free of rust, holes, and exhaust leaks.
- Noise from construction devices with internal combustion engines shall be mitigated by ensuring that the engine's housing doors are kept closed, and by using noise-insulating material mounted on the engine housing that does not interfere with the manufacturer's guidelines for engine operation or exhaust.
- Portable compressors, generators, pumps, and other such devices shall be covered with noise-insulating fabric to the maximum extent possible that does not interfere with the manufacturer's guidelines for engine operation or exhaust and shall further reduce noise by operating the device at lower engine speeds during the work to the maximum extent possible.
- Vehicle engine idling onsite shall be limited to no longer than three minutes while parking, standing, or stopping, as per New York City Administrative Code §§ 24 to 163.
- Quieter back-up alarms on construction equipment shall be used whenever practical.

[72] Port Authority of New York and New Jersey, *Sustainable Building Guidelines,* January 1, 2017.

[73] The US Department of Energy defines community solar as any solar project or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers, such as individuals, business, nonprofits, and other groups. See https://www.energy.gov/eere/solar/community-solar-basics (accessed March 10, 2021).

- Strategically positioning construction vehicles so as to minimize operation near receptors and avoiding tailgate slamming to the extent possible.
- Noise pathway controls, including noise barriers and enclosures free from gaps and holes, should be placed as close as possible to construction areas. Construction of noise barriers and enclosures should follow rules and guidelines detailed in Title 15, Chapter 28; Citywide Construction Noise Mitigation of The Rules of the City of New York.

Construction noise will be minimized by including specifications in the construction contracts that require contractors to implement a program to minimize construction noise at areas of noise impacts. The contractor will ultimately be responsible for identifying and selecting the construction methods used to build the Proposed Action. Nevertheless, source control measures related to the use of impact equipment, such as during pile driving, that may be incorporated into the noise control mitigation plan for the Proposed Action include:

- Selection of pile driving equipment will consider noise impacts in addition to structural, geotechnical, and pile friction requirements and ground conditions;
- Impact pile drivers will be equipped with a well-maintained exhaust muffler in order to mitigate the amount of noise escaping out with the diesel exhaust;
- Pre-augered or pre-trenched pile holes to reduce pile driving holes will be used, where practical; and
- Quieter alternative methods to pile driving, including the use of drilled caissons, will be considered whenever possible.

In addition to the mitigation measures, the Port Authority contracts will require contractors to avoid, minimize, or eliminate construction related impacts, when practicable. Noise control measures will be developed by the Port Authority, who will work with community representatives to develop a plan to minimize construction noise impacts to residences located southeast of the project, such as those along Ditmars Boulevard. Mitigation measures may include use of sound-insulated fencing, acoustic blankets around stationary equipment, drilled caissons instead of driving piles, vibratory pile drivers where ground conditions permit, and time-of-day restrictions[74] for equipment that will result in the highest noise levels in the surrounding community.

A construction noise complaint hotline will be established for residents in the neighborhoods near the project. The Port Authority will respond to noise complaints by investigating the source of the issues and resolving those issues with the Port Authority's contractor. Additionally, as part of the plan to minimize construction noise, the Port Authority will require that a consultant, independent of the DBOM contractor and paid for by the Port Authority, monitor construction noise in the neighborhoods within the General Study Area. The location of noise monitors will be determined in coordination with local stakeholders. The data collected will be used to investigate complaints and aid in identifying if construction noise exceedances have been rectified. Furthermore, the independent consultant, will develop reports every month on its monitoring findings that will be publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.

[74] Construction is permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays. An after-hours authorization permit is required for all work occurring prior to 7:00 a.m. and after 6:00 p.m. on weekdays or at any time on weekends.

9.9.2 VIBRATION

Construction vibration will be minimized by including specifications in the Port Authority's construction contracts requiring its contractor to implement a program to minimize construction vibration at impacted areas. The Port Authority has committed to conducting pre-construction surveys of structures that are expected to experience vibration-related annoyance impacts during construction (per FTA guidance), including the Marina Restaurant and Banquet Hall, the Gulf Gas Station, identified historic properties (see Section 3.10.6 of the Final EIS), and residential buildings shown on Exhibit 3.13-8 of the Final EIS, to assess the pre-construction condition of buildings and foundations. The contracts will also require vibration monitoring during pile driving or similar activities during construction of the Proposed Action. Structures that have potential to be impacted by vibration will be assessed and appropriate vibration criteria will be established for nearby construction activities in order to avoid any damage to the structure. The contractor will not be able to exceed that criteria and will need to use foundation types, equipment, and construction techniques that limit vibration to within acceptable levels.

Vibration will be monitored by a consultant, independent of the DBOM contractor and paid for by the Port Authority, in the vicinity of active work areas throughout construction. The location of vibration monitors will be determined in coordination with local stakeholders. Work will be stopped if the level is exceeded until it can be mitigated. The same hotline for noise will be used for construction vibration complaints as well, and the monitoring data collected will aid in determining the validity of complaints and their resolution. It is anticipated that no construction vibration damage thresholds will be exceeded if the construction specifications are adhered to by the contractor; however, to the extent that a building is damaged as a direct result of the construction of the Proposed Action, the Port Authority will pay the property owner for the costs of necessary repairs as determined by an engineer's assessment paid for by the Port Authority. All damage claim assessments will utilize the pre-construction surveys as a baseline for the analysis. Furthermore, the independent monitoring consultant, will develop reports every month on their monitoring findings. These reports will be made publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.

9.10 SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND CHILDREN'S ENVIRONMENTAL HEALTH AND SAFETY RISKS

9.10.1 SOCIOECONOMICS

The measures identified in the MOA between the Port Authority and City of New York that will be implemented to minimize socioeconomic impacts are:

- Maintain access during construction to the pedestrian bridges over the GCP at 27th Avenue and 31st Drive, the Flushing Bay Promenade walkway, and Pier 3 at the Marina facilities, to the greatest extent practicable with limited closures during nighttime hours. At least one of the two pedestrian bridges will be open at all times during construction to maintain pedestrian access from the local community to the Promenade.
- Develop a construction staging plan that takes into account the operations of the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts, that allow the businesses to continue operating through most construction activities and coordinates construction times to minimize interference with operations or provide advanced notice of disruptive activities such as pile driving activities. Parking availability and delivery access will need to be maintained during hours of operations for each facility.
- Certain construction activities will take place at the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts sites, and the Port Authority will compensate for business impacts based on the value of the lost operations attributable to project construction at or directly adjacent to the sites. The detailed

methodology for compensation is to be determined through further coordination between the Port Authority and the business operators; however, it will generally entail a comparison of projected and actual revenue during regular operations (that is, unaffected by the COVID-19 public health emergency) and how revenue might be impacted during the Proposed Action construction. If construction of the Proposed Action requires a temporary closure of the business, the Port Authority will provide full compensation of revenue based upon average (of recent years) revenues during regular operations during the relevant time period.

9.10.2 ENVIRONMENTAL JUSTICE POPULATIONS

Mitigation measures for impacts to resource categories that will be disproportionately borne by or cause a disproportionately high and adverse effect to environmental justice populations and are in Sections 9.1 (Air Quality), 9.2 (Biological Resources), 9.5 (Department of Transportation Act, Section 4(f) and Section 6(f) of the Land and Water Conservation Fund Act), 9.6 (Hazardous Materials, Solid Waste, and Pollution Prevention), 9.7 (Historic, Architectural, Archaeological, and Cultural Resources), 9.9 (Noise, Vibration, and Noise-Compatible Land Use), 9.10.3 (Surface Transportation/Traffic), 9.11 (Visual Effects), and 9.12 (Water Resources). The mitigation measures in those sections were informed by FAA's consideration of measures proposed by the Port Authority, comments raised by the public on the Draft EIS, and by community representatives during the EJ mitigation meeting. Mitigation measures required by the FAA to reduce impacts disproportionately borne by or that cause a disproportionately high and adverse effect in these resource categories to the environmental justice populations include:

- Air Quality
  - The Port Authority will require that a consultant independent of the DDBOM contractor and paid by the Port Authority, monitor particulate matter within and at the perimeter of the active construction areas, and verify adherence to construction equipment requirements for the duration of construction. The Port Authority will impose penalties for non-compliance pursuant to applicable contracting mechanisms. The independent consultant will develop monthly reports on its monitoring findings that will be publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.
- Biological Resources
  - The replacement of trees impacted by construction along the Flushing Bay Promenade is stipulated in the MOA between the Port Authority and the City of New York. For all other areas, unless superseded by New York Highway Law, trees will be replaced in accordance with New York City Local Law 3 of 2010, and in coordination with NYC Parks Forestry division. This will include addressing restitution requirements, where tree restitution values and replacement trees will be calculated in accordance with the NYC Parks' New York City Tree Valuation Protocol, with prioritization given to new trees along the Promenade. This protocol provides appraisal methodology that assesses value based on size, condition, species, and location.
- Department of Transportation Act, Section 4(f) and Section 6(f) of the Land and Water Conservation Fund Act
  - Increase the net number of trees along the Promenade or elsewhere in the community district and, to the extent possible, adjacent community districts, through implementation of a tree replacement program;[75] it

[75] Trees would be replaced in accordance with City of New York Regulations § 5-02. The location of replacement trees shall be determined by the New York City Department of Park and Recreation's horticultural officer unless otherwise permitted by law. To the extent practicable, replacement trees shall be planted within the same community district from which the tree(s) that were the subject of the permit were

is estimated that on average each tree removed will be replaced with approximately 7 to 8 trees. This will include submittal of a Tree Removal Permit Application, including a tree inventory, to the City of New York to identify existing trees and develop a replacement plan prior to construction. Incorporation of the maximum reasonable number of replacement trees in conformance with an approved Promenade Improvement Plan, to be developed in coordination with NYC Parks and interested stakeholders. The tree replacement program must comply with Title 18 of the Administrative Code of the City of New York and Chapter 5 of Title 56 of the Rules of the City of New York. The number and locations of replacement trees that will be placed in the Promenade or elsewhere in the community district and adjacent community districts will be a focus of the public consultation process and approved by NYC Parks. The Landscape Plan will include a comprehensive, uniform design for tree replacement and other landscaping throughout the 1.4-mile Promenade. Any plantings will be consistent with FAA guidelines minimizing creation of any new wildlife attractants.

- Maintain access during construction to the pedestrian bridges over the GCP at 27th Avenue and 31st Drive, the Promenade walkway, and Pier 3 at the Marina facilities to the greatest extent possible with limited closures during nighttime hours. At least one of the two pedestrian bridges will be open at all times during construction to maintain pedestrian access from the local community to the Promenade.
- Develop a construction staging plan that takes into account the operations of the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts that allows the businesses to continue operating through most construction activities and coordinates construction times to minimize interference with operations or provides advanced notice of disruptive activities such as pile driving activities.
- Restoration of all areas disrupted by construction to a condition better than the documented condition at the commencement of construction.
- All World's Fair Marina facilities impacted by the Proposed Action will be replaced in-kind and the current site will be restored to a parking area and the current cut for the existing boat lift will be restored to maintain the shoreline profile.
- In addition to the commitments made in the MOA between Port Authority and the City of New York, the Port Authority will improve the Ditmars Boulevard entrances to the two pedestrian bridges at 27th Avenue and 31st Drive over the GCP that provide access to the Promenade and Marina. These bridges provide the only pedestrian access directly between the local community and the Flushing Bay Promenade. The Port Authority will improve both the appearance and safety of the entrances, including but not limited to elements such as repaving, improving lighting, and trimming or replacing landscaping, as necessary. These improvements will be planned and designed in close consultation with the local community.
- The Port Authority, working closely with NYC Parks, convened a Community Advisory Committee in early 2021, which comprises interested stakeholders and community members who will serve in an advisory role throughout the design and construction of the improvements to the Flushing Bay Promenade and the Ditmars Boulevard entrances to the two pedestrian bridges at 27th Avenue and 31st Drive. The Community Advisory Committee will meet regularly with the Port Authority and NYC Parks and will serve as a feedback forum and focus group to review design ideas, assist with community engagement, and serve as a liaison

removed. Where the horticultural officer determines that it is not feasible to plant the total number of replacement trees at the subject location, the person granted the permit under section 5–01(a) shall be required to plant the remaining replacement trees at locations capable of accommodating such planting, either as close as possible to the property from which the original trees were removed, destroyed, or severely damaged, or as the horticultural officer deems feasible.

between the Port Authority and NYC Parks and the broader community. The Port Authority and NYC Parks will have oversight of the Community Advisory Committee, including the scheduling and facilitation of meetings. The LaGuardia Redevelopment Community Outreach Managers and representatives from NYC Parks will serve as primary points of contact for the Community Advisory Committee members. All final designs for the Flushing Bay Promenade and entrances would be subject to approval of NYC Parks.

— The Port Authority will improve the full length of the approximately 1.4-mile long Promenade along Flushing Bay, between 27th Avenue and 127th Place, with the goal of enhancing the Promenade as a community asset. The enhanced Promenade will provide a wide variety of park improvements for the local community and other park users and serve to beautify the main waterfront gateway to Flushing Meadows-Corona Park. The Port Authority, working closely with NYC Parks, local elected officials, and the community, will develop and implement a uniform and cohesive plan to determine the full scope and detailed design for such improvements (the "Promenade Improvement Plan"). Pursuant to the MOA between the City of New York and the Port Authority, the Promenade Improvement Plan, which will be subject to NYC Parks approval and NYC Public Design Commission approval of design following further community input, will include the following:

  - Improvements along the entire 1.4-mile Promenade area, including enhancement of the paths, refurbishment of railing and walkway to a uniform and improved condition, and landscaping.
  - Provision of community amenities. Community amenities will include creation of new public activity areas, such as adult exercise equipment; installation of public art along the Promenade, which may include upgrades to guideway aesthetics including Flushing Bay or local history themed murals on the structure; improvement of public access to the park; and improvement of lighting.
  - Improvements to visual and noise screening of the GCP (such as, construction of landscaped screen).
  - Implementation of de minimis (minor) repair, as necessary, of the bulkhead/seawall alongside the paths to ensure continued safety for public use.
  - Provision of hose bib connections for irrigation.

— Furthermore, the Port Authority amended the MOA between them and the City of New York on March 19, 2021 to preferentially dedicate the funds for acquisition of property associated with the Proposed Action to projects located within Flushing Meadows-Corona Park, with priority given to the Promenade.

— Beyond what is stipulated in the MOA between the Port Authority and the City of New York, the Port Authority and NYC Parks agree that the following improvements will be included in the Promenade Improvement Plan:

  - addressing community concerns regarding cleanliness;
  - improved connectivity for cyclists and pedestrians to both the local community and the rest of Flushing Meadows-Corona Park, in coordination with other NYC Parks efforts;
  - creation of dedicated bicycle and pedestrian lanes on the Promenade pathway, if deemed feasible in consultation with NYCDOT, including other improvements for bikers and pedestrians such as bike racks and distance markers;
  - creation of gathering areas, including group seating areas with picnic tables, shaded areas, playground areas, and/or a zen garden/quiet area;

  - public safety improvements along the Promenade and improving crossings at entry points into the Flushing Meadows-Corona Park; and
  - replacement of drinking fountains.
- The specific locations and design details for all of the elements of the Promenade Improvement Plan, whether identified in the MOA between the Port Authority and the City of New York or through the community input meetings, will be developed in consultation between the Port Authority, NYC Parks, the Community Advisory Committee, and through additional public engagement meetings. Detailed design plans will also be subject to review and approval by the NYC Public Design Commission. The Port Authority will implement the Promenade Improvement Plan as soon as practicable, with all improvements to be completed no later than 12 months after revenue service begins for the Proposed Action, as stated in the MOA between the Port Authority and the City of New York.
- The Port Authority will provide $7.5 million for enhanced upkeep and maintenance for the Flushing Bay Promenade.
- The Port Authority will establish and administer a fund to be used by the local community in consultation with the East Elmhurst Corona Civic Association to sponsor programming at other neighborhood parks, such as Hinton Park, the Louis Armstrong Playground, the Helen Marshall Playground, Overlook Park, and other public open green spaces in the neighborhood. The Port Authority will provide up to $75,000 during each year of construction of the Proposed Action and Promenade improvements.

- Hazardous Materials, Solid Waste, and Pollution Prevention
  - To avoid potential impacts on the community and construction workers, excavation and other construction work involving soil disturbance will be performed under a Construction Environmental Management Plan and a Construction Health and Safety Plan. Groundwater testing will be performed to ensure compliance with proper regulatory discharge requirements, either NYCDEP sewer discharge parameters or NYSDEC surface water discharge parameters. Groundwater may require pre-treatment prior to discharge. Any suspect ACM, lead-based paint, or PCB-containing materials encountered during demolition or excavation will be properly tested and characterized for the potential for hazardous materials and disposed of in accordance with applicable regulations. Any ground disturbance to facilitate construction of the temporary Citi Field replacement parking areas within the Willets Point BCP site will also be conducted in accordance with applicable remedial requirements and with appropriate coordination and any necessary reporting to NYSDEC.
  - All materials to be disposed of (for example, miscellaneous debris, contaminated soil, and excess fill) will be properly tested and characterized for the potential for hazardous materials and disposed of off-site in accordance with applicable federal, state, and local requirements.
  - All stockpiled material will be handled in accordance with the NYSDEC Stormwater Management Design Manual, a Soil Management Plan or specific, and industry-standard BMPs, such as securely covering with tarps or plastic sheeting, to prevent dust or run-off.
- Historic, Architectural, Archaeological, and Cultural Resources
  - Protection of historic properties provisions during construction, including vibration monitoring/action plan to monitor construction-related vibration for the historic properties located at 105-19 Ditmars Boulevard, 105-33 Ditmars Boulevard, and 106-18 27th Avenue and the Passerelle Buildings located inside the Flushing Meadows-Corona Park Historic District, consistent with applicable provisions specified in The City of New

York Department of Buildings Technical Policy and Procedure Notice No. 10/88 and Preservation Tech Notes Temporary Protection Number 3: Protecting a Historic Structure during Adjacent Construction.

The monitoring program will include, at minimum, the following:

- pre-construction inspection and documentation of all identified historic properties listed above;
- a baseline vibration threshold that takes into account any specific tolerances or sensitivities of specified historic properties (that is, structures that have potential to be impacted by vibration will be assessed to set appropriate vibration criteria to avoid any damage to the structure);
- reasonable provisions for accessing specified historic properties for routine visual inspection and vibration monitoring purposes during construction, to the extent access is allowed by property owners;
- seismographs, crack monitors, or other devices to measure vibration and movement during construction;
- alerts to the Port Authority's contractor and Port Authority if vibration reaches or exceeds the baseline vibration threshold and/or if cracks, settlement, and/or other signs of disturbance are detected;
- emergency contact and reporting procedures for the property owners;
- a procedure to develop remedial measures if vibrations exceed the baseline more than once;
- a procedure to add other historic properties to the Monitoring Program, if identified following execution of the Section 106 MOA; and
- a procedure for documenting and reporting the results of the Monitoring Program to the signatories, invited signatories, property owners, and consulting parties on a periodic basis.

- Noise, Vibration, and Noise-Compatible Land Use
  - Noise
    - Construction of the Proposed Action will adhere to the rules defined in the New York City Noise Code, which requires the adoption of a noise control mitigation plan prior to commencement of construction activities. The following noise control measures defined in Title 15, Chapter 28: Citywide Construction Noise Mitigation of The Rules of the City of New York will be incorporated into the noise control mitigation plan for the Proposed Action, as applicable:
      - All construction equipment operating on a site shall be equipped with the appropriate manufacturer's noise reduction devices, including, but not limited to a manufacturer's muffler (or equivalently rated material) that is free of rust, holes, and exhaust leaks.
      - Noise from construction devices with internal combustion engines shall be mitigated by ensuring that the engine's housing doors are kept closed, and by using noise-insulating material mounted on the engine housing that does not interfere with the manufacturer's guidelines for engine operation or exhaust.
      - Portable compressors, generators, pumps, and other such devices shall be covered with noise-insulating fabric to the maximum extent possible that does not interfere with the manufacturer's guidelines for engine operation or exhaust and shall further reduce noise by operating the device at lower engine speeds during the work to the maximum extent possible.

  - Vehicle engine idling onsite shall be limited to no longer than three minutes while parking, standing, or stopping, as per New York City Administrative Code §§ 24 to 163.
  - Quieter back-up alarms on construction equipment shall be used whenever practical.
  - Strategically positioning construction vehicles so as to minimize operation near receptors and avoiding tailgate slamming to the extent possible.
  - Noise pathway controls, including noise barriers and enclosures free from gaps and holes, should be placed as close as possible to construction areas. Construction of noise barriers and enclosures should follow rules and guidelines detailed in Title 15, Chapter 28; Citywide Construction Noise Mitigation of The Rules of the City of New York.

- Construction noise will be minimized by including specifications in the construction contracts that require contractors to implement a program to minimize construction noise at areas of noise impacts. The contractor will ultimately be responsible for identifying and selecting the construction methods used to build the Proposed Action. Nevertheless, source control measures related to the use of impact equipment, such as during pile driving, that may be incorporated into the noise control mitigation plan for the Proposed Action include:
  - Selection of pile driving equipment will consider noise impacts in addition to structural, geotechnical, and pile friction requirements and ground conditions.
  - Impact pile drivers will be equipped with a well-maintained exhaust muffler in order to mitigate the amount of noise escaping out with the diesel exhaust.
  - Pre-augered or pre-trenched pile holes to reduce pile driving holes will be used, where practical.
  - Quieter alternative methods to pile driving, including the use of drilled caissons, will be considered whenever possible.
- In addition to the mitigation measures, the Port Authority contracts will require contractors to avoid, minimize, or eliminate construction related impacts, when practicable. Noise control measures will be developed by the Port Authority, who will work with community representatives to develop a plan to minimize construction noise impacts to residences located southeast of the project, such as those along Ditmars Boulevard. Mitigation measures may include use of sound-insulated fencing, acoustic blankets around stationary equipment, drilled caissons instead of driving piles, vibratory pile drivers where ground conditions permit, and time-of-day restrictions[76] for equipment that will result in the highest noise levels in the surrounding community.
- A construction noise complaint hotline will be established for residents in the neighborhoods near the project. The Port Authority will respond to noise complaints by investigating the source of the issues and resolving those issues with the Port Authority's contractor. Additionally, as part of the plan to minimize construction noise, the Port Authority will require that a consultant, independent of the DBOM contractor and paid for by the Port Authority, monitor construction noise in the neighborhoods within the General Study Area. The location of noise monitors will be determined in coordination with local stakeholders. The data collected will be used to investigate complaints and aid in identifying if

[76] Construction is permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays. An after-hours authorization permit is required for all work occurring prior to 7:00 a.m. and after 6:00 p.m. on weekdays or at any time on weekends.

construction noise exceedances have been rectified. Furthermore, the independent consultant, will develop reports every month on its monitoring findings that will be publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.

- Vibration
  - Construction vibration will be minimized by including specifications in the Port Authority's construction contracts requiring its contractor to implement a program to minimize construction vibration at impacted areas. The Port Authority has committed to conducting pre-construction surveys of structures that are expected to experience vibration-related annoyance impacts during construction (per FTA guidance), including the Marina Restaurant and Banquet Hall, the Gulf Gas Station, identified historic properties (see Section 3.10.6 of the Final EIS), and residential buildings shown on Exhibit 3.13-8 of the Final EIS, to assess the pre-construction condition of buildings and foundations. The contracts will also require vibration monitoring during pile driving or similar activities during construction of the Proposed Action. Structures that have potential to be impacted by vibration will be assessed and appropriate vibration criteria will be established for nearby construction activities in order to avoid any damage to the structure. The contractor will not be able to exceed that criteria and will need to use foundation types, equipment, and construction techniques that limit vibration to within acceptable levels.
  - Vibration will be monitored by a consultant, independent of the DBOM contractor and paid for by the Port Authority, in the vicinity of active work areas throughout construction. The location of vibration monitors will be determined in coordination with local stakeholders. Work will be stopped if the level is exceeded until it can be mitigated. The same hotline for noise will be used for construction vibration complaints as well, and the monitoring data collected will aid in determining the validity of complaints and their resolution. It is anticipated that no construction vibration damage thresholds will be exceeded if the construction specifications are adhered to by the contractor; however, to the extent that a building is damaged as a direct result of the construction of the Proposed Action, the Port Authority will pay the property owner for the costs of necessary repairs as determined by an engineer's assessment paid for by the Port Authority. All damage claim assessments will utilize the pre-construction surveys as a baseline for the analysis. Furthermore, the independent monitoring consultant, will develop reports every month on their monitoring findings. These reports will be made publicly accessible on a Port Authority webpage throughout the duration of construction. The reports will include any instances of exceedance and the corresponding corrective action.

- Socioeconomics
  - Develop a construction staging plan that takes into account the operations of the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts, that allow the businesses to continue operating through most construction activities and coordinates construction times to minimize interference with operations or provide advanced notice of disruptive activities such as pile driving activities. Parking availability and delivery access will need to be maintained during hours of operations for each facility.
  - Certain construction activities will take place at the Marina Restaurant and Banquet Hall, the Gulf Gas Station, and Dunkin Donuts sites, and the Port Authority will compensate for business impacts based on the value of the lost operations attributable to project construction at or directly adjacent to the sites. The detailed methodology for compensation is to be determined through further coordination between the Port Authority and the business operators; however, it will generally entail a comparison of projected and actual revenue during regular operations (that is, unaffected by the COVID-19 public health emergency)

and how revenue might be impacted during the Proposed Action construction. If construction of the Proposed Action requires a temporary closure of the business, the Port Authority will provide full compensation of revenue based upon average (of recent years) revenues during regular operations during the relevant time period.

- Surface Transportation/Traffic
  - Enacting a Traffic Monitoring Plan to address traffic issues during construction in coordination with the relevant agencies.
  - Truck deliveries of bulk materials to the staging areas and hauling of material from the staging areas to the construction site will be scheduled during off-peak hours to avoid the peak commuter and Airport traffic periods on designated haul routes.
  - Short-term lane closures will occur during periods of low-traffic activity. If longer-term lane closures occur (that is, longer than 48 hours), detour routes will be established.
  - Impacts to bicycle and pedestrian paths will be minimal and detours will be provided, as practicable.
  - Staff from key departments such as the Port Authority, New York Police Department, NYCDOT, and NYC Parks will collaborate on proactive decision-making as well as assessing and addressing traffic congestion as a result of construction via a Project Task Force. The Project Task Force will review the following topics:
    - coordinate with all other on-going construction projects;
    - coordinate with other public infrastructure projects;
    - conduct a detour impact analysis for pedestrian, business, bicycle, and traffic flow;
    - coordinate closures and restricted access with all potential special events and holiday traffic flow;
    - notify the public with use of static signage, changeable message signs, media announcements, Airport website, etc.;
    - work with Airport police and the New York Police Department to enforce delivery times and routes;
    - coordinate with police and fire personnel regarding maintenance of emergency access and response times;
    - monitor and coordinate deliveries;
    - establish detour routes;
    - work with residential and commercial neighbors regarding upcoming construction activities; and
    - analyze traffic conditions to determine the need for additional traffic signals, signs, lane restriping, signal modifications, etc.
  - Prior to initiation of construction, contractors will be required to coordinate with the Port Authority on a Transportation Management Plan (TMP), which will include a description of how the contractor will manage all construction-related traffic, deliveries, shift hours, parking locations, haul routes, and modifications to shuttle system operations, if any. Activities of the Project Task Force and mitigations proposed will also be documented in the TMP. Additionally, contractors will provide Worksite Traffic Control Plans, which will detail the locations for variable message and other signs, any lane striping changes, any detours, and traffic signal modifications. Temporary Traffic Signal Plans and Temporary Street Lighting Plans will also be

provided, if needed. The Project Task Force, as well as any appropriate agencies and departments, will provide input on each item as required.

- Visual Effects
  - Design guidelines applicable to the major design features of the Proposed Action will support integration of the Proposed Action components into the existing setting of the General Study Area. Examples of design elements include:
    - Use of specific materials, colors, or finishes and landscaping to integrate structures, including the APM guideway, with the surroundings.
    - Minimize the number of columns and structures along the Flushing Bay Promenade by maximizing the span between columns in this area.
    - Minimize the bulk of the APM guideway structure to preserve openness along the Flushing Bay Promenade, to the extent feasible.
  - The Port Authority will consult with local jurisdictions to identify and integrate design features into the final design of the Proposed Action.
  - To further offset visual impacts experienced by the community, the Port Authority will make an additional $2 million available for community beautification projects in the impacted area.
- Water Resources
  - Elevating and/or floodproofing buildings and structures to the extent practicable for flood hazard protection.
  - Minimizing fill placed in floodplains.
  - Incorporating control measures during construction to minimize erosion and sedimentation, such as temporary seeding and mulching and use of temporary silt fencing, and maintaining existing drainage patterns and infrastructure.
  - Incorporating best practices during construction to minimize accidental and flood-induced spills of hazardous materials and proper storage and disposal of hazardous materials and waste.
  - Implementing post-construction SMPs to manage and treat runoff from new and redeveloped impervious cover.

In addition to the mitigation measures required by the FAA to reduce impacts disproportionately borne by or that cause a disproportionately high and adverse effect in these resource categories to the environmental justice populations, the FAA has found the following mitigation measures to be practicable and reasonable to reduce the disproportionately high and adverse effects to minority environmental justice populations:

- The Port Authority is required to prepare and publicly disseminate reports approximately every 6 months to detail its implementation of mitigation measures.
- The Port Authority will go beyond its current policies for minority/women-owned business enterprises (MWBEs) and focus on using as many local, Queens-based firms as possible. The Port Authority will encourage its contractor to use local business firms located in the vicinity of the General Study Area to the maximum extent practicable. To facilitate achievement of this goal, the Port Authority will utilize existing programs and hire an MWBE specialist from the local community. The MWBE specialist will run programming to provide access to

resources, help certify local businesses, improve capacity of businesses, and connect businesses with contractors throughout the duration of design, construction, and commissioning of the Proposed Action.

- The Port Authority will develop a scholarship program tailored to the local community and construction and operational needs of the Proposed Action. The scholarships will include guaranteed paid summer internships and job offers with the Port Authority or the Port Authority's contractor upon graduation. In addition, the Port Authority will require the contractor to develop and implement a demand led workforce development program targeting local residents (first preference given to residents in the General Study Area and secondary preference given to residents within the borough of Queens) for construction, operations, maintenance, and management careers in support of the Proposed Action. This will include, but not be limited to, the expansion of the Council for Airport Opportunity (CAO) LaGuardia Career Center in partnership with Elmcor Youth and Adult Activities and Neighborhood Housing Services of Queens CDC, Inc. The Port Authority's contractor will create an inventory of workforce needs, qualifications, and skills to construct, operate, and maintain the APM system. The Port Authority and its contractor will work closely with the construction trades unions and affiliated direct entry organizations to fund local candidates to complete pre-apprenticeship programs for trade construction opportunities and fund training programs to better prepare local candidates for these positions. The Port Authority and its partners will fund new classes of pre-apprenticeship programs throughout the construction of the Proposed Action, on an as-needed basis as determined by and in coordination with the Building & Construction Trades Council of Greater New York (BCTC). The classes funded by the Port Authority and its partners will prioritize training local residents to give them direct entry into union apprentice jobs. The Port Authority's contractor, in partnership with local community organizations, will monitor, track, and report status of local candidates participating in the workforce development program. Furthermore, the Port Authority will work with the contractor to ensure that the workforce development program offers placement into the program for both scholarship graduates and other members of the local community.
- The Port Authority will continue to support an aviation-focused science, technology, engineering, and mathematics (STEM) program run in partnership with the Queens Public Library for up to 100 students annually during construction. Furthermore, the Port Authority will support a STEM program in partnership with Elmcor Youth and Adult Activities for up to 75 students annually during construction.
- The Port Authority is committed to pursuing community solar, pending a final feasibility assessment. The Port Authority intends to prioritize offering community solar to zip codes adjacent to LGA, as well as low- and moderate-income households and small/minority businesses.

9.10.3 SURFACE TRANSPORTATION/TRAFFIC

Measures will be undertaken to limit the potential impacts due to construction of the Proposed Action on surface transportation/traffic, including:

- Enacting a Traffic Monitoring Plan to address traffic issues during construction in coordination with the relevant agencies.
- Truck deliveries of bulk materials to the staging areas and hauling of material from the staging areas to the construction site will be scheduled during off-peak hours to avoid the peak commuter and Airport traffic periods on designated haul routes.
- Short-term lane closures will occur during periods of low-traffic activity. If longer-term lane closures occur (that is, longer than 48 hours), detour routes will be established.
- Impacts to bicycle and pedestrian paths will be minimal and detours will be provided, as practicable.

- Staff from key departments such as the Port Authority, New York Police Department, NYCDOT, and NYC Parks will collaborate on proactive decision-making as well as assessing and addressing traffic congestion as a result of construction via a Project Task Force. The Project Task Force will review the following topics:
  - coordinate with all other on-going construction projects;
  - coordinate with other public infrastructure projects;
  - conduct a detour impact analysis for pedestrian, business, bicycle, and traffic flow;
  - coordinate closures and restricted access with all potential special events and holiday traffic flow;
  - notify the public with use of static signage, changeable message signs, media announcements, Airport website, etc.;
  - work with Airport police and the New York Police Department to enforce delivery times and routes;
  - coordinate with police and fire personnel regarding maintenance of emergency access and response times;
  - monitor and coordinate deliveries;
  - establish detour routes;
  - work with residential and commercial neighbors regarding upcoming construction activities; and
  - analyze traffic conditions to determine the need for additional traffic signals, signs, lane restriping, signal modifications, etc.
- Prior to initiation of construction, contractors will be required to coordinate with the Port Authority on a Transportation Management Plan (TMP), which will include a description of how the contractor will manage all construction-related traffic, deliveries, shift hours, parking locations, haul routes, and modifications to shuttle system operations, if any. Activities of the Project Task Force and mitigations proposed will also be documented in the TMP. Additionally, contractors will provide Worksite Traffic Control Plans, which will detail the locations for variable message and other signs, any lane striping changes, any detours, and traffic signal modifications. Temporary Traffic Signal Plans and Temporary Street Lighting Plans will also be provided, if needed. The Project Task Force, as well as any appropriate agencies and departments, will provide input on each item as required.

A total of five intersections (Boat Basin Place and Marina Road, 126th Street and Shea Road/34th Avenue, Roosevelt Avenue and 126th Street, Roosevelt Avenue and Southfield Employee Lot, and Roosevelt Avenue and 114th Street) were identified as being significantly impacted based on FAA criteria during operation of the Proposed Action, but with mitigation measures such as those identified below, the impacts will be mitigated, as needed to reduce the impacts below significance. In coordination with NYCDOT, the Port Authority has agreed to develop and enact a Traffic Monitoring Plan after construction is completed at the intersections analyzed to verify impacts and determine necessary mitigation measures. The Port Authority will be responsible for all costs related to the Traffic Monitoring Plan as well as the design and implementation of any necessary improvements/mitigation measures.

Specific measures to mitigate the significant off-Airport traffic impacts are identified in Section 3.14.5.4 of the Final EIS. These or similar measures, such as installation of traffic signals, modification of current traffic signal timing, or modification of the existing lane configuration will be implemented if the Traffic Monitoring Plan conducted after project implementation verify that these measures are needed. The Traffic Monitoring Plan may also include intersections that may be impacted based on City criteria; however, mitigation of those intersections will not be required as a condition of this ROD.

9.10.4 PUBLIC TRANSPORTATION

The Port Authority will undertake measures to limit impacts from construction of the Proposed Action on public transportation. Specifically, construction phasing plans, including crane operations in the vicinity of MTA facilities, will be coordinated with MTA in an effort to minimize operational impacts to the public transportation facilities within Willets Point, including: the Mets-Willets Point LIRR Station, Mets-Willets Point Subway Station, the MTA Bus Washing Facility, Bus Depot, 7 Line Train Corona Yard, and the NYCT Corona Maintenance Facility. The Port Authority will coordinate with the MTA to establish the procedural and technical requirements, specific and appropriate for the anticipated work. Specific measures to be coordinated with MTA include:

- An alternate entrance/exit will be provided for MTA bus and vehicle movements in/out of the MTA property to ensure continuation of operation without reduction in service throughout construction. The Port Authority will coordinate with the MTA to establish the procedural and technical requirements for acceptable alternate entrance/exit options.
- Impacts to the 7 Line will be minimized and limited to off-peak periods. The Port Authority will also avoid service impacts during special events occurring at Citi Field or at the National Tennis Center. When 7 Line service is impacted during off-peak periods, the Port Authority will coordinate any scheduled outages with MTA. Outages will be planned based upon MTA approval of construction plans and schedule.
- The Port Authority will work collaboratively with MTA to develop a comprehensive security plan outlining how security of MTA facilities will be maintained throughout all phases of work, including post construction.

9.11 VISUAL EFFECTS

Mitigation measures for effects to visual resources/character will be adopted to complement the surrounding environment. Design guidelines applicable to the major design features of the Proposed Action will support integration of the Proposed Action components into the existing setting of the General Study Area. Examples of design elements include:

- Use of specific materials, colors, or finishes and landscaping to integrate structures, including the APM guideway, with the surroundings;
- Minimize the number of columns and structures along the Flushing Bay Promenade by maximizing the span between columns in this area; and
- Minimize the bulk of the APM guideway structure to preserve openness along the Flushing Bay Promenade, to the extent feasible.

The Port Authority will consult with local jurisdictions to identify and integrate design features into the final design of the Proposed Action.

The Port Authority will compensate owners of properties identified as significantly impacted in this resource category who choose to participate. The compensation to property owners for significant visual impacts directly attributed to the Proposed Action and not attributed to other factors will begin when the construction of the length of guideway between the 27th Avenue and 31st Drive pedestrian bridges is completed. It is anticipated that the compensation to property owners will be completed by the start of AirTrain revenue service.

The Port Authority will retain, at its expense, both an independent, licensed, New York State Certified Real Estate appraiser with a minimum of 10 years of experience working with comparable properties in the Borough of Queens and an independent, New York State licensed real estate broker with a minimum of 10 years of experience in the

East Elmhurst neighborhood to each prepare an estimate of the diminution in property value, if any, related to visual impacts of the Proposed Action. The Port Authority will compensate each property owner for an amount equal to the average of the two estimates. The total amount of compensation awarded to the owners of the 55 properties identified as significantly impacted in this resource category, as shown in Exhibit 3.15-23 of the Final EIS, is anticipated to be approximately $4 million. The compensation process will not commence until the construction described above is complete. Property owners receiving compensation will not be able to seek further compensation for visual impacts from the Port Authority.

To further offset visual impacts experienced by the community, the Port Authority will make an additional $2 million available for community beautification projects in the impacted area.

9.12 WATER RESOURCES

9.12.1 WETLANDS AND WATERS OF THE UNITED STATES

For unavoidable impacts associated with construction activities that may damage or destroy natural vegetation, compact soil, or otherwise alter the value or function of existing wetlands, BMPs will be implemented to avoid or minimize the amount, type, and intensity of work conducted in wetlands. These include careful staging and coordination within previously disturbed upland areas; clearly defining the construction area with silt or other types of fencing; and replacing damaged or destroyed vegetation within the disturbed areas upon completion of construction within wetland areas. Any wetlands temporarily disturbed as a result of these activities will be restored to their pre-construction condition. Potential impacts as a result of construction-related erosion and stormwater runoff will be mitigated with measures such as the placement of silt fencing and other soil stabilization measures on unstable and exposed soils. The proper and timely disposal of excess materials and debris will also be required to minimize their exposure to stormwater runoff. Implementation of these BMPs will partially mitigate impacts to existing wetland areas. In order to offset unavoidable permanent impacts, additional mitigation in the form of compensatory mitigation or the purchase of wetland credits at an approved mitigation bank will be pursued, if required, under the permit approval process. Furthermore, certain in-water construction activities, such as dredging, will be avoided between January 1 and May 31, when certain EFH species may be present in the area, as agreed to by the NMFS. Overall, site-specific wetland mitigation measures to be implemented as part of the Proposed Action will be determined during the consultation and permitting phase with the appropriate agencies.

9.12.2 OTHER WATER RESOURCES

The Proposed Action will meet all applicable federal, state, and local regulations and requirements related to floodplains, surface waters, and groundwater. Compliance with these requirements includes implementation of construction and operational measures to prevent exceedance of significance thresholds for floodplains, surface waters, and groundwater. These measures include:

- elevating and/or floodproofing buildings and structures to the extent practicable for flood hazard protection;
- minimizing fill placed in floodplains;
- incorporating control measures during construction to minimize erosion and sedimentation, such as temporary seeding and mulching and use of temporary silt fencing, and maintaining existing drainage patterns and infrastructure;
- incorporating best practices during construction to minimize accidental and flood-induced spills of hazardous materials and proper storage and disposal of hazardous materials and waste; and
- implementing post-construction SMPs to manage and treat runoff from new and redeveloped impervious cover.

10. COORDINATION AND PUBLIC NOTIFICATION

10.1 AGENCY AND PUBLIC INVOLVEMENT PROGRAM

A public and agency consultation process was employed throughout the preparation of the EIS. The FAA considered all comments received as part of the consultation process and has incorporated comments as appropriate into the development of the Draft EIS. The FAA also considered all comments received on the Draft EIS in preparation of the Final EIS. Comments received on the Final EIS were also considered in development of this ROD (see section 10.3.3). Coordination and public notification efforts included the following:

- **Pre-Scoping** – A pre-scoping process was conducted to provide the opportunity for public and agency participation in developing the scope of the EIS. The FAA held an initial interagency meeting on August 23, 2018, and the FAA and the FAA's Consultant Team for the EIS held a series of meetings with federal, state, and local resource agencies on February 12 and 13, 2019, and April 17, 2019.
- **Native American and Tribal Consultation** – As part of Section 106 consultation, the FAA identified and initiated consultation with 13 Native American Tribes as regular consulting parties and entities with a demonstrated interest in historic preservation. Four tribes, Delaware Nation; Delaware Tribe of Indians; Shinnecock Indian Nation; and Stockbridge-Munsee Community, Band of Mohican Indians; committed to consulting with the FAA for the Proposed Action.
- **Notice of Intent** – Publication of the Notice of Intent in the *Federal Register* on May 3, 2019, formally announced the FAA's intent to prepare an EIS for the proposed project, began the public and agency scoping period, and initiated the environmental review process. The FAA published notices in local newspapers between May 3 and May 9, 2019.
- **Scoping** – Scoping is an initial step in the NEPA process where agencies and the public are provided an opportunity to review and comment on the scope of the EIS. As part of the scoping process, the FAA elected to hold one agency scoping meeting on June 5, 2019, and two public scoping meetings on June 5 and 6, 2019. Scoping comments were solicited over a 46-day period from May 3, 2019, to June 17, 2019. All comments were reviewed and considered in preparation of the EIS.
- **Elected Officials Briefing** – The FAA briefed elected officials on February 14, 2019 and November 12, 2019.
- **Community Leaders Meetings** – The FAA convened three meetings with community leaders on April 15 and 16, 2019 and on November 13, 2019 to provide information on the Proposed Action and the EIS process and to address concerns related to the Proposed Action.
- **Consulting Parties Meetings** – The FAA held Section 106 Consulting Parties meetings to discuss the Proposed Action, the EIS, and Section 106 processes, and the role of Consulting Parties on September 18, 2019; November 14, 2019; January 15, 2020; February 25, 2020; and May 5, 2020.[77]
- **Public Information Sessions** – Although not required under NEPA or One Federal Decision, the FAA held two public information sessions on January 14 and 15, 2020, to inform the public of the FAA's alternatives screening criteria and analysis.
- **Public Workshops and Hearings** – see Section 10.3.1 of this ROD**.**

[77] Due to COVID-19, the May 5, 2020 Consulting Parties meeting was held telephonically during two question and answer sessions.

- **Environmental Justice Mitigation Meeting** – Consistent with DOT Order 5610.2B, *Environmental Justice in Minority and Low-Income Populations*, the FAA convened a virtual meeting with environmental justice community leaders on January 20, 2021. The purpose of the meeting was to seek additional input on the applicability and priority of the proposed environmental justice mitigation measures, as well as to identify further details regarding mitigation measures already under consideration.

10.2 ONE FEDERAL DECISION

At the time this EIS was initiated, EO 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects* (referred to as One Federal Decision) was in effect.[78] Pursuant to EO 13807, as Lead Federal Agency for the environmental review of the federal actions associated with this project, the FAA determined that an EIS was required for the project; that other federal agencies would be required to approve the project; and that the LGA Access Improvement Project was a major infrastructure project requiring compliance with the provisions of EO 13807.

EO 13807 and the Memorandum of Understanding (MOU) implementing EO 13807, required that the FAA, as the Lead Agency for the Proposed Action, and all Cooperating and Participating Agencies agree to a Permitting Timetable in advance of the development of the EIS. The Permitting Timetable identifies the actions and associated milestones for applicable environmental reviews, authorizations, and application submittals for each agency. The official Permitting Timetable was made available to the public online through the Federal Permitting Dashboard (www.permits.performance.gov/) on May 31, 2019.

The MOU implementing EO 13807 required that the Lead Agency request separate written concurrence on each of three enumerated concurrence points from all Cooperating Agencies whose authorization is required for the project. The three concurrence points for the EIS included:

- **Concurrence Point 1 – Purpose and Need Statement**. A preliminary draft of the Purpose and Need statement was distributed to the Cooperating and Participating Agencies on March 22, 2019. Resolution of comments and a final concurrence on the Purpose and Need of the Proposed Action was achieved on April 5, 2019.
- **Concurrence Point 2 – Alternatives to be Carried Forward for Analysis**. A preliminary draft of the alternatives screening process and evaluation was distributed to the Cooperating and Participating Agencies on September 20, 2019. Resolution of comments and a final concurrence on the Alternatives to be Carried Forward for Analysis was achieved on October 7, 2019.
- **Concurrence Point 3 – Identification of the Preferred Alternative**. The preliminary Administrative Draft EIS was distributed to the Cooperating and Participating Agencies on June 1, 2020, to document the FAA's rationale for selecting the Preferred Alternative. Concurrence on the Identification of the Preferred Alternative (the Proposed Action) was achieved on June 16, 2020.

Each of these concurrence points was achieved on or ahead of schedule.

[78] On January 20, 2021, EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, was issued, which revoked EO 13807. Though no longer in effect, the majority of the effort for the EIS was completed under the One Federal Decision framework, as such, the documentation in the EIS is reflective of the framework that was in effect at the time it was conducted. Upon revocation, FAA's completion of the EIS and this Record of Decision were not subject to the requirements of Executive Order 13807.

10.3 PUBLICATION OF THE DRAFT EIS

In accordance with NEPA, a public comment period of no less than 45 days for the Draft EIS was established. The Notice of Availability (NOA) announcing the availability of the Draft EIS, initiating the public comment period, and advertising the public workshops and hearings was published in the *Federal Register* on August 21, 2020. The original deadline for the FAA to receive comments was 5:00 p.m. Eastern Time, Monday, October 5, 2020; however, in response to requests from the public to extend the comment period by an additional 45 days, the FAA was able to accommodate a 15-day extension of the comment period. Thus, the comment period was extended to 5:00 p.m. Eastern Time, Tuesday, October 20, 2020.

10.3.1 PUBLIC WORKSHOPS AND HEARINGS

As a part of the Draft EIS process, the FAA held two public workshops (September 22 and 23, 2020) and three public hearings (September 22, 23, and 24, 2020). Due to the ongoing public health emergency associated with COVID-19 and FAA's responsibility to protect the health and safety of the community, all workshops and hearings were held virtually via Zoom with a dial-in number for the public to participate via telephone if preferred. Recordings of the public workshops are available on the project website at https://www.lgaaccesseis.com/.

The public workshops, facilitated by a third-party moderator, were held by the FAA to afford interested parties the opportunity to review the findings of the environmental analyses completed for the Proposed Action and to speak with the FAA and staff from FAA's Consultant Team for the EIS about the Proposed Action and the Draft EIS. During the workshop, attendees were presented with two pre-recorded videos followed by a moderated question and answer session. A total of 130 questions from approximately 300 attendees were submitted during the two public workshops. Questions received at the workshops were not treated as public comments on the Draft EIS.

Three public hearings, presided over by a public hearing officer, were held to fulfill the requirements of NEPA and other applicable special purpose laws. During the virtual hearings, attendees were presented with two pre-recorded informational videos followed by the opportunity for oral comments from the public. Similar to in-person public hearings, each registered speaker was allowed 3 minutes to provide formal comments on the Draft EIS for the record; however, no responses to comments or questions were provided during the public hearings. Oral comments were documented and responded to as part of the Final EIS. A total of 131 speakers provided comments and over 500 participants attended the three public hearings.

10.3.2 COMMENTS RECEIVED ON THE DRAFT EIS

The FAA encouraged all interested parties to provide comments concerning the scope and content of the Draft EIS. The FAA received a total of 4,228 comment submissions[79] on the Draft EIS;[80] comprising letters, emails, website forms, voicemails,[81] and public hearing statements, including 87 comments received after the close of the comment

[79] A comment submission is defined as an instance of an individual expressing thoughts on the Proposed Action via written or oral media. A single comment submission may include statements on many topics.

[80] The total number of comment submissions is inclusive of duplicate and repetitive comment submissions from the same individuals. Additionally, some commenters submitted "corrected" comments to replace earlier submissions; at the request of the commenters, the "draft" comment submissions are not included in Appendix S. FAA also received three blank emails that were not counted as formal comment submissions.

[81] The project hotline provided an option for the public to participate via telephone if unable to attend the public hearing but wanted to provide oral comments.

period extension deadline (October 20th). Of these, 3,465 comment submissions were considered form letters.[82] Written comments were received from 2 federal agencies, 1 local agency, 4 elected officials, 33 individuals representing local organizations, and 4,046 individuals. Additionally, 131 individuals submitted comments during the public hearings and 11 individuals submitted comments via the project hotline.

The FAA has assessed and considered public and agency comments on the Draft EIS. Copies of all comments submitted on the Draft EIS, responses to comments received on the Draft EIS, and an index of comments received are included in Appendix S of the Final EIS.

10.4 PUBLICATION OF THE FINAL EIS

As part of the EIS process, the FAA must take into consideration all comments received on the Draft EIS and respond to the substantive comments in the Final EIS.[83] As such, the Final EIS includes revisions to reflect comments received, issues raised through the public involvement and public workshop and hearing process, as well as all other applicable considerations.[84] Additionally, the Final EIS has been updated with new/updated information not available when the Draft EIS was released in August 2020, or to reflect modifications to the Proposed Action. In consideration of the changes and revisions to the analysis, the FAA finds that the Final EIS does not include any substantial changes to the Proposed Action or significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts.

The NOA announcing the availability of the Final EIS was published in the *Federal Register* on March 19, 2021.

10.4.1 COMMENTS RECEIVED AFTER RELEASE OF THE FINAL EIS

Subsequent to the release of the Final EIS, Riverkeeper submitted a comment letter to US Secretary of Transportation Pete Buttigieg asking for the Secretary's oversight on project selection raising concerns on outreach to linguistically distinct communities, alternative selection, and parkland mitigation. These comments were echoed in 9 voicemails and 28 emails received on the Final EIS raising similar concerns and with similar requests. Riverkeeper's letter, along with FAA's response to their letter, are included in Attachment 1 to this ROD. Additionally, FAA received one unrelated letter in support of the project, included in Attachment 2 to this ROD.

US Representative Ocasio-Cortez, serving New York's 14th Congressional District, which includes LGA, submitted a letter to FAA Administrator Dickson expressing concerns about the planning process, alternatives screening process, and thoroughness of the EIS. US Representative Ocasio-Cortez's letter, along with the FAA's response to her letter, are included in Attachment 3 to this ROD.

The majority of the comments and concerns raised in the voicemails and emails were addressed in the attached response to Riverkeeper's letter. Outside of the questions raised by Riverkeeper regarding PFC Update 75-21, and one concern expressed in an email from the Guardians of Flushing Bay, no new or substantive issues not addressed

[82] In the context of this EIS, a form letter is a template letter that provides comment verbiage for a commenter to use. Form letter comments use the exact same verbiage or have minor variations in verbiage that do not change the essence of the form letter. The FAA identified 11 separate form letters (or minor variations thereof) that were used to provide comments on the Draft EIS.

[83] US Department of Transportation, Federal Aviation Administration, *Order 1050.1F, Environmental Impacts: Policies and Procedures*, 7-1.2(e), July 16, 2015.

[84] US Department of Transportation, Federal Aviation Administration, *Order 1050.1F, Environmental Impacts: Policies and Procedures*, 7-1.2(g), July 16, 2015.

during the EIS process or previously considered in the response to comments on the Draft EIS were raised. The questions regarding PFC Update 75-21 are addressed in the response to Riverkeeper's letter, as attached.

Guardians of Flushing Bay (GFB) raised a concern that the FAA did not include all organizations they proposed be included in an environmental justice mitigation meeting the FAA elected to hold on January 20, 2021. The purpose of this meeting was to seek additional input from environmental justice community leaders in the impacted neighborhood on the applicability and priority of the environmental justice mitigation measures included in the DEIS. The FAA focused its outreach to groups that had been involved throughout the EIS process and would represent the concerns of the environmental justice population potentially impacted by the Proposed Action. The FAA initially contacted organizations on December 22, 2020 to determine a suitable date/time for the meeting that most participants would be available to attend. One response was received, and the meeting was scheduled accordingly. Invitations to the meeting were then distributed electronically to 10 representatives from representative organizations on January 11, 2021. At the request of the Ditmars Boulevard Block Association, the FAA also invited GFB to attend the meeting.

FAA received GFB's request to invite 16 additional organizations in the late afternoon of January 19, 2021. FAA reviewed all of the organizations recommended by GFB and responded to their request on January 20, 2021. Prior to receiving GFB's request, the FAA used best efforts to identify organizations that would promote the purpose of the meeting. The FAA previously invited two of the organizations GFB recommended. The FAA considered the other organizations but understood they were either focused on recreation activities and functions, had not been previously involved in the EIS process, and/or did not necessarily represent the immediate environmental justice population being potentially impacted. FAA's response noted that the meeting on January 20, 2021 was intended to focus on those groups with demonstrated interests / stated missions on environmental justice issues for the local community potentially impacted and those that have been involved throughout the EIS process. FAA also noted these groups may benefit from participating in the NYC Parks and Port Authority initiative to obtain community input to help identify and inform the improvements for the Flushing Bay Promenade. Notably, FAA also rejected requests from other groups (separate from those identified or recommended by GFB) to attend the meeting for similar reasons. Those other groups had previously indicated support of the Proposed Action and requested to attend, but FAA concluded their participation was not consistent with the focus of this particular meeting. Additionally, all interested members of the public were provided opportunities to review the Proposed Action and provide comments during scoping and on the Draft EIS, and those comments were considered, as detailed in Chapter 4 of the Final EIS.

11. AGENCY FINDINGS AND DETERMINATIONS

In accordance with applicable law, the FAA hereby makes the following findings and determinations for the Proposed Action, henceforth referred to as the Selected Action, based on the appropriate information and data contained in the Final EIS and in the record.

11.1 ENVIRONMENTALLY PREFERRED ALTERNATIVE

The CEQ regulations (40 CFR 1502.14(e)) require that a lead agency identify its preferred alternative in the Final EIS and identify the environmentally preferred alternative (40 CFR 1505.2(b)) in the ROD. The FAA's preferred alternative is the alternative "the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors."[85] The environmentally preferred alternative is the alternative that best promotes the national environmental policies incorporated into Section 101 of NEPA. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

The No Action Alternative is the environmentally preferable alternative because it would have less environmental impacts than the Selected Action. However, the No Action Alternative would not meet the stated Purpose and Need. The No Action Alternative would not provide any supplemental access or improvements to existing access routes to LGA, and access to LGA would be generally consistent with existing conditions. This alternative does not provide a time-certain transportation option to LGA, an opportunity to reduce passenger vehicle trips to and from LGA, or adequate replacement Airport employee parking to enable a more efficient use of on-Airport space. Because LGA is a highly constrained site with a small footprint and limited opportunity to expand airside and landside support facilities, keeping employee parking in its existing location reduces the Port Authority's flexibility for efficient performance of routine maintenance activities.

Under the No Action Alternative, Airport operations would continue under existing conditions; however, as passenger activity increases at the Airport, consistent with the forecast (see Section 1.3.3 of the Final EIS), it is expected that passenger access trips would increase given the lack of direct connection to the local and regional rail system, which would deteriorate local traffic conditions. Criteria pollutant and GHG emissions under the No Action Alternative would be higher than under the Selected Action. Additionally, the Passerelle Bridge, a contributing element to the Flushing Meadows-Corona Park Historic District, would be replaced, which would also occur under the Selected Action.

The Selected Action meets the Purpose and Need by providing a time-certain transportation option and supplemental access to LGA; would provide the opportunity to reduce the number of passenger vehicle trips to and from LGA; and would provide adequate replacement Airport employee parking as part of the APM OMSF and Parking Structure, which would result in the efficient use of on-Airport space. The Selected Action would also be reasonable to construct and operate given cost considerations, without a material effect to major infrastructure, transportation facilities, or utilities; without affecting peak-hour subway, rail, and/or transit service during construction; and providing access to identified locations throughout the New York metropolitan area.

[85] Council of Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 46 Federal Register 18026, March 23, 1981 (Number 4a).

By providing reliable transit access to the Airport, the Selected Action would benefit New Yorkers, Airport employees, tourists, and local residents by reducing traffic. As discussed in the Final EIS, the average daily reduction in vehicle trips, as compared to the No Action Alternative, would be between approximately 3,000 and 4,200 in 2026 and between approximately 3,400 and 4,500 in 2031. The reduction in vehicle trips would also directly correlate to a reduction in operational air quality and greenhouse gas emissions as compared to the No Action Alternative. Implementation of the Selected Action would incorporate flood resiliency measures for the Mets-Willets Point LIRR Station and the relocated Marina facilities, which would otherwise be subject to sea level rise under the No Action Alternative. Under the Selected Action, the Mets-Willets Point LIRR Station would also undergo improvements to become a full-time station, thereby providing increased public transportation access to this area. The Selected Action would also provide direct and indirect economic benefits, generating approximately 100 to 1,130 annual construction jobs between 2021 and 2025. In addition to direct environmental benefits, the Selected Action incorporates all reasonable mitigation measures, as further discussed in Section 9 of this ROD. Mitigation measures would also provide benefits in the form of enhancements to the Flushing Bay Promenade and beautification projects within the local community.

11.2 FAA DETERMINATIONS UNDER PROVISIONS OF THE AIRPORT AIRWAYS AND IMPROVEMENT ACT (49 U.S.C. § § 47106 AND 47107)

There are numerous findings and determinations prescribed by law that must be made by the FAA as preconditions to agency approval of an airport project funding application under the Airport Improvement Program. The following determinations are prescribed by the statutory provisions set forth in the Airport and Airway Improvement Act of 1982, as codified in 49 U.S.C. §§ 47106 and 47107.

- **Federal Funding Findings and Determinations**

  The FAA understands that the Port Authority may apply for federal funding approvals in conjunction with its decisions to proceed with the implementation of the Selected Action components and mitigation measures covered by this ROD. There are numerous findings and determinations prescribed by statute and regulation that must be made by the FAA as preconditions to agency approvals of airport project funding applications. Any grant-in-aid or approval would also reflect appropriate statutory and regulatory assurances and other terms and conditions for FAA's action. This ROD provides the basis to proceed with making those findings and determinations. In the absence of an application from the Port Authority, it would be premature to consider the basis for funding at this time. The agency will make any necessary eligibility and funding determinations in conjunction with its consideration of appropriate applications.

- **The Selected Action is reasonably consistent with existing plans of public agencies for development of areas surrounding the airport (49 U.S.C. § 47106(a)(1)), and EO 12372)**

  The FAA finds that the Selected Action is reasonably consistent with the existing plans of public agencies authorized by the State in the area in which the Airport is located to plan for the development of the area surrounding the airport, and will contribute to the purposes of 49 U.S.C. §§ 47101 *et seq*. Furthermore, the Selected Action is consistent with the recommendations of New York State Governor Andrew Cuomo's Airport Advisory Panel, as well as MTA's improvements plans for the Mets-Willets Point LIRR Station and replacement of the Passerelle Bridge by NYC Parks. In making its determination under 49 U.S.C. § 47106(a)(1), the FAA has considered the fact that local governments were represented and have participated in its decision to authorize the Selected Action. The FAA has also recognized the fact that none of these jurisdictions have regulatory authority over airport operations.

- **Appropriate action, including the adoption of zoning laws, has been or will be taken as reasonable to restrict the land use next to or near the airport to uses that are compatible with airport operations (49 U.S.C. § 47107(a)(10))**

  The Port Authority assurance prescribed by this statutory provision is a precondition of the approval of airport development project funding applications. The FAA requires satisfactory assurances that appropriate action, including the adoption of zoning laws be taken to restrict, to the extent reasonable, the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. Section 3.11 of the Final EIS describes the current status and land use planning for lands near the Airport. Pursuant to 49 U.S.C. § 47107(a)(10) of the 1982 Airport and Airway Improvement Act, the project sponsor must provide written assurance to the FAA that appropriate action is being taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal airport operations. The Port Authority has provided a copy of this written assurance included as Appendix L of the Final EIS. As documented in Section 3.11 of the Final EIS, development of Selected Action will not result in any significant impacts on non-compatible land uses.

- **The interest of the communities in or near where the Selected Action may be located were given fair consideration (49 U.S.C. § 47106(b)(2))**

  The determination prescribed by this statutory provision is a precondition to agency approval of airport development and funding applications. Nearby communities and their residents have had numerous opportunities to express their views during the formal scoping period, community meetings, the Draft EIS public comment period, including three public hearings, as well as during the period following public issuance of the Final EIS, as documented in Section 10 of this ROD and Chapter 4 of the Final EIS. The FAA's consideration of these comments is set forth in Chapter 4 and Appendices D, R, and S of the Final EIS. Thus, the FAA has determined that throughout the environmental process, consideration was given to the interest of communities in or near Selected Action location.

11.3 COMPLIANCE WITH LAWS, REGULATIONS, AND EXECUTIVE ORDERS

This section addresses compliance with laws, regulations, and EOs not specific to FAA's regulatory authority.

- **The Selected Action will conform with the Clean Air Act of 1970, as amended (42 U.S.C. §§ 7401 et seq.)**

  The Airport is located in a moderate nonattainment area for ozone. The analysis documented in Section 3.4 of the Final EIS indicated that construction of the Selected Action would result in temporary, short-term increases in emissions in the years 2021 to 2025; however, the change in emissions would not exceed *de minimis* thresholds as defined in 40 CFR part 93 Subpart B. Furthermore, implementation of the Selected Action would shift travel modes to and from the Airport for employees and air passengers from surface vehicles to public transportation, which would reduce surface vehicle trips and result in a net overall reduction in operational emissions. Therefore, the Selected Action would not require any further general conformity analysis under the Clean Air Act. Furthermore, consistent with the Transportation Conformity Rule,[86] the LGA Access Improvement Project was included in the regional emissions analysis for the New York Metropolitan Transportation Council Transportation Improvement Program[87] and Transportation Conformity Determination[88] adopted by the New

[86] 40 CFR 93.121(a).

[87] New York Metropolitan Transportation Council, *Transportation Improvement Program, Federal Fiscal year 2017-2021*, September 7, 2016.

[88] New York Metropolitan Transportation Council, *Transportation Conformity Determination,* November 21, 2019.

York Metropolitan Transportation Council on November 21, 2019, and approved by the FHWA and Federal Transit Administration (FTA) on January 22, 2020 (see Section 8.1 of this ROD). Based on the air quality analysis, the FAA finds that the Proposed Project will not:

- Cause or contribute to any new violation of any standard in any area;
- Interfere with provisions in the applicable implementation plan for maintenance of any standard;
- Increase the frequency or severity of any existing violation of any standard in any area; or
- Delay timely attainment of any standard or any required interim emissions reductions or other milestones in any area including, where applicable, emission levels specified in the applicable implementation plan for purposes of a demonstration of reasonable further progress, a demonstration of attainment, and a maintenance plan.

- **The Selected Action includes all practicable measures to minimize harm to endangered species as much as such harm may result from implementation of the Selected Action (Endangered Species Act of 1974, U.S.C. § 1531, as amended)**

  To comply with Section 7 of the Endangered Species Act of 1974 as amended, agencies overseeing federally funded projects are required to obtain information from the USFWS and NMFS concerning any species, listed or proposed to be listed, as may be present in the area of concern. As part of ongoing coordination efforts during the EIS, the USFWS and NMFS identified two endangered species with habitat present near the Airport (Atlantic Sturgeon and Shortnose Sturgeon), as described in Section 3.5 of the Final EIS. Potential direct and indirect impacts to these species were evaluated in the Final EIS, and the USFWS and NMFS have concurred that the Selected Action *may affect, but is not likely to adversely affect* federally protected species. NMFS recommended Best Management Practices (BMPs) to mitigate potential impacts to these biological resources. These recommendations are incorporated as mitigation requirements within this ROD and are conditions upon which the findings and determination of the Selected Action are based and therefore, must be implemented during construction.

- **There is no prudent and feasible alternative to use of lands containing publicly owned parks, recreation areas, national wildlife refuges, or significant historic sites protected under Section 4(f) of the DOT Act, and the Selected Action includes all possible planning to minimize harm to resources protected under Section 4(f) of the DOT Act (49 U.S.C. § 303(c) and Section 106, *National Historic Preservation Act***

  As discussed in Sections 3.8 and 3.10 of the Final EIS, the Selected Action would result in the physical use of publicly-owned parks and significant historic sites. A Section 4(f) Evaluation (see Appendix I of the Final EIS) was completed for the Selected Action, which included a prudent and feasible analysis of avoidance alternatives and assessed whether all possible planning to minimize harm had been incorporated into the Selected Action. The FAA determined that there are no prudent and feasible alternatives to the use of resources protected under Section 4(f) of the DOT Act and that all possible planning to minimize harm has been incorporated into the Selected Action. The FAA has consulted with the NPS, the New York State Parks, the SHPO, and NYC Parks, who did not object to the FAA's finding. An MOA to resolve adverse effects to historic properties has been developed and executed (see Appendix K.13 of the Final EIS). Furthermore, the Selected Action requires a conversion of Section 6(f)-obligated properties; therefore, replacement property will be identified that meets LWCF conversion requirements.

- **Relocation assistance, if any, will be provided in accordance with 42 U.S.C. § 460, *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970***

Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4610 *et seq.*) and implemented by the Secretary of Transportation under 49 CFR part 24, require that state or local agencies that undertake federally-assisted projects, which cause an involuntary displacement of persons or businesses, follow the prescribed procedures and provide relocation benefits to those displaced. The Selected Action would not require the displacement and relocation of any persons or businesses, and therefore the FAA finds that there are no relocations associated with the Selected Action which require the procedures required by Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act. However, during construction, three businesses would be temporarily disrupted and compensated for this disruption based on mitigation identified in Section 3.14.5.1 of the Final EIS and Section 9.10.1 of this ROD.

- **Further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects to minority environmental justice populations are not practicable (DOT Order 5610.2B and EO 12989)**

  EO 12898 promotes the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice concerns were addressed in Section 3.14 of the Final EIS, which concluded that, even with incorporation of mitigation measures, minority environmental justice populations would bear disproportionately high and adverse impacts occurring as a result of the Selected Action. In accordance with EO 12898 and DOT Order 5610.2B, the FAA provided opportunities for meaningful public involvement by minority and low-income populations. Local outreach to environmental justice populations was conducted as part of the EIS process, beyond the requirements under NEPA and consistent with DOT Order 5610.2B. Notification of meetings were published on the project website, through emails and social media, outreach to community leaders, and newspaper notices including in Spanish in *El Especialito* and in Cantonese in *Sing Tao Daily*.[89]

  FAA considered a wide range of alternatives and mitigation measures in the Final EIS, and held an additional meeting specifically with community leaders representing environmental justice populations to obtain their views on mitigation for the disproportionately high and adverse impacts to minority environmental justice populations identified in the Draft EIS. As documented in Chapter 2 of the Final EIS, only the Selected Action was determined to meet the Purpose and Need and be reasonable to construct and implement. In accordance with DOT Order 5610.2B, *Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, paragraph 9.c.3(c), no other alternatives considered were found to be practicable or reasonable and therefore no alternative exists that could potentially have less adverse effects. Accordingly, the Selected Action can be undertaken. All mitigation measures found to be reasonable, practicable, and consistent with statutory requirements will be carried out to reduce the disproportionately high and adverse effects. Based on public comments on the Draft EIS and the views of the community leaders representing environmental justice populations, FAA evaluated 35 mitigation measures to determine whether they were practicable, reasonable, and consistent with statutory requirements. Of those 35 mitigation measures, 22 were determined to be practicable, reasonable, and consistent with statutory requirements and incorporated into the Final EIS. Documentation of the analysis done to reach these conclusions is contained within Appendix N.4 of the Final EIS.

[89] The FAA also solicited translation requests from all participants in the newspaper and *Federal Register* notices, as well as during the registration process and, as requested, provided translators for American Sign Language at the workshops and hearings. No requests were made for Spanish, Cantonese, Mandarin, or other language translation services.

Based on the documentation in the Final EIS, FAA finds that a substantial need for the Selected Action exists, based on overall public interest. Further, DOT lacks statutory or other authority to avert such effects from the Selected Action. Additionally, alternatives that would potentially have less adverse effects on protected populations (and that still satisfy the substantial need of the Selected Action) would have other adverse social, economic, environmental, or human health impacts; would involve increased costs of extraordinary magnitude; or are impracticable, unreasonable, or inconsistent with law.

- **The Selected Action would conform to all applicable state and/or local floodplain protection standards (EO 11988)**

  EO 11988 establishes a policy to avoid construction within a 100-year floodplain where practicable, and where avoidance is not practicable, to ensure that the construction design minimizes potential harm to or within the floodplain. As documented in Section 3.16 of the Final EIS, the majority of the General Study Area is within the 100-year floodplain. However, design of the Selected Action will be based on guidance from the Port Authority's *Climate Resilience Design Guidelines*,[90] which outline strategies to manage risk posed by climate change based on design flood elevations, the asset service life, and the asset criticality. Furthermore, the FEMA maps will not need to be modified based on implementation of the Selected Action. Therefore, the analyses in the Final EIS indicates that based on the criteria outlined in DOT Order 5650.2, the Selected Action would not result in a significant encroachment on the floodplain.

- **The Selected Action complies with the enforceable policies of New York State's approved coastal management program and will be conducted in a manner consistent with such program**

  The Coastal Zone Management Act (16 U.S.C. 33 §§ 1451 et seq.), implemented under 15 CFR part 930, requires the action's proponent to certify the proposed activity would be consistent with the policies of the state's CZMP. The Selected Action would be located entirely within the coastal zone boundary designated by the NYC Department of City Planning and would be partially within the WRP East River / Long Island Sound SNWA. Although FAA's environmental determination which is necessary to preserve project eligibility for a future PFC application is not an approval requiring a consistency determination, the Selected Action also required permits from the USACE, which were conditioned upon the Port Authority obtaining a consistency determination pursuant to 15 CFR 930.57. On March 19, 2021, the NYSDOS concurred with the consistency certification identified in Appendix H of the Final EIS. Furthermore, the Port Authority has made the following certification: "The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

- **The Selected Action conforms to the Avoidance, Minimization and/or Compensation of Harm to Wetlands in Accordance with EO 11990 and the Clean Water Act**

  EO 11990 requires all federal agencies to avoid providing assistance for new construction located in wetlands, unless there is no practicable alternative to such construction, and all practicable measures to prevent harm to wetlands are included in the action. As described in the Final EIS, the Selected Action would result in a net permanent impact to approximately 0.068 acres of NYSDEC-jurisdictional aquatic resources (tidal open waters) within Flushing Bay. Implementation of BMPs would partially mitigate impacts to existing wetland areas. In order to offset unavoidable permanent impacts, additional mitigation in the form of compensatory mitigation or the

[90] Port Authority of New York and New Jersey Engineering Department, *Climate Resilience Design Guidelines*, June 1, 2018.

purchase of wetland credits at an approved mitigation bank would be pursued, as required, under the permit approval process.[91] Furthermore, as discussed in Section 1.8 of the Final EIS, the USACE determined that the Selected Action could be carried out in accordance with existing Nationwide General Permits. Therefore, the Selected Action is in compliance with EO 11990, as amended. The Selected Action's mitigation plan includes all practicable measures to minimize harm to wetlands that may result from such use.

- **The Selected Action includes all practicable means to avoid or minimize harm from the alternative selected (40 CFR 1505.2(a)(3))**

  Implementation of the Selected Action will result in the use of resources and in unavoidable environmental impacts. The FAA has established measures to mitigate the adverse effects of construction and operation of the Selected Action that will be implemented by the Port Authority in conjunction with implementation of the Selected Action. Mitigation measures were developed to meet applicable federal and state requirements and be consistent with applicable guidance, and in consideration of state and local guidelines. Inclusion of these measures within this ROD obligates the Port Authority to implement them as a condition of the FAA's environmental determinations needed to support federal funding approvals. The concerns and interests of the public and government agencies were also considered. The mitigation program is described in detail in Chapter 3 of the Final EIS and summarized in Section 9 of this ROD. The FAA will monitor the implementation of these mitigation measures as necessary and in accordance with the requirements of FAA Order 1050.1F, paragraph 7-2.3 to assure they are carried out as Project commitments. The FAA finds that these measures constitute all reasonable steps to minimize harm and take all practicable means to avoid or minimize environmental harm from the selected alternative and proposed Federal Action.

- **The FAA has given this proposal the independent and objective evaluation required by the CEQ (40 CFR 1506.5)**

  As documented in the Final EIS and this ROD, the FAA has engaged in a lengthy and extensive process related to the screening and selection of the viable alternatives that best fulfilled the identified purposes and needs for development of the Airport. The process included FAA selecting a consultant/contractor through a competitive process to assist in conducting the environmental process, which included identifying the purpose and need for the project; screening and selecting reasonable alternatives, and ultimately of the preferred alternative; fully discovering and disclosing potential environmental impacts; and selecting appropriate mitigation measures. The Draft EIS and Final EIS documents disclose and analyze the environmental impacts of the proposed federal action and the reasonable alternatives. The FAA directed the technical analyses provided in the Final EIS for this project. From its inception, the FAA has taken a strong leadership role in the environmental evaluation of this project and has maintained its independence and objectivity.

[91] The responsible permitting authorities have indicated the availability of wetland credits in a local wetland mitigation bank, if needed.

12. CONDITIONS OF PROJECT APPROVAL

Prior to the use of Section 6(f) property identified in Sections 3.8.3.3 and 3.8.3.4 of the EIS, the Port Authority will be responsible for completion of all necessary approvals related to the conversion of property under Section 6(f) of the LWCF, including identifying suitable replacement property, acceptable to the NPS that meets LWCF conversion requirements. The Port Authority will develop replacement property in coordination with NYC Parks and New York State Parks, and submit the replacement property for approval by NPS.

13. DECISION AND ORDER

The FAA's decision is based on a comparative examination of environmental impacts for both of the alternatives analyzed in the Final EIS and their ability to meet the purpose and need of the Selected Action. The Final EIS provides a fair and full discussion of all impacts including significant impacts. The EIS process included appropriate planning and design for avoidance, minimization, and/or compensation of impacts, as required by NEPA, the CEQ implementing regulations, other special purpose environmental laws, and the appropriate FAA environmental directives.

The FAA has determined that environmental and other relevant concerns presented by interested agencies and private citizens have been considered and addressed in the Final EIS. The FAA believes that with respect to the Selected Action, there are no outstanding environmental issues within the FAA jurisdiction to be studied or NEPA requirements that have not been met. The FAA has also considered the views of the Cooperating and Participating Agencies with respect to the Selected Action.

The FAA's environmental determination signifies that applicable federal requirements relating to airport development planning have been met and permits the Port Authority to possibly receive funds subject to federal approval for eligible items. Not making these environmental determinations would preclude the Port Authority from receiving federal funding approval.

For reasons summarized earlier in this ROD, supported by disclosures and analyses presented in detail in the Final EIS, the FAA has determined that the Port Authority's proposed project, described as the Selected Action, is reasonable, feasible, practicable, and prudent, in light of both federal and Port Authority goals and objectives. The FAA Airports Program's statutory mission is to provide leadership in planning and developing a safe, efficient national airport system to satisfy the needs of the aviation interests of the United States. In accomplishing this mission, the FAA Airports Program will consider economics, environmental compatibility, and local proprietary rights, and safeguarding the public investment. The FAA Airports Program gives this mission appropriate weight in any final decisions regarding a proposed action.

The FAA's decision to make the findings and determinations requested by the Port Authority is also consistent with the FAA's statutory mission and policies. Congress has articulated a number of directives and policies that guide the FAA and the nation's transportation policy and the FAA considered these as part of the FAA's decision-making process, including:

- The safe operation of the airport and airway system is the highest aviation priority (49 USC § 47101(a)(1) and 49 U.S.C. § 40101);
- Under the PFC program, FAA is authorized to review and approve applications developed and submitted by sponsors to impose and use passenger facility charges for eligible airport-related projects (49 U.S.C. § 40117(d));
- Intermodality and flexibility are paramount issues in developing an integrated transportation system, and it is the policy of the United States to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers efficiently and effectively and promote economic development (49 U.S.C. §§ 47101(a)(5), (a)(7), (a)(9)(A), (b)(5), (b)(6), (b)(8));

- Airport development projects should provide for the protection and enhancement of the quality of the environment (49 U.S.C. § 47101(a)(6)); and
- To promote intermodal planning, FAA is instructed to cooperate with State and local officials in airport plans based on overall transportation needs (49 U.S.C. § 47101(g)(1)).

These factors were considered throughout the EIS, including in the FAA's determination of the purpose and need for the project, selection of the preferred alternative, and finding that there is a substantial need for the Selected Action based on the overall public interest. The FAA also considered the paramount importance of safety throughout the EIS, including when considering the design of alternatives with the potential to interfere with safe aircraft operations. Finally, the need to protect and enhance the quality of the environment guided the FAA to ensure all practicable means to avoid or minimize environmental harm from the alternative selected were included, and incorporate those mitigation requirements as conditions of this ROD. This decision is supported by the environmental findings and conclusions presented in the Final EIS and ROD.

After reviewing the Final EIS and related materials, I have fully and carefully considered the FAA's goals and objectives as to aspects of the proposed development projects and related activities at the Airport. These include purpose and need for this project, alternative means of achieving these objectives, the environmental impacts of the alternatives, the mitigation necessary to preserve and enhance the environment, national transportation policies within which the FAA operates, and the costs and benefits of achieving the purpose and need in terms of efficiency and fiscally responsible expenditures of federal funds.

While this decision neither grants FAA approval of funding nor constitutes a funding commitment, it does constitute the environmental determinations necessary for future funding determinations to be made by the FAA for the Selected Action. The FAA will review funding requests upon receipt from the Port Authority of a timely application for financial assistance, and the FAA will make funding decisions in accordance with statutory and regulatory requirements.

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this ROD are reasonably supported. For those actions, I hereby direct that action be taken, together with the necessary related and collateral actions, to carry out the agency decisions as detailed in this ROD, including:

- Determinations under 49 U.S.C. §§ 47106 and 47107 relating to the eligibility of the Selected Action for federal funding under the AIP.
- Environmental determination as required by 14 CFR 158.25(c) to support a future application to impose PFCs, pursuant to 49 U.S.C § 40117, at LGA, EWR, JFK, and SWF for use at LGA for the Selected Action to assist with construction of potentially eligible development items as shown on ALP Pen and Ink Revision #16 and associated mitigation commitments detailed in Section 9 of this ROD.

DAVID A FISH Digitally signed by DAVID A FISH Date: 2021.07.20 11:15:50 -04'00'

_____ _____

David Fish
Director, Office of Airports
Federal Aviation Administration
Eastern Region

Date

Right of Appeal

This ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having a substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.

Any party seeking to stay the implementation of this ROD must file an application with the FAA prior to seeking judicial relief, as provided in rule 18(a) of the Federal Rules of Appellate Procedure.

ATTACHMENT 1

Riverkeeper Correspondence

- Letter from Riverkeeper to DOT Secretary Pete Buttigieg, April 6, 2021
- Response letter from FAA to Riverkeeper, July 19, 2021

April 6, 2021

Via Email

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Re: Environmental Justice Impacts of Proposed LaGuardia Airport Airtrain Warrant Additional Federal Review Before FAA Approval

Dear Secretary Buttigieg:

The Federal Aviation Administration (FAA) is poised to issue a final Record of Decision for its environmental impact review of the proposed AirTrain that would carry passengers between the Mets-Willets Point Subway Station and the LaGuardia Airport in East Elmhurst, Queens, New York. The controversial project would tower over a 2,100-foot stretch of the World's Fair Marina and Flushing Bay Promenade.

The FAA's review process has had significant flaws. Specifically, the agency has failed to garner public engagement from linguistically isolated communities prior to and throughout the environmental review and has failed to plan meaningful mitigation for the condemnation of a public waterfront park. Moreover, new information has come to light that tends to show that the FAA has undermined a review of transit alternatives that might better serve the region while imposing fewer environmental impacts on local communities.

The AirTrain would be located in the "World's Borough," Queens, where roughly 160 languages are spoken. While the borough's polyglotism has significant advantages, when it comes to development of major infrastructure projects linguistic isolation can make it extremely difficult for affected members of the public to engage in an environmental impact review process. High rates of linguistically isolated households are found in the affected nearby communities of Flushing, Corona and Jackson Heights. East Elmhurst, the neighborhood that abuts the airport, has a large Spanish speaking population. The FAA never meaningfully engaged these linguistically isolated communities in the environmental review process prior to or during the Draft Environmental Impact Statement phase, as evidenced by their relative lack of participation in the public comment process. FAA's outreach and project documents were written primarily in English and it did not provide simultaneous translation at its public meetings, some of which were held only online via Zoom due to the pandemic.

By contrast, Riverkeeper and our local partners held multiple forums with coalition partners where we performed outreach in multiple languages and provided simultaneous interpretation. At these forums, we garnered comments and participation in multiple languages, primarily Spanish in addition to English. Many of our partners in Flushing, where there is a high concentration of East Asian immigrants speaking English as a second language, have expressed that their communities were rarely engaged in this issue outside of our forums. The lack of participation from linguistically isolated neighborhoods was not due to lack of interest, but instead to a lack of robust engagement. We urge you to meaningfully consult these communities prior to issuing the Record of Decision.

Despite the significant impacts on the waterfront promenade park from overhead rail, FAA has eschewed mitigation planning, leaving it instead to the project applicant, Port Authority of New York & New Jersey, to later determine. To date, Port Authority has publicly committed to spend $16.5 million in total on undetermined parkland improvements. That figure equates to $1.25 million per acre for the 13.16-acre park. By comparison, the New York City Economic Development Corporation recently funded $165 million ($15 million per acre) for Hunter's Point Park South Park; Brooklyn Bridge Park had a budget of $347 million ($4.13 million per acre); and Domino Park in Williamsburg, Brooklyn, cost $50 million ($4.5 million per acre). Compared to these projects, the Port Authority's proposed mitigation is woefully incomplete and inadequate, short-changing the park users and local environmental justice communities. We urge you to commit to just parkland mitigation for the project and to complete preliminary planning prior to issuing the Record of Decision.

We also hope to obtain your oversight on project selection. It has recently come to our attention that in March 2019 the FAA critiqued the applicant's initial review of LaGuardia Airport transit alternatives, for, among many other things, failing to accurately describe the benefit of the proposed AirTrain; unexplained cherry-picking of selection criteria; unevenly applying selection criteria among alternatives; and excluding viable and desired ferry service from consideration. I have attached the FAA's critique of the initial alternatives review. Many of these same deficiencies continue to pervade FAA's final alternatives analysis. We urge you to seek an explanation from the FAA regarding why it feels these deficiencies have been remedied in its final analysis. Given the FAA's recent change in policy (PFC Update, PFC 75-21) that will allow use of passenger facility charges for rail construction that serves local communities in addition to airports, we believe the FAA and Port Authority can and must evaluate a better alternative for this region and for our communities.

Thank you for your consideration of our requests. You can reach me at (914) 478-4501 or at mdulong@riverkeeper.org. We look forward to hearing from you.

Respectfully submitted,

Michael Dulong
Senior Attorney

Enclosure

Cc:
Hon. Kirsten Gillibrand, United States Senator
Hon. Chuck Schumer, United States Senator
Hon. Alexandria Ocasio-Cortez, United States Congressperson
Hon. John Liu, New York State Senator
Hon. Jessica Ramos, New York State Senator
Hon. Jeffrion Aubry, New York State Assembly Member
Hon. Ron Kim, New York State Assembly Member
Hon. Costa Constantinides, New York City Council Member
Hon. Peter Koo, New York City Council Member
Hon. Francisco Moya, New York City Council Member
Hon. Paul Vallone, New York City Council Member
Hon. Donovan Richards, Queens Borough President
Queens Community Board 3
Queens Community Board 4
Queens Community Board 7
Maria Belen-Power, White House Environmental Justice Advisory Council
Jerome Foster, White House Environmental Justice Advisory Council
Andrea Delgado, White House Environmental Justice Advisory Council
Maria Lopez-Nunez, White House Environmental Justice Advisory Council
Michele Roberts, White House Environmental Justice Advisory Council
Nicky Sheats, Ph.D., White House Environmental Justice Advisory Council
Peggy Shepard, White House Environmental Justice Advisory Council
Cecilia R. Martinez, Ph.D. White House Council for Environmental Quality
Christopher Coes, United States Department of Transportation
Carol A. Petsonk, United States Department of Transportation
Andrew Brooks, United States Federal Aviation Administration
Karen Martin, United States Environmental Protection Agency
George QE Ward, United States Environmental Protection Agency
Janice Melnick, Flushing Meadows Corona Park Administrator
Warren Schreiber, LGA Committee of the New York Community Aviation Roundtable
George Dixon, President, NAACP Corona/East Elmhurst Chapter
Frank Taylor, Ditmars Blvd Block Association
Larinda Hooks, East Elmhurst Corona Civic Association
Edwin O'Keefe Westley, Jackson Heights Beautification Group
Tania Mattos, Queens Neighborhoods United
Taehoon Kim, Greater Flushing Chamber of Commerce
Juan Restrepo, Transportation Alternatives
Sarah Ahn, Flushing Workers Center
Alex Herzan, NYC Empire Dragon Boat Team
Good Jean Lau, Wall Street Dragon Boat Team
Kevin Montalvo, Queens Distance Runners

U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

July 19, 2021

Mr. Michael Dulong, Esq.
Senior Attorney
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562

Dear Mr. Dulong:

Secretary Buttigieg asked me to respond to your April 6 letter about the Environmental Impact Statement (EIS) for the LaGuardia Airport (LGA) Access Improvement Project.

In your letter, you asserted that the Federal Aviation Administration (FAA) "failed to garner public engagement from linguistically isolated communities" during the environmental review and cited your organization's work with local communities and lack of participation of those communities as evidence. You asserted that new information shows that the FAA undermined the review of transit alternatives that could result in reduced local impacts. You also asserted that the FAA eschewed mitigation planning by leaving that planning to the airport sponsor (Port Authority of New York and New Jersey (PANYNJ)). You wrote that the airport sponsor has a lower mitigation budget for this project than other proponents in New York committed to other projects. You also referenced FAA policy updates on Passenger Facility Charges (PFC). You asserted that this update should modify the alternatives analysis for this project. You asked for additional Federal review of the proposed action before the FAA approves the EIS Record of Decision.

The following provides additional information in response to your assertions:

Public Engagement during the EIS Process

The FAA has been committed to public involvement throughout the environmental review process. The process used for the LGA Access Improvement Project has been a transparent and inclusive process and included numerous opportunities for public input beginning as early as the summer of 2019. The FAA conducted more than a dozen public meetings, community leader sessions, workshops, and hearings. More than 18,000 people attended one of these public engagement sessions. We received 4,228 comments and looked at 47 alternative proposals, more than half of which were identified by the public as part of this process.

The FAA is aware of the prevalence of non-English speaking populations, including large Spanish-speaking and Chinese-speaking populations, near the project area as shown in chapter 4

and appendix R of the EIS. The FAA is committed to public engagement from linguistically isolated communities and, as explained below, took steps that exceeded applicable requirements to encourage and provide opportunities for such input. The FAA added efforts to encourage the early and continued engagement of the Spanish and Chinese communities with the scope of work for the EIS. Spanish and Cantonese translators were available during public scoping and project alternatives meetings held in June 2019 and January 2020, respectively. However, the FAA received no requests for their services in these meetings.

Announcements for public meetings and the availability of the EIS documents were provided in newspapers with general circulation in local communities, including one Spanish language newspaper, El Especialito, and one Chinese language newspaper, the local edition of Sing Tao Daily. Copies of the translated notices for each distribution are in appendix R of the final EIS. The FAA staff was also available for media appearances during public meetings and conducted interviews with Spanish- and Chinese-language television channels about the project.

During virtual workshops and hearings on the draft EIS in September 2020, participants had the option of requesting translation services for any language via a registration portal on the project website. This was included in announcements about the workshops and hearings, including the aforementioned Spanish- and Chinese-language versions. During registration, translation services were requested for American Sign Language only, and on-screen interpreters were made available. Over 800 participants attended the virtual workshops and hearings. There were over 18,000 views registered on Facebook, YouTube, and Twitter streams and almost 115,000 impressions on those platforms.

The FAA also engaged with members of the community during consultation in accordance with section 106 of the National Historic Preservation Act. Five meetings with consulting parties, including members of the public and groups representing the local communities, were held from fall 2019 through spring 2020. During the first meeting, participants requested materials in Spanish. In response, the FAA provided copies of all materials used in the consulting party meetings and meeting minutes in English and Spanish. Additionally, the executive summary of the draft EIS was translated into Spanish, and the executive summary of the final EIS is being translated. The FAA did not receive a request to translate materials into other languages, but such requests would have been granted during the environmental review process. The Spanish language material is available on the project website at: https://www.lgaaccesseis.com.

In addition, the FAA held several meetings with local elected officials and leaders of community organizations, including Riverkeeper. During those meetings, the FAA staff solicited input on additional outreach strategies to engage all community members. The FAA asked representatives to help the agency connect with their membership to identify issues of concern. All of the recommended strategies were implemented during the EIS process. For instance, the FAA prepared a project fact sheet in the fall of 2019 in response to a suggestion from elected officials' staff. The fact sheet is available in English and Spanish on the project website.

Further, your organization and others coordinated an LGA AirTrain People's Hearing during the scoping for the EIS and provided a recording of that hearing. This recording was transcripted and included in the scoping comments. Additionally, community organizations coordinated and

submitted form letters during scoping and submitted a group of similar letters during the public comment period on behalf of community members. All of those letters were accepted as comments during both scoping and the public comment period on the draft EIS. They are included in appendices D and S, respectively, of the final EIS. We note that none of the speakers during the LGA AirTrain People's Hearing required translation. Additionally, the letters coordinated or submitted by community organizations included 68 form letters in Spanish.

Mitigation of Environmental Impacts

Your letter asserted that the FAA "has failed to plan meaningful mitigation for the condemnation of a public waterfront park," further stating that the "FAA has eschewed mitigation planning, leaving it instead to the project applicant, Port Authority of New York & New Jersey, to later determine." You also indicated that a value of financial commitment of $16.5 million in total parkland improvements is "short-changing the park users and local environmental justice communities."

The FAA has taken an active role in coordinating with community leaders and members of the public to develop mitigation requirements for this project. Those efforts are detailed in chapters 3 and 4 of the final EIS.

It was the express desire of community leaders to engage in discussions throughout the development of mitigation and assist in final design of the mitigation plans for the affected park resources. The PANYNJ proposed the development of the community advisory committee to meet this request. The FAA found that strategy to be reasonable. The PANYNJ, alongside the New York City Department of Parks and Recreation (NYC Parks), initiated the community advisory committee, holding the kickoff meeting on March 4, 2021, and a public meeting for input into the process on March 23, 2021.

As for financial commitments to mitigate impacts to park resources, the valuation you cited is based on information in the draft EIS. Since then, and in response to public comments on the proposed mitigation measures, including comments from Riverkeeper, the FAA included additional mitigation measures for park resources and the environmental justice communities in the final EIS. Initial PANYNJ mitigation estimates for park resources are over $30 million. NYC Parks also committed to reinvest proceeds from the sale of the park property required for construction of the AirTrain into improvements of local parks. Those proceeds are estimated to be over $20 million, bringing the total investment in the promenade and surrounding park resources to over $50 million.

These additional mitigation measures were selected in response to comments on the draft EIS and following extensive outreach. The PANYNJ and NYC Parks held community visioning sessions on park mitigation in October and November 2020 and recommended additional mitigation measures based on the public input from those forums. The FAA also held a virtual meeting with the environmental justice community leaders and members, including a representative from Riverkeeper on January 20, 2021, to provide input on the environmental justice mitigation measures. The meeting resulted in the identification of additional mitigation and helped the FAA to understand the community's priorities for selecting mitigation measures.

The per acre valuation of mitigation in the final EIS is more comparable to the park projects cited in your letter. However, the park projects you referenced relate to the establishment of new parks, including remediation and construction of utility infrastructure or involve private real estate development. In contrast, the mitigation investment for this project would be conducted by public agencies focused on existing parks. It is reasonable to expect that the establishment of new parks would be more costly per acre than improvements to existing parks. Therefore, a direct comparison does not account for the comparable benefits of these mitigation measures.

Review of Transit Alternatives

You referenced that "the FAA has undermined a review of transit alternatives that might better serve the region while imposing fewer environmental impacts on local communities." You referred to a March 2019 document wherein the "FAA critiqued the applicant's initial review of LaGuardia Airport transit alternatives." The document that you cited is one of a series of comments that the FAA provided to the PANYNJ prior to the decision to initiate an EIS. The document demonstrates the FAA's commitment to a thorough and independent review of airport sponsor proposals prior to initiating an environmental review.

To that end, the FAA developed an independent purpose and need statement and alternatives analysis for the EIS. The independent analyses used different criteria than those considered by the PANYNJ. For example, the FAA declined to use 30-minute transit time in the purpose and need statement, and while screening alternatives, because such transit time could exclude alternatives that might otherwise have been reasonable. The FAA ensured consistent application of the screening criteria through the alternatives analysis. Only the proposed action met the purpose and need, and satisfied the operational and feasibility criteria used in the alternatives screening analysis. Therefore, the other alternatives were screened from further analysis in the EIS. The results of this analysis are in chapter 2 of the final EIS.

Further evidence of the independent nature of the FAA's consideration of alternatives is the breadth of alternatives that the agency considered. The FAA independently analyzed 47 alternatives, including 27 that the public suggested during the EIS scoping process.

Your assertion also referenced transit alternatives that might better serve the region. The purpose and need for the project is to improve access to LGA. It is not a regional transit project. The purpose and need for the project is discussed in chapter 1 of the final EIS.

FAA Policy on Passenger Facility Charges (PFCs)

Lastly, you referenced that a recent policy update on PFCs (PFC Update 75-21, issued by the FAA in January 2021) that makes rail lines, that do not exclusively serve airports, PFC eligible. Based on review of the updated policy during the EIS process, the FAA determined that it does not affect the alternatives analysis for this project.
First, PFC eligibility was not a screening criterion in the alternatives analysis. Therefore, changes in eligibility would not affect alternatives selection. Second, of the 47 considered alternatives, the revised policy only affects three automated people mover alternatives that

considered a route through LGA. Before the policy update, only the on-airport station construction of those three alternatives would have been eligible for PFCs. The updated policy now allows for prorated consideration of the through-line track connecting to stations on either side of the airport. However, the policy update does not affect the EIS process for these alternatives.

All of the issues that screened alternatives from further consideration because they were determined not to be reasonable still remain despite the policy change. Ultimately, PFC eligibility was not a screening criterion. The change in the policy does not affect the alternatives analysis undertaken in the EIS.

Thank you for your commitment to the communities near LGA and involvement in the environmental review process for the proposed project.

If I can be of further assistance, please contact me or the Office of Government and Industry Affairs at (202) 267-3277.

Sincerely,

Steve Dickson
Administrator

ATTACHMENT 2

A Better Way to LGA Support Letter

A BETTER WAY TO LGA

April 9, 2021

Via Email

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Cc:
Andrew Brooks
United States Federal Aviation Administration

Dear Secretary Buttigieg,

As the co-chairs of A Better Way to LGA, a diverse coalition of community members, economic development groups, labor unions, transportation and tourism advocates, civic stakeholders, and local businesses from Queens, New York and the surrounding region, we are writing to express our support for AirTrain LGA, a project that will provide reliable and sustainable rail transit to LaGuardia Airport, while helping drive the economic recovery of the region that was among the nation's hardest hit by COVID-19.

AirTrain LGA, which emerged as the preferred alternative in an exhaustive Environmental Impact Statement (EIS) conducted by the Federal Aviation Administration, will create the first rail link to LaGuardia Airport, the only major airport on the East Coast without rail access. Fully funded by the Port Authority of New York & New Jersey and airport revenues, and garnering broad public support from the region, the $2 billion project looks to the future by creating 21st century access to a new LaGuardia Airport that is fast unfolding as a world-class gateway to New York.

Jobs and economic opportunities

As spelled out in the FAA's Final EIS released last month, construction of AirTrain LGA would have a significant impact on the economic well-being of communities surrounding the airport, which have been identified as environmental justice communities. The project will create 3,000 good-paying union construction jobs and provide a pathway to union membership for local residents. Multiple workforce development programs that will be

provided through the AirTrain project, such as training for union apprenticeships and job referral programs, will ensure that residents are prepared for careers that will last well beyond AirTrain construction.

Once complete, at least 80 percent of those hired to maintain and operate AirTrain LGA would come from this very same community, building on the hundreds of jobs that have already gone to Queens residents as parts of the redevelopment of the Airport, including at concessions that have already opened.

AirTrain LGA would also invest equitably in the local economy with the Port Authority's commitment to award more than $500 million in business contracts to Minority and Women Owned Business Enterprises, as well as a strong emphasis on contracting opportunities for local businesses. This commitment is in keeping with the overall redevelopment of the Airport, where more than $1.6 billion in contracts have been awarded to MWBE firms, more than any other public-private development in New York State history.

$50 million investment in local parks:

The robust package of community benefits that will accrue with the development of AirTrain LGA addresses another significant environmental justice need – the improvement of public open space and parks. In response to community feedback, at least $50 million will be available to transform local parks, with an emphasis on the Flushing Bay Promenade, adjacent to LaGuardia Airport and bordered by a portion of the AirTrain guideway.

The $50 million commitment consists of:

- **$16.5** million for Promenade improvements as described in a Memorandum of Agreement between the Port Authority and New York City;

- **$6.5** million for additional Promenade improvements based on community input, including improved connectivity for cyclists and pedestrians to both the local community and the rest of Flushing Meadows Corona Park, and the creation of dedicated bicycle and pedestrian lanes on the Promenade, and if feasible, the creation of gathering areas, and public safety improvements;

- **$20** million in additional funding to be spent on capital improvements in Flushing Meadows Corona Park, and other local community parks, and preferentially to augment investment in the Promenade, as needed;

- **$7.5** million in funding from Port Authority for enhanced maintenance to meet the community's goal for long-term cleanliness of the Promenade facilities.

Public support for AirTrain LGA:

Through nearly two years of FAA review, AirTrain LGA has won strong support from a broad and diverse range of stakeholders including local community leaders, the MWBE community, former transportation officials and a range of civic, planning, business, and labor organizations, including our coalition, A Better Way to LGA. Based on the Final EIS, 80 percent of all the comments filed were in support of the project.

For too long, LaGuardia Airport was a metaphor for our nation's failed infrastructure. When complete, the new LaGuardia Airport and AirTrain LGA will serve as an example of how we can once again build boldly and create economic growth for decades to come. AirTrain LGA will create a modern and reliable connection between the redeveloped Airport and Manhattan, the origin or destination for half of LaGuardia Airport travelers, and in doing so it will remove more than 1 million vehicles from local highways and streets every year.

We want you to have a full picture of the benefits of this project, which we believe are significant in terms of air travel, the environment and the commitments made to benefit the local community, as well as the breadth and depth of the public support for it.

Sincerely,
The Co-Chairs of *A Better Way to LGA*

Tom Grech, Queens Chamber of Commerce
Christopher P. Boylan, General Contractors Association of New York
Carlo Scissura, New York Building Congress
Laura Colacurcio, Association for a Better New York

ATTACHMENT 3

US Representative Ocasio-Cortez Correspondence

- Letter from US Representative Ocasio-Cortez to FAA Administrator Steve Dickson, May 26, 2021
- Response letter from FAA to US Representative Ocasio-Cortez, July 19, 2021

ALEXANDRIA OCASIO-CORTEZ
14TH DISTRICT, NEW YORK

229 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3965

Congress of the United States
House of Representatives
Washington, DC 20515–3214

May 26, 2021

Steve Dickson
Administrator
Federal Aviation Administration
National Engagement and Regional Administration
800 Independence Ave., SW Room 306W
Washington, D.C. 20591

Dear Administrator Dickson,

I am writing to share my concerns that planning for the proposed AirTrain from Willets Point to LaGuardia Airport is proceeding without the needs of travelers and the surrounding communities at the forefront. These concerns stem from recently revealed communications between the Port Authority of New York New Jersey (PANYNJ) and the Federal Aviation Administration (FAA) following a Public Records Access request.[1]

The released documents reveal that the FAA did not believe that PANYNJ thoroughly examined alternatives to AirTrain - such as a ferry (Comment 12, page 299) (Comment 30, pg 303) and other rail/subway lines, (Comment 39, page 305) (Comment 49, page 307). The FAA also did not believe that an objective view of the stated criteria would make the AirTrain the clear preference. In the outlined communications, the FAA specifically states, "...issues are made to be insurmountable for certain alternatives, yet the same issues for the preferred alternative (transitioning across major interchanges) seem to be glossed over" (Comment 2, page 297). The FAA also noted that PANYNJ did not appear to apply criteria uniformly across all options - most notably travel time (Comment 15, page 300), construction costs, and improving travel options (Comment 40, page 306).

This information is extremely concerning because on January 10, 2020, prior to the release of these communications, I sent a letter to the former Assistant Administrator for Government and Industry Affairs Philip Newman, requesting clarification as to why certain alternatives were eliminated from further consideration for improved access to LaGuardia. The response provided by FAA on February 10, 2020, reiterated the very rationale they took issue with in the Memorandum of Understanding with PANYNJ.

[1] PANYNJ, PRA #19796, Communications re: LGAAIP RFPs and/or NEPA review; https://www.riverkeeper.org/wp-content/uploads/2021/04/Additional-Response-PRA-No.-19796-Redacted.pdf

The released communications also bring into question the thoroughness of the environmental impact study (EIS). Specifically, the FAA noted that PANYNJ failed to include a likely future passenger parking lot and rental car facility in their official report of objectives and alternatives (Comment 9, page 298). Any EIS conducted by the FAA must assess the impacts of all future related projects.

This project would be built in the heart of one of the most heavily impacted communities by COVID-19, with many community members opposing the development. It is critical that this project be held to the highest ethical and efficacy standards - and it is clear that has not been the case to date. I understand Port Authority plans to request funding for the AirTrain through the Passenger Facility Charge program, subject to FAA approval. Due to the lack of transparency surrounding the FAA's Final EIS and the lack of the public's trust in the execution of this project, I ask that the FAA refrain from approving this project, thereby preventing PANYNJ from beginning construction.

I respectfully request a written response via email to my Deputy District Director, Naureen Akhter at naureen.akhter@mail.house.gov. Thank you in advance for your attention to this matter.

Sincerely,

Representative Alexandria Ocasio-Cortez

U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, DC 20591

July 19, 2021

The Honorable Alexandria Ocasio-Cortez
House of Representatives
Washington, DC 20515

Dear Congresswoman Ocasio-Cortez:

Thank you for your May 26 letter regarding the Environmental Impact Statement (EIS) for the LaGuardia Airport (LGA) Access Improvement Project (AirTrain).

In your letter, you raised concerns about the Federal Aviation Administration's (FAA) screening of EIS alternatives, as well as about the thoroughness of the EIS process and its application in this instance.

Following are responses to your concerns and requests:

Screening of EIS Alternatives

Your letter references comments that the FAA provided to the Port Authority of New York and New Jersey (PANYNJ) in summer 2018, during the initial planning review of the Access Improvement Project and before the start of the EIS. The comments were for an alternatives analysis the PANYNJ developed for the initial planning and development of its proposal. The PANYNJ presented that document and its statement of purpose and need in a project goals and objectives report to the FAA as the basis for the EIS. The intent was for the document and statement to serve as the first two chapters of the EIS. The FAA's comments provided a detailed response to the PANYNJ's initial planning documents and explained why the document was insufficient for use in the EIS. To this end, the FAA's comments demonstrate that we conducted a thorough and independent review of the Access Improvement Project, in accordance with the National Environmental Policy Act (NEPA) process.

The PANYNJ based its purpose and need statement, and alternatives screening criteria, on its desire for the project to achieve a less than 30-minute ride from midtown Manhattan to the LGA terminals. Many of the FAA's comments on these documents cite the Agency's critiques of that objective, including the lack of uniformity in the PANYNJ's application. The FAA's independent development of the Federal purpose and need for the project, and subsequent screening criteria, did not include the PANYNJ's stated objective of less than 30 minutes. Instead, the FAA used time certainty to ensure additional consideration of alternatives that we felt the PANYNJ did not equally consider.

To ensure a comprehensive alternatives screening process, the FAA meticulously reviewed information and developed distinct, independent screening criteria. This process took almost a year following the FAA's initial review of the PANYNJ's alternatives analysis. The FAA based its criteria on the PANYNJ's project objectives and the Federal purpose and need, prepared in accordance with the FAA's NEPA procedures and the Council on Environmental Quality (CEQ) regulations. The FAA independently applied the screening criteria to 18 of the alternatives that the PANYNJ identified in alternative analysis documentation, 2 alternatives the FAA identified, and 27 new alternatives the public recommended during the scoping process (scoping was conducted shortly after the beginning of the NEPA process). The FAA uniformly and consistently applied the screening criteria to all of the considered alternatives to avoid the issues identified with PANYNJ's initial planning analysis. The FAA did not predetermine any outcome for any alternative based on the alternatives criteria independently developed by the FAA for the EIS. The documentation supporting the FAA's alternatives screening process is in chapter 2 and appendices of the EIS.

In our letter to you dated February 10, 2020, issued in response to your January 10, 2020 letter addressed to the former FAA Assistant Administrator for Government and Industry Affairs, we provided an update on the results of alternatives screening for four alternatives. In that response, we acknowledged that the alternatives analysis would be refined based on community outreach on the alternatives, completed in January 2020. The FAA conducted additional consideration and discussion of the alternatives based on the public's comments during public review of the draft EIS last year. The result of this additional effort, including specifics on the results of completed alternatives screening, are found in chapter 2 and appendix S, part 4, section 2 of the final EIS.

The FAA uniformly applied its independent purpose and need and alternative screening criteria to a broader range of alternatives than the PANYNJ considered. With additional analysis in response to public input, the FAA concluded that the PANYNJ's proposed action—the proposed AirTrain—was the only alternative that the FAA carried forward for further analysis in the EIS.

The Memorandum of Understanding (MOU) between the FAA and the PANYNJ that you referenced in your letter established the parameters for the FAA's analysis. The MOU did not specifically relate to any of the alternatives to the proposed AirTrain. Rather, the MOU established the FAA and PANYNJ's roles during the EIS process. Notably, the MOU states that the FAA retained independent responsibility for preparing the EIS. Section II.C of the MOU states "the FAA will direct the scope of the EIS and will independently evaluate all information, environmental data and analyses and revise or cause additional study and analyses to be performed as necessary."

Omission of Project Components

Your letter refers to the FAA's assertion that the PANYNJ "failed to include a likely future passenger parking lot and rental car facility in their official report of objectives and alternatives." The FAA provided these comments to the PANYNJ on August 14, 2018. At that time, the FAA was in discussions with the PANYNJ about the extent of the proposed development. In PANYNJ's response to our comments, dated September 17, 2018, it stated that its planning of

these project components had not advanced. The PANYNJ response referenced the East Side Reconfiguration in the LGA Environmental Assessment: "other elements of the Report to the Governor for which preliminary planning and feasibility studies have yet to be finalized are not determinable or reasonably foreseeable, and in the event that these components become ripe for decision, they will be subject to their own appropriate NEPA analyses. PANYNJ maintains that this statement is applicable to the hotel, consolidated rental car facility, and ferry terminal."

Between September 2018 and the start of the EIS on May 3, 2019, no further advancement of planning on the passenger parking lot or rental car facility occurred, and these components were no longer considered a part of the proposed action. The FAA committed to integrating these components into the proposed action and including them in the EIS if they become ripe for decision during the NEPA process. To date, the FAA is unaware of additional planning or feasibility studies for a passenger parking lot or rental car facility to be co-located with the proposed off-airport automated people mover station. The FAA's understanding is that the PANYNJ is no longer pursuing these components in any capacity.

General Concerns with the EIS Process

The FAA acknowledges the impact of COVID-19 to the community surrounding LGA. The public expressed concerns about the community impact of COVID-19 in comments received on the draft EIS. In response to these concerns, the PANYNJ committed to generate economic benefit for the community through construction and operation of the AirTrain. Specifically, construction of the AirTrain will generate approximately 100 to 1,130 annual jobs between 2021 and 2025. Operation of the AirTrain will generate approximately 110 permanent jobs. The PANYNJ will implement several measures in concert with this project. It will undertake efforts to exceed its current policies for minority/women-owned business enterprises and focus on using as many Queens-based firms as possible. The PANYNJ will encourage its contractor to use local businesses to the maximum extent practicable, develop a scholarship program tailored to the local community and construction and operational needs of the AirTrain, and require the contractor to develop and implement a workforce development program targeting local residents for construction, operations, maintenance, and management careers in support of the AirTrain. The PANYNJ also committed to mitigation measures totaling approximately $50 million for improvements to nearby park resources. The mitigation for this project also includes measures—such as air quality monitoring during construction—community leadership prioritized during the EIS process.

To ensure robust public engagement despite the pandemic, the FAA incorporated physical distancing and other public health measures into our engagement activities. The FAA held one of the first virtual meetings in the nation for the consulting parties[1] to the Section 106 process—including several residents of Ditmars Boulevard—on May 5, 2020. Originally scheduled for April 2020, the FAA delayed the meeting to ensure there would be robust participation in a virtual setting. To accommodate everyone, the FAA held the meeting twice on the same day.

[1] Per Section 106 (36 Code of Federal Regulations part 800) of the National Historic Perseveration Act, Federal agencies must take into account the effects of their undertakings on historic properties including seeking, discussing, and considering the views of other participants.

The FAA maintained its standards for, and commitment to, community engagement during public workshops and hearings for the draft EIS public comment period in September 2020. The FAA extended its original 45-day comment period to 60 days. This was in response to the public's request for additional review time due to COVID-19. During the comment period, the FAA received over 4,200 submissions with comments on the project. Of those, over 3,400, or more than 80 percent, were from local businesses, trade organizations, unions, and members of the public in support of the project.

Additionally, because the FAA is aware of the prevalence of non-English speaking populations, including large Spanish-speaking and Chinese-speaking populations, near the project area, the agency took additional steps to target the ongoing engagement of these communities throughout the process. Spanish and Cantonese translators were available during public scoping and project alternatives meetings held in June 2019 and January 2020, respectively. The FAA provided announcements for public meetings and the availability of EIS documents in newspapers with general circulation in local communities, including one Spanish language newspaper, El Especialito, and one Chinese language newspaper, the local edition of Sing Tao Daily. The FAA conducted interviews with various media outlets, including Spanish- and Chinese-language television channels, about the project during public meetings. During virtual public meetings on the draft EIS, the FAA offered the option of requesting translation services for any language via a registration portal on the project web site. Further, in response to a community request, the FAA provided copies of Section 106 consultation meeting materials and minutes in English and Spanish. Additionally, the FAA translated the executive summaries of the draft and final EISs into Spanish.

The information that the FAA developed for the project and provided to the public is available for review on the EIS website at www.lgaaccesseis.com. The website includes information from the public meetings, including videos used in public outreach, and all notes and materials that the agency developed. The website also enables any interested party to submit questions via email or the project hotline in the "Contact Us" section. The FAA has been transparent and has attempted to engender the public's trust in our environmental review throughout the NEPA process.

In your letter, you also assert that the "project be held to the highest ethical and efficacy standards and it is clear that has not been the case to date." As we have demonstrated above, the FAA engaged in a thorough and independent review throughout the NEPA process. This included a review of alternatives and the environmental analysis of the preferred alternative that advanced through the screening process. The EIS and its appendices also demonstrate that the FAA engaged with city, state, and Federal agencies to evaluate the alternatives against the FAA's screening criteria, and engaged with members of the public and community organizations to further its understanding of certain environmental impacts and potential mitigation measures. The FAA did not implement any efficacy standard, as it did not try to influence or present any desired outcome. Rather, the EIS documents the results of a thorough, independent analysis to enable an informed Federal decision on the project.

Finally, you asked that the FAA refrain from approving the PANYNJ's request for Passenger Facility Charge funding "due to the lack of transparency surrounding the FAA's Final EIS and the lack of the public's trust in the execution of this project." Chapter 4 and appendices D, R, and S of the EIS document the extensive public engagement for this EIS. The FAA conducted pre-scoping meetings with elected officials and community leadership groups, and held two public workshops on the results of the alternatives screening and five meetings for consulting parties on the EIS. These meetings and workshops were open to members of the public. The FAA representatives also attended briefings conducted by the PANYNJ, and provided regular project updates to the New York Community Aviation Roundtable (NYCAR) and NYCAR's LGA subcommittee. The robust public engagement for this EIS exceeds the standards in the FAA's NEPA procedures.

Thank you for your commitment to the communities near LGA and your involvement in the environmental review process for the proposed project.

If I can be of further assistance, please contact me or the Office of Government and Industry Affairs at (202) 267-3277.

Sincerely,

Steve Dickson
Administrator

cc: Deputy District Director, Naureen Akhter