PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #462

AMENDMENT TO THE CONSTRAINED ELEMENT OF THE FEDERAL FISCAL YEARS (FFYS) 2018-2045 REGIONAL TRANSPORTATION PLAN (PLAN 2045) TO INCLUDE THE HUDSON YARDS CONCRETE CASING; SECTION 3 PROJECT

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the Lower Hudson Valley; and

WHEREAS, pursuant to 23 CFR 450.324, NYMTC is responsible for the development of a Regional Transportation Plan for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, NYMTC’s current FFYs 2018-2045 Plan, entitled Maintaining the Vision for a Sustainable Region, and hereinafter referred to as Plan 2045, was adopted by the Council on June 29, 2017, having addressed all federal planning requirements set forth in 23 CFR 450.324; and

WHEREAS, 23 CFR 450.324(11) states that Plan 2045 must include a financial plan that demonstrates how the adopted transportation plan can be implemented; and

WHEREAS, 23 CFR 450.324(11) (ii) states that, for the purpose of developing the transportation plan, the MPO(s), public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation implementation; and

WHEREAS, 23 CFR 450.324(11) (iv) states that, in developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds, State assistance, local sources, and private participation; and

WHEREAS, per federal regulations, Plan 2045 includes a financial plan with both a fiscally-constrained element and a vision element; and

WHEREAS, the fiscally-constrained element includes all projects and strategies proposed for funding under Title 23 U.S.C., Title 49 U.S.C. Chapter 53 or with other federal funds, State assistance, local sources, and private participation; and

WHEREAS, following interagency consultations, the Hudson Yards Concrete Casing: Section 3 project described in Attachment 1 will be added to the fiscally-constrained element of Plan 2045 as a major metropolitan transportation investment, as represented in Attachment 2.

NOW, THEREFORE, BE IT RESOLVED, that Plan 2045 is amended to add the projects and project concepts to the relevant elements of Plan 2045 as described above and in the attachments to this resolution.

This resolution shall take effect on the twelfth day of April two thousand and eighteen.

ADOPTED: APRIL 12, 2018

"I hereby certify that the above is a true copy of Resolution #462, Amendment to the Constrained Element of the Federal Fiscal Years 2018-2045 Regional Transportation Plan (Plan 2045) to include the Hudson Yards Concrete Casing Section 3 Project, and was motioned by Mr. Jack Schmidt, representing the New York City Transportation Coordinating Committee and seconded by Mr. Robert Brickman, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

[Signature]

PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION
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**Project Name:**
Hudson Yards Concrete Casing; Section 3

**Sponsoring Agency:**
Port Authority of NY & NJ, on behalf of Gateway Program Development Corporation (GDC)

**Purpose & Need:**
The National Railroad Passenger Corporation (Amtrak) is currently constructing a concrete tunnel box containing two tracks along the south side of the Metropolitan Transportation Authority (MTA) Long Island Rail Road's (LIRR) John D. Caemmerer West Side Yard in Manhattan. The West Side Yard is located between West 30th and West 33rd Streets from Tenth to Twelfth Avenues. It consists of the Eastern Rail Yard (ERY) and Western Rail Yard (WRY) as divided by Eleventh Avenue. The project area is shown on Figure 1 (attached).

Construction has been completed on an 825-foot-long section of the HYCC within the ERY between Tenth and Eleventh Avenues, north of West 30th Street. This first section of the casing is referred to as HYCC-Section 1 (HYCC-1). An extension to this casing, a 105-foot-long portion beneath the viaduct that carries Eleventh Avenue over the railyard has also been completed and is referred to as HYCC-Section 2 (HYCC-2).

HYCC-Section 3 will extend this underground concrete casing into the WRY of the Hudson Yards in order to ensure that the ROW under Hudson Yards is effectively preserved. This ROW is necessary to enable the rehabilitation of the two tubes of the existing North River Tunnel while maintaining current rail services, and to preserve the possibility of future expansion of passenger rail service between New Jersey and New York via a tunnel under the Hudson River. It would also support efforts to improve intercity and commuter rail system safety and resiliency in response to potential future disasters, such as storm impacts, along Amtrak's Northeast Corridor ("NEC").

There is an urgent need to preserve this ROW because, in December of 2012, Related Companies (the “Developer”) began construction of a large-scale development, referred to as the “Overbuild Project” in the area above Hudson Yards. The placement of immense support structures to support both a full street-level platform and multiple high-rise buildings was initiated in the ERY in mid-2013 (in part, bearing on HYCC-Section 1) and is now complete. Accordingly, HYCC Sections 1 and 2 have effectively met the urgent need that now faces HYCC-Section 3. The overbuild development of the WRY is in progress and is planned to commence in calendar year 2018. If the underground ROW within the WRY is not preserved while the Overbuild Project foundations are being constructed, the use of this location under Hudson Yards would be permanently lost as a possible alignment for connection to Penn Station New York to enable the rehabilitation of the two tubes of the existing North River Tunnel while maintaining current rail services, and preserving the possibility for future expansion of rail service between New York and New Jersey via a rail tunnel under the Hudson River.

**Project Description:**
The final section, HYCC-Section 3 (HYCC-3), would originate at the western end of HYCC-2 and continue diagonally westward across approximately two thirds of the WRY, beneath a portion of the High Line to the northern edge of West 30th Street near Twelfth Avenue. HYCC-3 would be approximately 550 feet long, between 50 and 65 feet wide and between 27 and 38 feet tall. As shown on Figure 2 (attached), the Proposed Action would include:

- Demolition of LIRR's Emergency Services Building (ESB) and temporary relocation of ESB functions within the WRY;
- Construction of an LIRR power facility within the Hudson Yards by the Overbuild Developer which will also support permanent ESB functions;
- Temporary rerouting of the LIRR Access Road;
- Excavation of approximately 35,000 cubic yards of soil and 25,000 cubic yards of rock; and
- Temporary underpinning of and permanent support of the High Line piers.
- Temporary secondary access to LIRR South Access Road via West 30th Street and a temporary "Mabey Bridge" over HYCC-3
No permanent operational components, such as tracks, lighting, ventilation, or electrical systems, would be constructed as part of the Proposed Action, although temporary lighting, ventilation and drainage will be provided.

**Alternatives Considered:**
The two alternatives considered for the Project are the construction of the final section of the concrete casing (action) or not constructing the concrete casing (no action).

**No Action:** For the no action alternative, Amtrak would not construct the extension of the concrete casing to preserve the right-of-way under Hudson Yards.

**Action:** As described above in the "Project Description" section.

**EJ-Environmental-Historic Preservation Implications:**

**Environmental Justice (EJ):**
The Environmental Justice (EJ) analysis was performed in accordance with the relevant federal and state laws and guidance including Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority and Low-income Populations, The U.S. Department of Transportation (USDOT) issued Order 5610.2(a) Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (May 2012) and the Federal Transit Administration (FTA) Environmental Justice Policy Guidance for Federal Transit Administration Recipients (FTA C4703.1, August 15, 2012).

The Proposed Action is below grade and overbuild by the Hudson Yards development; therefore, the study area was defined as 500 feet around the Proposed Action as the area that will most likely experience impact during construction. The analysis used Environmental Protection Agency's EJSCREEN tool to determine whether minority and/or low-income populations are present that may be affected by the Proposed Action. The EJSCREEN tool did not identify any population with the study area.

Data from the 2012-2016 ACS Five Year Estimates was then analyzed to determine the presence of low-income or minority populations, as shown in Table 1. Minority populations were defined as person identifying as American Indian or Alaskan Native, Asian American, Native Hawaiian or Other Pacific Islander, Black (not of Hispanic Origin) and Hispanic or Latino. The percentage of individuals below poverty level in each census block group was used to identify low-income residents.

Approximately 39.32 percent of the study area is minority and 5.75 is below poverty, which are not meaningfully greater than New York County (52.93% and 17.6%, respectively). The FTA guidance notes that while the EJ population many be small, this does not eliminate the possibility of a disproportionately high and adverse effect. However, the Proposed Action is anticipated to not result in any direct or indirect/cumulative impacts. Therefore, the Proposed Action would not have high or disproportionate impacts on EJ communities.

**Environmental:**
The Federal Railroad Administration (FRA) and Amtrak prepared a National Environmental Policy Act (NEPA) Supplemental Environmental Assessment (SEA) in August 2014 to examine the potential environmental impacts associated with the HYCC-2 and HYCC-3. A Finding of No Significant Impact (FONSI) for construction of HYCC-2 and HYCC-3 was issued by FRA in November 2014. The SEA supplemented the March 2013 NEPA Environmental Assessment (EA) and May 2013 Finding of No Significant Impact (FONSI), which examined the potential environmental impacts of constructing HYCC-1. It is expected that the Federal Transit Administration will issue a NEPA categorical exclusion (CE) for HYCC-3, in accordance with 23 CFR Part 771.118 (d)(6) "Facility Modernization."

**Historic Preservation:**
The March 2014 Supplemental Environmental Assessment (SEA) assessed the effects of the Proposed Action on cultural resources in accordance with Section 106 of the National Historic Preservation Act.

The Section 106 analysis found that there is low potential for archaeological resources to be present in the archaeological APE due to previous work activities undertaken at the Hudson Yards.
The Section 106 analysis identified the High Line Freight Railroad Viaduct in the vicinity of Tenth Avenue from Gansevoort Street to West 34th Street as being located within the APE for the Proposed Action. The northern segment of the High Line, near the project site, runs along Twelfth Avenue and then along the north side of West 30th Street (Figure 5). The High Line has been converted to a public park, as described above, is eligible for listing on the National Register of Historic Places.

The Proposed Action would require the installation of temporary underpinnings for structural support of the High Line (Figure 6). However, it would not adversely impact the character-defining features or attributes that qualify the structure for listing in the National Register of Historic Places. In correspondence dated, July 22, 2014, the New York SHPO concurred with FRA’s determination that the Proposed Action would have no adverse effects on historic properties provided that monitoring of the High Line would occur per the New York City Building Code Technical Policy and Procedure Notice #10/88. There would be no permanent impact or change to the viaduct structure of the High Line since the foundation removal and replacement work would be performed at or below grade. In addition, the Proposed Action would not have any long-term impacts on the public’s ability to access or use the High Line. Therefore, in 2014, FRA determined that the Proposed Action would not result in use of a Section 4(f) property.

Other Information:

| Total Projected Cost ($M): | $440 million |
| Anticipated Fund Sources & Amounts: | |
| LIRR Emergency Services Building Utility Relocation ($25M) | |
| • Amtrak Contribution - $12.5M | |
| • Port Authority of NY & NJ Contribution - $12.5M | |
| Concrete Casing – Section 3 ($415M) | |
| • GDC RRIF Loan Borrowing, supported by New Jersey, New York, and Port Authority of NY & NJ | |
| • Amtrak Contributions/FRA Grants | |
| • FTA Capital Investment Grant Program “New Starts” Funding | |
| Projected Completion Year: | 2021 |
Figure 1: Hudson Yards Section 3 Project Location Map

- Yellow: Hudson Yards
- Pink: Proposed Action Area in Western Rail Yard
- Blue: Proposed Action (Section 3)
- Purple: Concrete Casing Under the 11th Avenue Viaduct (Section 2)
- Orange: Concrete Casing Eastern Rail Yard (Section 1)

Date: 3/13/2018

NYCC-3 Project
Sponsor:

Prepared for: Federal Transit Administration
Figure 2: HYCC-Section 3 Proposed Action Components

- **Proposed Staging Area**
- **Proposed Concrete Casing Extension**
- **Proposed Access and "Mabey Bridge" Over Section 3 Work for Multi-Party Use**

**Legend:**
- **The High Line**
- **LIRR South Access Road**

**Imagery:** Google Earth

**Date:** 3/13/2018

**HYCC-3 Project Sponsor:**

**Prepared for:** [Federal Transit Administration]